

NUMBER 127-81

BY-LAW DATED MAY 25, 1981

Being a By-Law to authorize the
amendment of a Supplementary Agreement
under the Ontario Municipal Employees
Retirement System Act

WHEREAS pursuant to Section 23 of the Regulations made under The Ontario Municipal Employees Retirement System Act, R.S.O. 1970 as amended, an employer who has elected to participate in the System may enter into or amend an agreement with the Ontario Municipal Employees Retirement Board for the payment of supplementary benefits in respect of all or any class of the employees or councillors who are or become members of the System;

AND WHEREAS the Corporation of the City of Brampton has entered into a Supplementary Agreement with the Ontario Municipal Employees Retirement Board dated October 16, 1978;

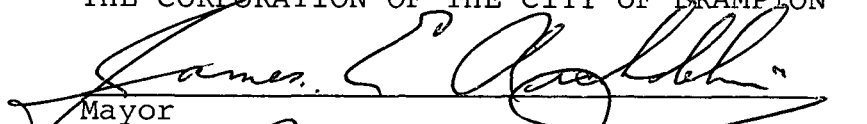
AND WHEREAS it is deemed advisable to amend the said Agreement;


NOW THEREFORE be and it is hereby enacted that:

1. The Mayor and Clerk are hereby authorized on behalf of The Corporation of the City of Brampton to enter into an agreement in the form attached hereto as Schedule A with the Ontario Municipal Employees Retirement Board.
2. The Treasurer is hereby authorized to do such things as are necessary under this agreement and to carry out the intent of the By-Law.
3. Two certified copies of this By-Law shall be filed with the Executive Director of the Ontario Municipal Employees Retirement Board.
4. This By-Law shall come into force on the date of its passing.

Read a FIRST, SECOND and THIRD TIME and passed in Open Council this 25th day of May, 1981.

THE CORPORATION OF THE CITY OF BRAMPTON


Mayor


Clerk

SCHEDULE A

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

AN AGREEMENT AMENDING SUPPLEMENTARY BENEFITS AGREEMENT

NO. 101

THIS AGREEMENT made this 3rd day of July, 1981, pursuant to section 23 of Ontario Regulation 936, 1977, as heretofore and hereafter amended, (herein called the "Regulation"), being a regulation made under The Ontario Municipal Employees Retirement System Act, R.S.O. 1970, Chapter 324, as heretofore and hereafter amended from time to time,

BETWEEN

the ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD (herein called the "Board"),

and' the CITY OF BRAMPTON

(herein called the "Employer").

WHEREAS the Board and the Employer have entered into an agreement dated October 16, 1978,
(herein called the "Agreement"), pursuant to section 23 of the Regulation,

AND WHEREAS it is desirable to amend the Agreement,

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the Board and the Employer do hereby covenant and agree:

Schedule 1, Part B, of Supplementary Agreement #101 be replaced as of January 1, 1981 by the Schedule 1, Part B, dated July 3, 1981 attached hereto with respect to Management, Supervisory and Key Personnel who shall retire, die or otherwise terminate their service with the Employer on or after January 1, 1981.

IN WITNESS WHEREOF, this amendment to the Agreement is executed by the parties hereto under the hands of their respective officers lawfully authorized in that behalf and corporate seals respectively.

FOR THE EMPLOYER:

DATED: July 3rd 1981

CORPORATION, CITY OF BLANFTON

James L. English
Ralph A. Sweet
CLERK (SEAL)
JUN 1953

FOR THE BOARD:

DATED:

Executive-Director

(SEAL)

SCHEDULE "1"

PART B

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

Supplementary Pension Plan

Dated July 3, 1981

Coverage

This Supplementary Pension Plan (herein called the "Plan") is applicable to members of the Ontario Municipal Employees Retirement System (herein called "covered members") employed by the City of Brampton (herein called the "Employer") as management, supervisory and key personnel as determined by the Employer in respect of their service with the Employer.

