

RESOLUTION NO. 235

Resolution repealing the policy of the Board of Trustees relating to credit for prior service of those police officers and fire fighters who become members of the Bureau of Fire and Bureau of Police as a result of annexation, consolidation or intergovernmental cooperation agreement and establishing a new policy prohibiting such credit.

WHEREAS, ORS 236.610 to ORS 236.650 authorizes public employees whose duties have been assumed by another public employer, as a result of annexation, consolidation or agreement, to transfer to the service of the public employer who has assumed such duties, and

WHEREAS, ORS 236.620(2) authorizes such public employees to elect to continue under the retirement system in which they had been participating or to participate in the retirement system available to the employees of the transferee employer, and

WHEREAS, the Board of Trustees on February 14, 1984 adopted a policy regarding the uniformed members of Fire District 10 and the Multnomah County Sheriff's office who may become City employees under the provisions of ORS 236.610 to ORS 236.650. A copy of said policy is attached hereto as Exhibit A and by this reference made a part hereof, and

WHEREAS, the policy adopted by the Board of Trustees on February 14, 1984 authorizes the uniformed members of Fire District 10 and the Multnomah County Sheriff's office who elect to participate in the Fire and Police Disability, Retirement and Death Benefit Plan to receive retirement credit for the time they served with their previous employers provided that certain conditions are satisfied, and

WHEREAS, the Board of Trustees, after reviewing said policy and finding that such a policy may be beyond their authority to adopt and may produce results not intended by the legislature when it enacted ORS 236.620(2), now believes such policy should be repealed

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that the policy expressed in section 2 "Active Service" of the document attached hereto as Exhibit A be and the same hereby is repealed.

IT IS FURTHER RESOLVED that it be the policy of the Board of Trustees that police officers and fire fighters who have transferred to the service of the City of Portland pursuant to ORS 236.610 to 236.650 and elect to participate in the Fire and Police Disability, Retirement and Death Benefit Plan as authorized in ORS 236.620(2) shall receive no credit, for retirement purposes, for the time that they were employed by their previous employers.

ADOPTED by the Board of Trustees on the 12th day of June, 1984.

JEWEL LANSING, Secretary
Fire and Police Disability and
Retirement Fund

By

David E. Cook

Deputy Secretary

EXHIBIT A

FIRE AND POLICE DISABILITY AND RETIREMENT FUND

The Board adopted the following policy at the Board meeting on February 14, 1984:

The following rules shall apply to any police officer or firefighter of the City of Portland who has been transferred to the Fire or Police Bureau as a result of annexation, consolidation or agreement.

1. Qualifications for membership in the Fund:

Applicants for membership in the Fire and Police Disability, Retirement and Death Benefit Plan will take the examinations normally required by the Civil Service Board for employment with the City, at the expense of the Fund, i.e., for firefighters, the medical examination; for police officers, a medical and psychological examination. The recommendations of the medical/psychological examiners shall be reviewed by the Board of Trustees who shall vote to grant or deny membership in the Fire and Police Disability, Retirement and Death Benefit Plan based on the results of the above referenced examinations. The decision of the Board of Trustees shall be final.

2. "Active Service" in the Fire and Police Disability, Retirement and Death Benefit Plan:

A transferee who becomes a member of the Fire and Police Disability, Retirement and Death Benefit Plan may purchase a period of "active service" equivalent to the amount of prior service time the member had with Fire District 10 or the Multnomah County Sheriffs Office, prior to the transfer, by paying to the Fire and Police Disability and Retirement Fund an amount equal to that which would have been contributed by the member if he had served in the Bureau of Fire or Bureau of Police during the same time period. The payment for the purchase of such active service must be made to the Fund within 120 days from the date the transfer to City employment takes place. The transferee may not elect to purchase less than the full amount of prior service time to which he or she is entitled. If the transferee elects not to purchase credit for his or her prior service, then the transferee's active service time for purposes of the Fire and Police Disability, Retirement and Death Benefit Plan shall commence on the date of transfer to City employment.