

ORDINANCE NO. _____

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- (3) The member pays the retirement system the amount of accumulated member contributions the member may have ~~withdrawn, together with six (6) per cent annual compound interest from the date of withdrawal to the date of repayment.~~ In any case of doubt as to the period of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. In the event a court of competent jurisdiction should find any part of this Ordinance to be invalid for any reason such invalid portion shall be severed from the remainder of the Ordinance, which remainder shall remain in effect;

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

CITY OF FORT PIERCE, FLORIDA

Linda Hudson, Mayor

ATTEST:

Linda Cox, City Clerk

APPROVED AS TO FORM AND CORRECTNESS

City Attorney