

ORDINANCE NO. 18-038

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CODE SECTION 13-27; ESTABLISHING PROCEDURE TO BE FOLLOWED BY **MEANS OF WHICH EMPLOYEES RETURNING TO CITY EMPLOYMENT FROM ACTIVE MILITARY DUTY MAY CLAIM RETIREMENT CREDIT OR INTERVENING MILITARY SERVICE**; REPEALING ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERANCE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida, as follows:

SECTION 1. Section 13-27(1) of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-27. - Credit for intervening military service.

A member who left the employ of a participating employer to enter the armed forces of the United States during any period of compulsory military service, and who reenters the employ of a participating employer and again becomes a member, shall have such armed service, not to exceed a total of five (5) years, credited as participating employer service; if the following conditions are satisfied:

- 1) ~~The member makes application within one year after release from duty under honorable conditions;~~ Immediately upon the member's return from active duty to City employment, the Department of Human Resources shall make the returning member aware of entitlement to claim military service credit under this section, and shall inform the member in writing that application for such entitlement must be made to the retirement board within one (1) year following the date such member was released from duty under honorable conditions;
- 2) The member's reemployment is on the basis of the personnel rules and regulations of the member's participating employer;
- 3) The member pays the retirement system the amount of accumulated member contributions the member may have withdrawn, ~~together with six (6) per cent annual compound interest from the date of withdrawal to the date of repayment.~~ In any case of doubt as to the period of military service to be credited a member, the retirement board shall have final power to determine the period. During the period of such armed service, contributions to the retirement system shall be suspended; and
- 4) The same period of service has not been used to obtain or increase a benefit from another retirement program.
- 5.) In the event this section should conflict with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), either as originally enacted or as thereafter amended, this section shall be construed, where applicable, in conformity with such Act.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall have no force or effect whatsoever;

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Ben Bryan, Jr.
Interim City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-038 was duly advertised by title only in the St. Lucie News Tribune on November 9, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on November 19, 2018; and was duly introduced, read by title only, and passed on second and final reading on Monday, December 3, 2018, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 3rd day of December, 2018.

ATTEST

Linda Hudson
MAYOR COMMISSIONER

Linda W. Cox
CITY CLERK

(CITY SEAL)