

ORDINANCE NO. 24 - 2021

**AN ORDINANCE ADOPTING A RETIREMENT
INCENTIVE PLAN FOR THE VILLAGE OF MADISON.**

WHEREAS, R.C. § 145.297 and O.A.C. § 145-2-42 permit a municipality to create a retirement incentive plan for eligible employees who are members of the public employees retirement system; and

WHEREAS, pursuant to such a plan, a municipality may purchase service credits for eligible employees who elect to participate in the plan in an amount equal to the entire cost of the service credits purchased; and

WHEREAS, a draft plan in conformity with law is attached hereto as Exhibit "1" which plan the Council now desires to adopt.

NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE VILLAGE OF MADISON, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That the plan attached hereto as Exhibit "1" and incorporated herein as if fully rewritten is hereby adopted in conformity with R.C. § 145.297 and O.A.C. § 145-2-42 as the retirement incentive plan of the Village of Madison.

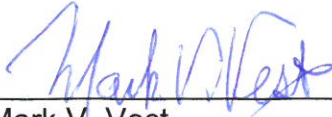
SECTION 2. That the Fiscal Officer is hereby authorized and directed to file such notices or other documents with the public employees retirement system as may be required to effect the plan.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force at the earliest time provided by the Charter.

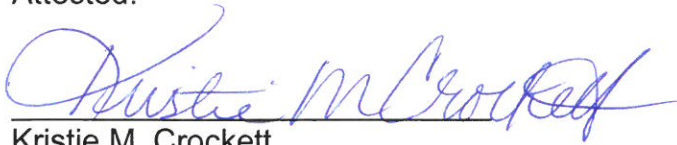
PASSED:

1st Reading: September 13, 2021



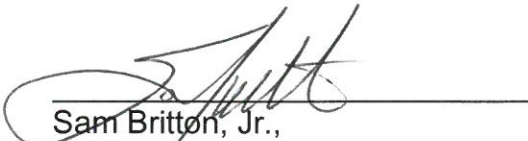
Mark V. Vest,
President of Council

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

9/13/2021
Date

VILLAGE OF MADISON
Retirement Incentive Plan

By Ordinance No. 24-2021 the Village has established a retirement incentive plan (the "Plan") pursuant to the provisions of R.C. § 145.297 and O.A.C. § 145-2-42.

1. Terms of the Plan. The Village shall purchase service credits for eligible employees who elect to participate in the Plan equal to the entire cost of the service credits purchased.
2. Duration. Unless extended or earlier terminated by the Village Council, the Plan shall be in effect until 12/31/2024. Notwithstanding the foregoing, the plan shall be in effect for at least one year. The Village shall also give employees at least thirty (30) days' notice before terminating the plan.
3. Eligibility. Any classified or unclassified employee of the Village who is a member of the public employees retirement system shall be eligible to participate in the Plan, provided that the employee meets the following criteria:
 - (a) The employee is not any of the following:
 - (i) An elected official;
 - (ii) A member of a board or commission;
 - (iii) A person elected to serve a term of fixed length;
 - (iv) A person appointed to serve a term of fixed length, other than a person appointed and employed by the Village.
 - (b) The employee is or will be eligible to retire under §§ 145.33 or 145.37 of the Revised Code on or before the date of termination of the Plan. Service credit to be purchased for the employee under the Plan shall be included in making such determination.
 - (c) The employee agrees to retire under §§ 145.33 or 145.37 of the Revised Code within ninety (90) days after receiving notice from the public employees retirement system that service credit has been purchased for the employee under this section.

Participation in the Plan shall be available to all eligible employees except that the Village limits the number of participants in the plan to no more than ten (10%) percent of its employees who are members of the public employees retirement system on the date the Plan goes into effect. Employees with more total service credit have the right to elect to participate before employees with less total service credit. In the case of employees with the same total service credit, employees with a greater length of service with the Village have the right to elect to participate before employees with less service with the Village. Employees with less than eighteen months of service with the Village have the right to elect to participate only after all

other eligible employees have been given the opportunity to elect to participate. For the purpose of determining which employees may participate in the Plan, total service credit includes service credit purchased by the employee under Chapter 145 of the Revised Code after the date on which the Plan is established.

An employee who does not notify the Village of the employee's decision to participate in the Plan within six (6) months will lose priority to participate in the plan ahead of other employees with less seniority.

4. Amount of Service Credit Purchased. The Village shall purchase the same amount of service credit for each participating employee, except, that the Village may not purchase more service credit for any employee than the lesser of the following:

- (a) Two (2) years of service credit;
- (b) An amount of service credit equal to one-fifth of the total service credited to the participant under this chapter, exclusive of service credit purchased under this section.

For each year of service credit purchased under this section, the Village shall pay an amount equal to the additional liability resulting from the purchase of that year of service credit, as determined by an actuary employed by the public employees retirement board.

5. Upon the election by an eligible employee to participate in the Plan, the employee and the Village shall agree upon a date for payment or contracting for payment in installments to the public employees retirement system of the cost of the service credit to be purchased. The Village shall submit to the public employees retirement system a written request for a determination of the cost of the service credit, and within forty-five (45) days after receiving the request, the board shall give the employing unit written notice of the cost.

The Village shall pay or contract to pay in installments the cost of the service credit to be purchased to the public employees retirement system on the date agreed to by the employee and the Village. The payment shall be made in accordance with rules adopted by the public employees retirement board. The rules may provide for payment in installments and for crediting the purchased credit to the employee's account upon the employer's contracting to pay the cost in installments. The board shall notify the member when the member is credited with service purchased under this section. If the employee does not retire within ninety (90) days after receiving notice that the employee has been credited with the purchased service credit, the system shall refund to the Village the amount paid for the service credit.

6. Grievance and Dispute Resolution.

Any dispute arising under this plan shall be submitted to the alternate dispute resolution procedures herein set forth.

The dispute must be submitted by the employee to the Village, or by the Village to the employee, in writing within ten (10) days after the date of occurrence which gives rise to the dispute.

Informal Conference. The Mayor and the employee shall within three (3) business days informally meet to discuss the issue(s). If they can agree on its appropriate resolution, that resolution shall be memorialized in writing and signed by the employee and Mayor. If they are unable to reach a resolution at the informal meeting, then, they shall memorialize in writing the precise nature of the unresolved aspect(s) of the dispute.

Arbitration. If the Village and employee cannot reach an agreement directly or through mediation, upon written request to the American Arbitration Association or mutually agreed upon service, by either the Village or the employee, they shall submit the issue in controversy to arbitration to be conducted in accordance with the AAA or mutually agreed upon service rules.

Another party may serve as arbitrator by mutual agreement of the Village and employee, and in such case all references herein to AAA or mutually agreed upon service will be deemed to mean the chosen arbitrator or service. The party seeking such arbitration shall submit the requisite AAA or mutually agreed upon service forms and shall pay the AAA or mutually agreed upon service filing fee for such arbitration.

Provided that the provisions of this section are followed by the arbitrator, the arbitration decision shall be binding upon both the Village and the employee. The arbitrator's award shall not conflict with or exceed the terms of this policy and applicable laws.

End of Document.