

RESOLUTION NO. 2008-56

A RESOLUTION TO ESTABLISH A MANDATORY RETIREMENT AGE REQUIREMENT OF AGE SIXTY (60) PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-205, TO AUTHORIZE THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-211, AND TO AUTHORIZE GROUP 1 MEMBERS WHO HAVE CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE FIFTY-FIVE (55) WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-201 (A) (2).

WHEREAS, Tennessee Code Annotated, Section 8-36-205 provides that any political subdivision participating in the Tennessee Consolidated Retirement System may establish a mandatory retirement age requirement for all its firefighters and police officers, and for all its employees who have been transferred from such a position to a supervisory or administrative position within the political subdivision's police or fire department; provided that:

- (A) the mandatory retirement of any such employee does not violate the Age Discrimination in Employment Act. In case of doubt, the respective political subdivision with the Tennessee Consolidated Retirement System shall determine whether the employee is employed in a position requiring the mandatory retirement of such employee under the provisions of Tennessee Code Annotated, Section 8-36-205 (a)(2);
- (B) the terms and conditions of the requirement shall be the same for all such employees within its employ;
- (C) the mandatory age requirement *shall be* sixty (60) years of age;
- (D) after the initial transition period as set in this Resolution, each such employee shall be retired on the first day of the month following the month in which the employee attains age sixty (60), or age sixty-two (62) if at least fifty percent (50%) of the position is administrative. The chief of a police department or of a fire department may continue in service beyond the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act;
- (E) Each such employee shall be entitled to the supplemental bridge benefit established pursuant to Tennessee Code Annotated, Section 8-36-211; and

benefit pursuant to Tennessee Code Annotated, Section 8-36-211, and of service retirement benefits pursuant to Tennessee Code Annotated, Section 8-36-201(a)(2) shall increase its accrued liability rate by 3.5% of the covered payroll of the affected employees; and

WHEREAS, the Governing Body of the above named Political Subdivision further acknowledges that *if* an employee reaches the mandatory retirement age of sixty (60), the political subdivision shall determine whether the employee subject to such retirement age requirement serves in a supervisory or administrative position which requires less than fifty percent (50%) of the employee's duties to be involved in day-to-day law enforcement or fire fighting activities. If the Political Subdivision makes any such determination, then the employee may continue in service until the first day of the month following the month in which the employee attains sixty-two (62) years of age; provided such employee completes any form as may be required pursuant to Tennessee Code Annotated, Section 8-36-211 and files the same at the time and in the manner prescribed in Section 8-36-211.

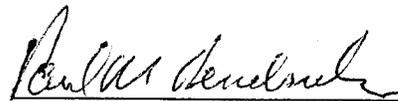
NOW, THEREFORE, BE IT RESOLVED THAT THE Governing Body of the above-named Political Subdivision hereby establishes a mandatory retirement age requirement of sixty (60) pursuant to the provisions of the Tennessee Code Annotated, Section 8-36-205.

BE IT FURTHER RESOLVED, THAT THE Governing Body of the above-named Political Subdivision authorizes that the supplemental bridge benefit established pursuant to Tennessee Code Annotated, Section 8-36-211 be paid to each Group 1 member who retires on a service retirement allowance on or after the attainment of age fifty-five (55)

COUNTY OF HAMILTON

I, Mark Johnson, Recorder of the Town Council of the Town of Signal Mountain, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 9th day of ^{June,} 2008, the original of which is on file in this office. I further certify that 4 members voted in favor of the resolution and that 4 members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the Town of Signal Mountain, Tennessee.


Paul M. Hendricks, Mayor


Mark Johnson, Recorder