

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2009

COUNCIL BILL NO. 621
COMMITTEE OF REFERENCE:
4 FINANCE

5 **A BILL**

6 **For an ordinance regarding the 2009 Incentive Retirement Plan for**
7 **employees of the Denver Health and Hospital Authority who**
8 **participate in the Denver Employees Retirement Plan and which**
9 **amends the 1963 Retirement Plan with regard to the definition of**
10 **gross pay, compensation and salary.**

11
12 **WHEREAS,** The Denver Health and Hospital Authority exists as a body
13 corporate and political subdivision of the State of Colorado; and

14 **WHEREAS,** some individuals employed at Denver Health and Hospital Authority
15 participate in the Denver Employees Retirement Plan; and

16 **WHEREAS,** some of these individuals are employees of the Denver Health and
17 Hospital Authority and some are employees of the Career Service Authority of the City
18 and County of Denver; and

19 **WHEREAS,** the Denver Health and Hospital Authority, by action of its Board of
20 Directors, has adopted the 2009 Incentive Retirement Program for those employees
21 participating in the Denver Employees Retirement Plan who have met requirements for
22 Normal Retirement; and

23 **WHEREAS,** it is anticipated that those employees who elect to participate in the
24 2009 Incentive Retirement Program will not have the amounts received from the 2009
25 Incentive Retirement Program included in their compensation for purposes of
26 determining their retirement benefits under the Denver Employees Retirement Plan:

27
28 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND**
29 **COUNTY OF DENVER:**

30
31 **Section 1.** That Section 18-402(13) (sometimes known and cited as Section 407,
32 Subsection (13), Chapter 18) of the Revised Municipal Code, relating to definitions be
33 amended by adding the language underlined as follows:

1 (13) *Gross pay, compensation and salary* shall mean that amount of
2 remuneration, including wages, salaries, other amounts received for personal
3 services actually rendered in the course of employment with the employer, and
4 other amounts actually included or that could be included in gross income of and
5 due to an employee, including employees on disability leave as provided for in
6 division 4 of article V of this chapter 18, or otherwise, from the employer in the
7 full amount as calculated before any reductions or deductions are made there
8 from for any purpose, including reductions or deductions by reason of sections
9 125, 132(f)(4) or 457 of the Internal Revenue Code, but not including distributions
10 made from a plan of the employer designed to be eligible under section 457. The
11 calendar year shall be the limitation year (determination period) for purposes of
12 section 415 of the Internal Revenue Code.

13
14 Gross pay, compensation and salary shall not include any amounts paid to a
15 member whose service with the employer begins, or whose reemployment with
16 the employer begins, after December 31, 2009 for the unused portion of the
17 employee's bank of accumulated paid time off upon the employee's separation
18 from employment with the employer. Employees who were employed on or
19 before December 31, 2009, who are thereafter laid off and then re-instated (as
20 defined in the career service rules), shall continue to have included in the
21 calculation of their retirement benefit as gross pay, compensation and salary the
22 unused portion of the employee's bank of accumulated paid time off upon the
23 employee's subsequent separation from employment with the employer.

24
25 Employer provided fringe benefits receiving special tax benefits, such as
26 premiums for group term life insurance (to the extent excludible from gross
27 income), shall be excluded from the definition of compensation. Payments made
28 to employees pursuant to Article XV, Chapter 18., and the Denver Health and
29 Hospital Authority 2009 Incentive Retirement Program, shall be excluded from
30 the definition of compensation and shall not be used in calculating an employee's
31 retirement benefit.

1 COMMITTEE APPROVAL DATE:

2 MAYOR-COUNCIL DATE:

3
4 PASSED BY THE COUNCIL

5 _____ 2009

6 _____ -PRESIDENT

7 APPROVED: _____ -MAYOR _____ 2009

8 ATTEST: _____ -CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF
11 DENVER
12

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009 _____ 2009

14
15 PREPARED BY: Victoria A. Halliday, GENERAL COUNSEL,
16 DENVER EMPLOYEES RETIREMENT PLAN,
17 October 22, 2009
18

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
20 office of the City Attorney. We find no irregularity as to form, and have no legal objection
21 to the proposed ordinance. The proposed ordinance is not submitted to the City Council
22 for approval pursuant to §3.2.6 of the Charter.
23

24 David Fine _____, City Attorney

25 BY: _____, _____ City Attorney

26 DATE: _____