

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 9-9-03

Submitted by: Assemblymember Tesche  
Prepared by: Anchorage Police & Fire  
Retirement Board  
For reading: July 15, 2003

**ANCHORAGE, ALASKA**  
**AO NO. 2003-112 (As Amended)**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**  
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 3.85, RELATING TO THE POLICE & FIRE**  
3 **RETIREMENT SYSTEM; PROVIDING ADDITIONAL DEFINITIONS; CLARIFYING THE**  
4 **PROCEDURES FOR PAYMENT OF RETIREMENT BENEFITS WHEN PLAN MEMBERS**  
5 **WHO RETIRE ARE REEMPLOYED BY THE MUNICIPALITY OF ANCHORAGE;**  
6 **PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

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9 WHEREAS it is the Retirement Board's fiduciary duty and intent to, at all times, comply with  
10 Internal Revenue Service Codes and Regulations in order to sustain the tax-qualified status of the  
11 Retirement System Trust; and

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13 WHEREAS the Retirement Board has previously adopted Policies and Procedures related to  
14 distribution of retirement benefits following separation from service; and

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16 WHEREAS the Retirement Board requested a Private Letter Ruling from the Internal Revenue  
17 Service (IRS) regarding separation from service rules and the IRS has declined to respond to the  
18 request; and

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20 WHEREAS the Board of Trustees of the Retirement System has determined that the proposed  
21 amendments are appropriate to clarify separation from service rules under the Municipal Code rather  
22 than in Board Policies and Procedures; and

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24 WHEREAS the Assembly concurs in the recommendation of the Board of Trustees;

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26 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:

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28 **Section 1.** Anchorage Municipal Code section 3.85.015 is hereby amended by amending and  
29 adding definitions to read as follows (*the remainder of the definitions are not affected and are*  
30 *therefore not set out*):

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32 **3.85.15** **Definitions.**

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AM 591-2003

I. Break in service means a separation from the municipal workforce including termination, resignation, layoff, or retirement for a period of time and under conditions specified in this chapter. [OR TRANSFER TO A POSITION WHICH IS NOT INCLUDED IN THE PROVISIONS OF THIS CHAPTER.]

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II. Meaningful consequences means as a result of a break in service, the reemployed member suffers losses to employment indicia including loss of rank or grade, loss of pay, loss of seniority, loss of longevity pay and establishment of a new employment date for leave accrual purposes.

(Note to Code Revisor: Re-letter subsequent subsections.)

BBB[AAA]. Separation from service means a withdrawal from service with the Municipality of Anchorage through termination, resignation, retirement, or death. [OR TRANSFER TO A JOB CLASSIFICATION NOT COVERED BY THE PROVISIONS OF THIS CHAPTER.]

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(Note to Code Revisor: Re-letter subsequent subsections.)

**Section 2.** Anchorage Municipal Code section 3.85.065 is hereby amended as follows:

**3.85.065 Service retirement benefits - Plans I and II.**

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G. In order to be eligible to receive pension benefits from the system, a Plan I or Plan II member must have a Separation from Service.

H. A Command Officer in the Police Department (Rank of Lieutenant and above) or a Command Officer in the Fire Department (Battalion Chief or above), who retires from the system and is reemployed by the Municipality of Anchorage into a Command position, must have a break in service of not less than 30 consecutive days between the retirement date and the reemployment date.

I. A Police Officer, Firefighter or Paramedic, who is not in a Command position, who retires from the system and is reemployed by the Municipality into a Command position, must have a break in service of not less than 30 consecutive days between the retirement date and the reemployment date.

J. A Police Officer, Firefighter or Paramedic, who is not in a Command Position, who retires from the system and is reemployed by the Municipality into other than a Command position, must have a break in service in accordance with municipal personnel rules[, AND EXPERIENCE MEANINGFUL CONSEQUENCES UPON REEMPLOYMENT AS DEFINED IN THIS CHAPTER]. The length of the break may be less than 30 consecutive calendar days. However, if the member suffers no significant meaningful consequences, then the break in service must be at least 30 consecutive calendar days.

K. Plan I and Plan II members who retire and are reemployed by the Municipality under these circumstances will be required to execute a certificate of understanding and waiver regarding the known and potential tax consequences associated with the reemployment action.

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**Section 3.** Anchorage Municipal Code section 3.85.070 is hereby amended to read as follows:

**3.85.070 Service retirement benefits - Plan III.**

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G. In order to be eligible to receive pension benefits from the system, a Plan III member must have a Separation from Service.

H. A Command Officer in the Police Department (Rank of Lieutenant and above) or a Command Officer in the Fire Department (Battalion Chief or above), who retires from the system and is reemployed by the Municipality of Anchorage into a Command position, must have a break in service of not less than 30 consecutive days between the retirement date and the reemployment date.

I. A Police Officer, Firefighter or Paramedic, who is not in a Command position, who retires from the system and is reemployed by the Municipality into a Command position, must have a break in service of not less than 30 consecutive days between the retirement date and the reemployment date.

J. A Police Officer, Firefighter or Paramedic, who is not in a Command Position, who retires from the system and is reemployed by the Municipality into other than a Command position, must have a break in service in accordance with municipal personnel rules[, AND EXPERIENCE MEANINGFUL CONSEQUENCES UPON REEMPLOYMENT AS DEFINED IN THIS CHAPTER]. The length of the break may be less than 30 consecutive calendar days. However, if the member suffers no significant meaningful consequences, then the break in service must be at least 30 consecutive calendar days.

K. Plan III members who retire and are reemployed by the Municipality under these circumstances will be required to execute a certificate of understanding and waiver regarding the known and potential tax consequences associated with the reemployment action.

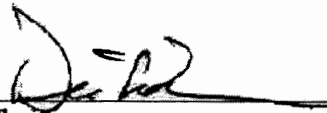
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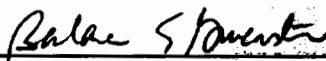
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**Section 4.** This ordinance shall become effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 9<sup>th</sup> day of September,  
2003.

  
Chair

**ATTEST:**

  
Municipal Clerk