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ARTICLE III
Participation

Section 1. Eligibility for participation.

Each employee who ~~is~~ ~~was~~ employed by the city on March 1, 1987, and who elected to participate in the plan shall become a participant in this plan on the effective date, provided he is then in active service with the ~~employer~~ ~~city~~ or on an authorized leave of absence.

Each new employee ~~hired after July 1, 1990,~~ shall become a participant in the plan ~~at the later of July 1, 1991, or on~~ the first day of the month coinciding with or next following his date of employment.

Each elected or appointed member of the governing authority who ~~holds~~ ~~held~~ an elected office of the city on the effective date of this plan shall become a participant on that date.

Each elected or appointed member of the governing authority who holds an elective office of the city subsequent to the effective date of this plan shall become a participant on the first day of the month coinciding with or next following the date he ~~begins his term of office~~ ~~completes one year of service.~~

Participation in the plan shall not give any employee the right to be retained in the employ of the city nor, upon dismissal, to have any right or interest in the fund other than is herein provided.

A full-time contract employee may elect, in writing, not to participate in the plan. However, once such an election is made, he may not change the election at a later time to again participate in the plan.

Any eligible employee who terminates employment as a public safety participant under the 4022 plan, and who moves to a general employee position on or after June 1, 1999, shall participate in the consolidated retirement plan adopted by Ordinance No. 4532 on the first day of the pay period immediately coinciding with the employee's change to such position. The employee shall have no right whatsoever to participate or become eligible to participate in general employee portion of the retirement plan adopted by Ordinance No. 4022 as such portion has been terminated by the city. The employee also has no right to continue participation in the public safety portion of the retirement plan adopted by Ordinance No. 4022 after the employee moves to a general employee position. However, the employee shall be entitled to a vested right in his accrued retirement benefits, and shall have the option to receive benefits upon retirement as a public safety participant under the 4022 plan from the time the employee became eligible to the date the employee changes to a general employee position and benefits under the consolidated retirement plan from the date the employee changes to a general employee position to the date of retirement, or the employee may waive and relinquish any and all rights to receipt of any benefits under the 4022 plan and have all benefits calculated under the consolidated retirement plan at the date of retirement.

Notwithstanding anything contained herein to the contrary, the following individuals shall not be eligible to participate in the plan:

- (i) A part-time, temporary or seasonal employee hired on or after January 1, 2000;
- (ii) A leased employee within the meaning of Internal Revenue Code Section 414(n)(2);
- (iii) An employee classified by the city or the Marietta Board of Lights and Water as a leased employee, regardless of whether such employee is a leased employee within the meaning of Internal Revenue Code Section 414(n)(2); or
- (iv) A person who is initially classified by the city or the Marietta Board of Lights and Water as an independent contractor or leased employee for purposes of the withholding and payment of employment taxes, even if such person is later determined, whether by the city, the Marietta Board of Lights and Water, or otherwise, to be a common law employee of the city or of the Marietta Board of Lights and Water.

(Ord. No. 4905, 6/12/91, § 5; Ord. No. 6064, 11/10/1999, § 3; Ord. No. 6340, 12/12/2001, § 10)