Under this Plan service of a covered member shall include service with the Town of Brampton as a predecessor employer.

Definitions

2. Words and phrases used in this Plan shall have the meaning given to them under the Ontario Municipal Employees Retirement System Act, R.S.O. 1970, as heretofore and hereafter amended (herein called the "Act") and, its regulation, Ontario Regulation 936, 1977, as heretofore and hereafter amended (herein called the "Regulation"); and
- (a) "Agreement" means the Supplementary Benefits Agreement of which this Plan forms Schedule 1;
 - (b) "basic benefit" means the benefit payable to a covered member under section 12, 13, 14, 15, 16 or 18 of the Regulation;
 - (c) "Plan effective date" means January 1, 1978 and the Plan year shall end on December 31 of each year thereafter;
 - (d) "Plan normal retirement date" of a covered member means the last day of the month such member attains age 65;
 - (e) "permanently partially disabled" means unable, due to mental or physical incapacity, to perform the duties of employment and a covered member shall be permanently and partially disabled when declared to be so by the Employer.

Application

3. Each employee to whom this Plan is applicable shall become a covered member either on the Plan effective date or on the date he commences or commenced to make a contribution under section 9 of the Regulation, whichever is the later date.

Contributions

After taking into account any contributions actually made by covered members the Employer shall contribute to this Plan each year such amounts to be determined by the Board, on the advice of the actuary, as are required to provide for the payment of benefits under this Plan.

Plan Credited Service

5. The Plan credited service of a covered member shall be that part of his service, as described in section 1 of this Plan, which occurred immediately before the Employer's effective date of participation in the System but excluding any such service
 - (a) for which a contribution made by the covered member under section 9 of the Regulation, under an approved pension plan or under a prior service agreement has been refunded; or
 - (b) for which the covered member was entitled to make a contribution under section 9 of the Regulation, under an approved pension plan or under a prior service agreement and chose not to do so.

Early Retirement Qualifying Service

6. The Early Retirement Qualifying Service of a covered member shall be the sum of:
 - (a) the service of the covered member, as described in subsection (1) of section 1 of this Plan, which occurred immediately before the Employer's effective date of participation in the System; and
 - (b) the continuous service of the covered member which occurred immediately after the Employer's effective date of participation in the System including any credited service established with the Employer under subsection (8) of section 9 and subsection (3) of section 13 of the Regulation.

Supplementary Normal Retirement Pension

7. (1) A supplementary normal retirement pension is payable under this Plan to a covered member who retires on or after his Plan normal retirement date and shall be equal to 2% of his pensionable earnings multiplied by the total number of years and part of a year of his Plan credited service up to 35 years, reduced,
 - (a) when the covered member becomes entitled to a pension under the Canada Pension Plan by 0.7% of the lesser of such pensionable earnings or the average of the Year's Maximum Pensionable Earnings as defined in the Canada Pension Plan for the year in which he retired and for each of the two preceding years multiplied by the total number of years and part of a year of his Plan credited service after the 1st day of January, 1966 up to 35 years, and
 - (b) by the annual amount of pension payable under a prior service agreement or an approved pension plan to the covered member on or after his Plan normal retirement date excluding the annual amount of any pension purchased by voluntary contributions made by the covered member under an approved pension plan.
- (2) A supplementary normal retirement pension payable to a covered member under this Plan is payable coincident with and under the same terms and conditions and subject to the same limitations as the covered member's normal retirement pension under section 12 of the Regulation.
- (3) Notwithstanding anything in this Plan, the annual amount of the pension payable to a covered member under this Plan shall not be less than the amount of annual pension which contributions made by him on account of the supplementary normal retirement pension, or the early retirement supplementary pension would provide. The amount of such annual pension payable in respect of such covered member contributions shall be determined by the executive-director.
- (4) The total of the annual amount of supplementary normal retirement pension payable to a covered member under this section plus the annual amount of any pension in respect of his Plan credited service payable to a covered member at normal retirement age under an approved pension plan or under a prior service agreement plus the annual amount of normal retirement pension payable to the covered member under section 12 of the Regulation may not exceed the maximum amount provided in section 250(4) of The Municipal Act

R.S.O. 1970, chapter 284, as amended.

