

ALLEN COUNTY CODE TITLE 1

GENERAL PROVISIONS

ARTICLE 20

Allen County Sheriff's Department Early Retirement Plan

1-20-1 CHAPTER 1: ESTABLISHMENT OF THE PLAN

The Board of Commissioners of the County of Allen (the "Board") establishes as of May 1, 2006, the Allen County Sheriff's Department (the "Department") Early Retirement Plan (the "Plan"), to provide early retirement benefits for Eligible Employees, as defined below. This document serves as both the Plan document and the summary plan description of the Plan.

1-20-2 CHAPTER 2: PARTICIPATION IN THE PLAN

An individual is eligible for benefits under this Plan if and only if, he/she satisfies all of the following (hereinafter, an "Eligible Employee").

- (a) The individual is an active, regular, full-time, sworn officer on or after the effective date of the Plan;
- (b) The individual is currently employed and in good standing with the Department;
- (c) The individual is at least fifty (55) years old upon his/her early retirement; and
- (d) The individual, upon his/her early retirement, has completed twenty (20) continuous, full-time years of service with the Department.
- (e) The individual signs and does not rescind the release described in Chapter 4.
- (f) A person who receives benefits under this plan and later becomes ineligible for continued participation may not reapply for the benefit.

1-20-3 CHAPTER 3: BENEFIT ELIGIBILITY

An Eligible Employee is entitled to benefits under this Plan if, and only if:

- (a) He/she notifies the Department in writing that he/she is voluntarily retiring; and
- (b) He/she accepts the Department's proposed date of early retirement which may not be more than one-hundred twenty (120) days after the Eligible Employee provided notice; and

- (c) After retirement, he or she does not return to employment with the County which employment exceeds 30 hours per week; and
- (d) The individual signs and does not rescind the release described in Chapter 4.

1-20-4 CHAPTER 4: EARLY RETIREMENT BENEFIT

1-20-4-1

Annual Benefit Amount. If eligible, benefits will be determined by the following subject to the provisions outlined in Sections 1-20-4-1.5 and 1-20-4-1.9:

- (a) An Eligible Employee will receive an Annual Benefit Amount ("ABA") equal to either:
 - (1) Fifty (50) percent of the Eligible Employee's annual longevity pay, as determined in his year of retirement, to be applied to the Retiree Medical Plan in accordance with Section 4.03, provided, however that the dollar value of the Retiree Medical Plan premiums does not exceed the amount of social security benefits of that individual expected upon his/her eligibility for maximum social security benefits; or
 - (2) Seventy (70) percent of the Eligible Employee's annual longevity pay, as determined in his year of retirement, provided, however, that the dollar value does not exceed the amount of social security benefits of that individual expected upon his/her eligibility for maximum social security benefits.

The supplement will be paid in equal monthly installments and will continue until the earlier of ten (10) years or until the employee is eligible for maximum Medicare benefits.

1-20-4-2

Longevity Pay Base. "Longevity pay" is the compensation based on length of service excluding overtime or other fringe benefits.

1-20-4-3

Retiree Medical Plan. If the Eligible Employee elects the Allen County Retiree Medical Plan ("Retiree Medical Plan") under Section 4.01(a)(1), his/her ABA will be solely used to subsidize the Eligible Employee's cost of coverage under the Retiree Medical Plan. The Eligible Employee will be responsible for any cost of the premium not covered by his/her ABA, to be determined on a monthly basis.

The total cost of the premiums will be based on the expected rate for Retiree Medical Plan participants. Premiums will be subject to annual increases incurred by all county employees.

An Eligible Employee's election under Section 4.01(a)(1) is automatically triggered when the Eligible Employee communicates to the Department his/her election for coverage under the Retiree Medical Plan. This does not forego the Department's/County's responsibility to provide COBRA options, if applicable. The Department/County reserves the right to amend, modify or terminate its group health plan at any time, including the termination of the Retiree Medical Plan under this paragraph.

