06-O-0271

AN ORDINANCE BY:
COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND ARTICLE IV SECTIONS 6-367, SECTION 6-391 AND SECTION 6-397 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES TO INCLUDE REGISTERED DOMESTIC PARTNER AS AN ELIGIBLE DESIGNATED BENEFICIARY UNDER THE FIREFIGHTERS PENSION FUND; AND FOR OTHER PURPOSES.

WHEREAS, The City of Atlanta acknowledges domestic partnerships as living arrangements that comprise as a component part, mutual dependency; and

WHEREAS, The City of Atlanta recognizes domestic partnerships as a viable choice for some of its employees; and

WHEREAS, The City of Atlanta desires to extend as an employee benefit protection for mutually dependant registered domestic partnerships by amending the General Employees, Police and Fire Pension Plans, to include registered domestic partners as eligible selection as pension beneficiary.

THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY ORDAINS:

SECTION 1: That section 6-367 paragraph (g)(6)(c) of the Code of Ordinances, City of Atlanta, Georgia, Related Laws Section (the 1978 Pension Acts) is hereby amended to read as follows:

> No spouse, designated as a beneficiary, shall be entitled to receive any of said service pension benefits unless such spouse shall have been legally married to such officer or employee of such city for a period of one (1) year prior to the death of such pensioner; provided the officer or employee has made payment for such benefits prior to retirement. No domestic partner, designated as a beneficiary, shall be entitled to receive any of said service pension benefits unless such domestic partner shall have been legally registered as a domestic partner for a period of one (1) year prior to the death of such pensioner; provided the officer or employee has made payment for such benefits prior to retirement.

SECTION 2: That section 6-367 paragraph (p) of the Code of Ordinances, City of Atlanta, Georgia, Related Laws Section (the 1978 Pension Acts) is hereby amended to read as follows:

> Notwithstanding any other provisions of this act, as amended, regarding the rights of officers or employees to designate beneficiaries of their pension benefits after their death, every male or female officer, coming under the provisions of this amendment, either voluntarily or by compulsion, having a spouse or unmarried child or children (natural or legally adopted) under the age of 18 years or

domestic partner shall be compelled to make the necessary additional contributions in order to provide continued pension benefits for such spouse or unmarried child or children (natural or legally adopted) or domestic partner under the age of 18 years, and designated as beneficiaries.

Nothing herein provided shall prevent an officer or employee from designating a primary beneficiary (spouse or unmarried child or children (natural or legally adopted) under 18 years of age) or domestic partner and a secondary beneficiary (either spouse or unmarried child or children (natural or legally adopted) under 18 years of age or domestic partner and not named as primary beneficiary). If an officer or employee designates a beneficiary, and thereafter such beneficiary should cease to be qualified to receive a pension in the event of the member's death, then such officer or employee may at his or her option, designate some other beneficiary who does qualify for pension benefits under this amendment, and continue to make contributions for such beneficiaries, or should no qualified beneficiary exist, cease to make further contributions for beneficiaries, in which event contributions theretofore made for the benefit of a beneficiary shall not be refunded except insofar as refunds may be allowed by other provisions of this act, as amended.

Should any officer or employee become eligible for a service pension and thereafter remain in the service of such city, then upon the death of such person, without having retired, the spouse or domestic partner of such person may apply for a beneficiary pension as provided for in this amendment, which shall continue for the life of such spouse or domestic partner. In the event of the death or disqualification of a spouse or domestic partner to receive such beneficiary pension, then the unmarried child or children (natural or legally adopted) under the age of 18 years shall succeed to the rights of such deceased or disqualified spouse or domestic partner, as above provided, and such beneficiary pension shall be continued to such child or children until the youngest living child shall reach the age of 18 years, die, or marry, whichever event should first occur. No child (natural or legally adopted) of such officer or employee shall be entitled to receive any benefits unless such child is less than 18 years of age and unmarried.

Any officer or employee coming under the provisions of this amendment either voluntarily or by compulsion, who, at such time, has no qualified beneficiary, either spouse or unmarried child or children under 18 years of age or domestic partner, shall not be required to make the contributions necessary to provide for the continuation of pension benefits to a beneficiary. Provided, however, upon the occurrence of the event by which such officer or employee acquires a qualified beneficiary, then such officer or employee shall immediately commence making required contributions to provide benefits for such beneficiary and shall within a period of two (2) years thereafter, in addition to current requirements, pay into the pension fund one per cent (1%) of his total salary or earnings for all creditable service prior to the occurrence of such event.

Any officer or employee, electing to come under the provisions of this act, who prior thereto had a qualified beneficiary but who had not made the contributions to provide for the payment of continued pension benefits to such beneficiary, shall be required to pay to the pension fund the amount of such beneficiary contributions for the number of years of service with such city and during which such officer or employee had a qualified beneficiary, such payments to be at the rates and in the manner as set forth in subsection (j) hereof.

In the event that a member dies after retirement, either before or after receiving retirement payments, the named beneficiary, or the member's estate in the absence of a named beneficiary, shall receive a refund in an amount equal to the amount such member paid into said pension fund less the total amount received by such member or beneficiaries in retirement benefits. (Ord. No. 1985-94, § 6, 12-19-85)

SECTION 3: That section 6-391 paragraph (e) of the Code of Ordinances, City of Atlanta, Georgia, Related Laws Section (the 1978 Pension Acts) is hereby amended to read as follows:

If an officer or employee dies before the distribution of his benefit has begun in accordance with subsection (c) above, his interest will be distributed to his designated beneficiary (as defined in Code section 401(a)(9)(E)) over a period not extending beyond the life or life expectancy of such beneficiary, beginning not later than December 31 of the calendar year following the calendar year of the officer's or employee's death. If such benefit is payable to (or for the benefit of) his or her surviving spouse or domestic partner, the date on which the distributions are required to begin shall not be earlier than December 31 of the calendar year in which the officer or employee would have attained age 70 1/2. If the spouse or domestic partner dies before the distribution to such spouse or domestic partner is made or begun, this subsection (e) shall be applied as if the surviving spouse or domestic partner were the officer or employee.

SECTION 4: That section 6-397 paragraph (b)(1) of the Code of Ordinances, City of Atlanta, Georgia, Related Laws Section (the 1978 Pension Acts) is hereby amended to read as follows:

Distributee. For purposes of this section, a 'distributee' shall include any current or former officer or employee who has a_right to a benefit under this act. In addition, the surviving spouse or_registered domestic partner of any such current or former officer or employee shall be a distributee with respect to the interest of such surviving spouse or registered domestic partner.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.