

AN ORDINANCE

BY: COUNCILMEMBER FELICIA A. MOORE, H. LAMAR WILLIS, CLAIR MULLER, IVORY L. YOUNG, JR., HOWARD SHOOK, CARLA SMITH, C.T. MARTIN, AND CEASAR MITCHELL

As Substituted and Amended By Finance/Executive Committee

AN ORDINANCE AUTHORIZING A THIRTY-DAY PERIOD WITHIN WHICH PENSIONERS WHO ARE CURRENTLY IN AN EMPLOYMENT STATUS WITH THE CITY OF ATLANTA MAY RESIGN AND IMMEDIATELY RETURN TO THAT EMPLOYMENT STATUS SO AS TO RESUME COLLECTION OF THEIR RETIREMENT BENEFITS; WAIVING FOR THIS INSTANCE ONLY THE EXIGENCY DETERMINATION REQUIRED BY CHARTER SECTION 3-505; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 02-O-1296, adopted by Council September 3, 2002 and approved by the Mayor September 11, 2002 amends Charter Section 3-505 by providing, *inter alia*, that a retired City employee may be re-employed or engaged under contract for a period not to exceed 520 business days and simultaneously receive his or her regular pension benefits, if such employee is found to have particularized experience which the City wishes to retain for a period of time subject to approval by Council and the Mayor; and

WHEREAS, a number of **pensioners** are currently re-employed with the City, but with suspension of their **pension** benefits; and

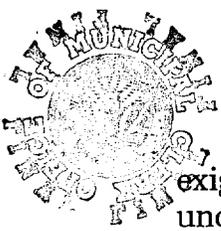
WHEREAS, Ordinance 02-O-1296 contained no provision for **pensioners** currently re-employed with the City; and

WHEREAS, one or all of the re-employed **pensioners** may desire to take advantage of the opportunity to be **re-employed** with the City for a period not to exceed 520 business days as prescribed by Code; and

WHEREAS, the City desires to treat all employees equitably.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows;

Section 1:, The exigency caused by the loss of the **pensioner's** particular expertise is pre-determined and the requirement to confirm such



exigency by the department head and Chief Financial Officer with the Mayor under City Charter § 3-505 is hereby waived, for this instance only.

Section 2: All currently re-employed pensioners shall have thirty calendar days from the date of approval of this ordinance to **elect whether he or she** will resign from their current employment with the City and be rehired pursuant to Charter Section 3-505, and **thus become** eligible to receive a salary as well as regular pension payments **for a period not to exceed 520 days.**

Section 3: That the Commissioner of Human Resources shall, within ten (10) calendar days of application, re-employ any currently employed retiree who **elects** to qualify as a result of this legislation in the same capacity and at the same salary as the **pensioner(s)** is receiving at the time of **resignation**, in accordance with the provisions of Atlanta City Charter § 3-505. **At the time legislation is introduced to rehire the pensioner(s), it shall include, as an attachment thereto, a statement from the Commissioner assenting to or disagreeing with the re-employment under the terms and conditions of this ordinance.**

Section 4: Nothing in this ordinance is intended to create a term of employment; property interest, contractual agreement or civil service rights beyond those already accrued to the retiree.

Section 5: That all ordinances in conflict herewith are hereby waived for this instance only.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

JULY 21, 2003
JULY 29, 2003

RCS# 4932
7/21/03
6:12 PM

Atlanta City Council

Regular Session

03-O-1128

30 DAY PERIOD PENSIONERS NOW EMPLOYED TO
RESIGN AND RETURN TO EMPLOYMENT STATUS
ADOPT SUB AMEND

YEAS: 12
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
E Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	B Woolard

03-O-1128

03-0-1128
(Do Not Write Above This Line)

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FELICIA A. MOORE

AN ORDINANCE AUTHORIZING A THIRTY-DAY PERIOD WITHIN WHICH RETIREES WHO ARE CURRENTLY IN AN EMPLOYMENT STATUS WITH THE CITY OF ATLANTA MAY RESIGN THAT EMPLOYMENT STATUS AND RETURN TO EMPLOYMENT STATUS WHILE COLLECTING THEIR RETIREMENT BENEFITS; WAIVING FOR THIS INSTANCE ONLY THE EXIGENCY DETERMINATION REQUIRED BY CHARTER SECTION 3-505; AND FOR OTHER PURPOSES. **ADOPTED BY**

JUL 21 2003

COUNCIL

SUBSTITUTE AS AMENDED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 7/1/03

Referred To: Finance Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Final Committee
Date 7/1/03
Chair Felicia A. Moore

Fav. Adv. Hold (see rev. side)

Action Other Action

Members

Debbie Stewart
Wain Muller
Felicia A. Moore
Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)

Action Other

Members

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)

Action Other

Members

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)

Action Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
JUL 21 2003

Felicia A. Moore
COUNCIL PRESIDENT PRO TEM

CERTIFIED
JUL 21 2003

DEPUTY MUNICIPAL CLERK
MAYOR'S ACTION

Shirley Swank
JUL 29 2003