

CITY OF DOVER ORDINANCE #2011-28

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Subdivision I - In General, Section 2-331 - Form of Benefits, be amended to read as follows:

Section 2-331. Form of benefits.

- (a) *Normal form.* A monthly benefit shall be payable on the first day of the second month preceding the date on which application for such benefit is filed. Payment will be retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter during his lifetime, and terminating with the last payment on the first day of the month of the death of the participant.
- (b) *Death of participant, etc.* Upon the death of a participant who has retired, or who is eligible to be retired under any of the provisions of this division, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payments to which the participant was or would have been entitled. Upon the death of a participant who has completed a minimum of 20 years of service but is not yet eligible to retire because of age, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payment that would have resulted by using his service time; however, the benefit is to be computed at a reduced rate of one-half percent for each month the participant was under the correct age for normal retirement. In no instance shall actual monthly payments be less than \$200.00, to be effective July 1, 2000. Upon the death of both the participant and eligible survivor, if the benefit payments received in aggregate are less than the member's contributions, the balance of the member's contributions, plus 5 percent interest, will be paid to the surviving beneficiary designated or his estate if no designation has been made and submitted to the pension board. The amount of benefit payments received and the amount of the member's contributions shall be determined from the record of the pension board of trustees
- (c) *Eligible survivor.* An eligible survivor shall be one of the following in the order of preference listed:
 - (1) *Spouse/Partner.* The participant's spouse who was married to the participant for at least one year. Surviving spouse shall be required to provide supporting documents of marriage. The participant's partner in a civil union, who entered into a lawful civil union in Delaware, or whose legal union is recognized as a civil union under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law. (13 Del. C. c. 2). Surviving partner shall be required to provide supporting documents of legal civil union.

- (2) *Children, unmarried.*
- a. The surviving children, biological or legally adopted, of the participant, who have not attained their 18th birthday.
 - b. If said child is attending school on a full-time basis and provides proof of attendance each year of eligibility, with the payment due for the month in which he ceases to attend school on a full-time basis or with the payment due for the month in which his 22nd birthday shall occur, whichever shall occur first.
- (d) *Commencement of payment.* Benefits payable to eligible survivors shall commence on the first day of the month following the date of the participant's death.
- (e) *Benefits payable.* Benefits payable to eligible survivors shall cease:
- (1) *Spouse/Partner.* With respect to an eligible survivor who is a spouse or partner of a civil union, with the payment due for the month in which their remarriage or death shall occur, whichever occurs first.
 - (2) *Children.* With respect to an eligible survivor who is a child(ren), with the payment due for the month in which his 18th birthday or death shall occur, whichever shall occur first. Payments shall be made in accordance with subsections (2)a. and b.
- (f) *Eligibility for benefits.* The eligibility of any person or persons to receive payment of benefits as an eligible survivor shall be determined conclusively by the pension board based on application of such person or persons and any other information which the pension board deems to be appropriate.
- (g) This ordinance shall be effective at 10:00 a.m. on January 1, 2012.

ADOPTED: DECEMBER 12, 2011

SYNOPSIS

This amendment provides the same rights, benefits, protections and responsibilities as married persons under Delaware law to partners in legal civil unions.

Actions History

- December 12, 2011 - Final Reading by Council
November 28, 2011 - First Reading at Council
November 14, 2011 - Considered by Legislative, Finance, and Administration Committee