Early Retirement Supplementary Pension

8. (1) An early retirement supplementary pension is payable under this Plan to a covered member who:
 - (a) retires within the 10 year period before his Plan normal retirement date; and
 - (b) has earned at least 30 years of Early Retirement Qualifying Service or has become permanently partially disabled; and
 - (c) elects to receive an early retirement pension under section 16 of the Regulation and a supplementary early retirement pension under paragraph (d) of section 9 of this Plan.
- (2) The early retirement supplementary pension shall be payable coincident with and under the same terms and conditions and subject to the same limitations as the member's early retirement pension so elected in paragraph (c) of subsection (1).
- (3) The early retirement supplementary pension payable to a covered member under this Plan shall be equal to the sum of:
 - (a) the amount by which the early retirement pension referred to in paragraph (c) of subsection (1) is less than the amount of normal retirement pension calculated in respect of the covered member in accordance with section 12 of the Regulation using the credited service accrued with the Employer and the same pensionable earnings used to calculate such early retirement pension; plus
 - (b) the amount by which the supplementary early retirement pension referred to in paragraph (c) of subsection (1) is less than the amount of supplementary normal retirement pension calculated in respect of the covered member in accordance with section 7 of this Plan using the same pensionable earnings used to calculate such supplementary early retirement pension and the member's Plan credited service earned to the date in respect of which such supplementary early retirement pension was calculated; plus

- (c) the amount, if any, by which the pension from an approved pension plan or prior service agreement of the Employer payable in respect of the covered member's Plan credited service and payable to the covered member on the date of his early retirement referred to in paragraph (c) of subsection (1) is less than the amount of pension from such approved pension plan or prior service agreement which would have been payable to the member on his Plan normal retirement date.

Other Benefits

- 9. In lieu of the supplementary normal retirement pension payable under section 7 of this Plan, there shall be payable, coincident with and under the same terms and conditions and subject to the same limitations as the basic benefit:
 - (a) a supplementary disability retirement benefit calculated in the manner prescribed in section 13 of the Regulation but using the supplementary normal retirement pension under section 7 of this Plan as a basis for calculation; or
 - (b) a supplementary pension to a covered member's widow, widower or children calculated in the manner prescribed in section 14 of the Regulation but using the supplementary normal retirement pension under section 7 of this Plan as a basis for calculation; or
 - (c) a supplementary deferred pension calculated in the manner prescribed in section 15 of the Regulation but using the supplementary normal retirement pension under section 7 of this Plan as a basis for calculation; or
 - (d) a supplementary early retirement pension calculated in the manner prescribed in section 16 of the Regulation but using the supplementary normal retirement pension under section 7 of this Plan as a basis for calculation; or
 - (e) a refund of contributions plus interest to the credit of a covered member under this Plan, in the manner prescribed in section 18 of the Regulation; or
 - (f) a transfer of the present value of any supplementary pension to the credit of the covered member under this Plan, in accordance with the manner prescribed in section 22 of the Regulation or subsection (10) of section 23 of the Regulation.

Miscellaneous

10. (1) The contributions made by a covered member under this Plan, or under a previous plan with respect to the benefits provided herein, shall not be withdrawn in whole or in part while the covered member remains a member of the Ontario Municipal Employees Retirement System.
- (2) The interest of a person under this Plan and in any benefit payable under this Plan is not subject to garnishment, attachment, seizure or other process of law, and is not assignable.
- (3) References herein to sections of the Act and Regulation or subdivisions thereof include successor sections or subdivisions thereof which may be enacted from time to time.