1-20-4-4

The Eligible Employee, in accordance with the Department's policies on benefit status changes, may elect to terminate his benefit under the Retiree Medical Plan, and in this event, his ABA benefit shall be determined under Section 1-20-4- 1.1(a)(2) for the remainder of the benefit period.

1-20-4-5

Modification and Termination. The Board reserves the right to amend, modify, or terminate this Plan at any time. The Board reserves the right to amend, modify/terminate the Plan with respect to Eligible Employees currently receiving benefits under the Plan or who have communicated their intention to receive benefits under the Plan prior to the Board's amendment, modification, or termination of the Plan. In the event the Board chooses to exercise its right to amend, modify, or terminate the Plan, the Board must give Eligible Employees, who are receiving the benefit or who have elected for the benefit, seventy-five (75) days advance notice prior to implementing the amendment, modification, or termination of the Plan. Upon termination, no further benefit shall be payable under or pursuant to this Plan.

1-20-4-6

Employment. The payment of benefits hereunder does not extend an individual's employment with the Department. Unless specifically required by applicable law or this Plan, all benefits not specifically selected by the Employee under this Plan cease as of your date of termination.

1-20-4-7

Retirement Plans. Participation in this Plan is not intended to alter any benefits you are entitled to receive under the Department's retirement plan. Retirement benefits will continue to be determined by the terms of those plans. For more information, please refer to the retirement plan documents and summary plan descriptions.

1-20-4-8

Non-Alienation of Benefit. You may not, in any manner, sell, pledge, transfer, assign, encumber, or otherwise dispose of any severance pay benefit, either voluntarily or involuntarily, before you receive it, and any attempt to do so or to otherwise dispose of any right to benefits under this Plan will be null and void.

1-20-4-9

No Duplication. An employee of the Department may not receive early retirement benefits under the Plan and pursuant to an alternative arrangement with the Department. Such an employee will only be entitled to the early retirement benefit that provides him with the greatest amount of benefit.

1-20-4-10

No Employment Rights. The adoption of this Plan is not a contract between the Department and any employee. Further, this Plan does not give any employee any right to continue employment with the Department, any parent, subsidiary or affiliate of the Department, any successor entity, nor does it interfere with the right of the Department or any successor entity to discharge any employee at any time for any reason or no reason.

1-20-4-11

Limitation on Benefits. The Plan represents the entire agreement and understanding between the Department/County and any Eligible Employees regarding its subject matter. Accordingly, the benefits described herein are the exclusive benefits available for Eligible Employees.

1-20-4-12

Funding. The Plan shall be funded from the general assets of Allen County and is subject to the annual appropriation of the Allen County Council. Failure to fund shall also terminate this plan as of the first year for which appropriation is not made. Because the County has absolute right to amend or terminate any and all benefit payment, benefits are subject to a substantial risk of forfeiture, and therefore, this Plan should not be construed as a plan that defers compensation.

1-20-4-13

Release. To be eligible to receive benefits under the Plan, an individual must sign and not rescind a General Release, in a form acceptable to the County.

1-20-5 CHAPTER 5 PLAN ADMINISTRATOR

The Department is the administrator of the Plan. As Plan administrator, the Department has discretionary authority to interpret, with discretionary authority, the provisions of the Plan and to resolve, with discretionary authority, all disputed questions of Plan interpretation, including eligibility, rights and status of participants.

1-20-4-6 CHAPTER 6: MISCELLANEOUS

This Plan is intended to be an unfunded plan. Payments under the Plan are made directly from Allen County's general assets.

1-20-4-7 CHAPTER 7: EFFECTIVE DATE

This Ordinance shall become effective as of the 1st day of May, 2006.

Ordinance originally adopted 5-10-2006 by Ordinance # 5-10-06-14

Ordinance last amended 5-6-2016 by Ordinance #05-06-16-08