

**BOARD OF TRUSTEES**

**SUNRISE GENERAL EMPLOYEES' RETIREMENT PLAN**

**ADMINISTRATIVE RULE GOVERNING THE PURCHASE OF PRIOR AND  
INTERVENING GOVERNMENTAL SERVICE FOR  
MANAGEMENT AND SENIOR MANAGEMENT PERSONNEL**

1. City of Sunrise Code Section 11-2 vests control, management, operation and administration of the Plan in the Board of Trustees. The City Code authorizes the Board of Trustees to adopt any rules necessary for the administration of the Retirement Plan. Accordingly, this administrative rule shall address the procedure to be employed regarding the purchase of prior and intervening governmental service by Plan members.

Section 11-13(7) of the Code grants the Board of Trustees the authority:

“To make such rules and regulations as are necessary for the effective administration of the plan.”

2. Section 11-53(g) allows for the purchase of prior and intervening governmental service for management and senior management. The Section specifically provides:

“(g) Buy back of prior city service and intervening government service by management and senior management personnel.

(1) Notwithstanding any other provision of the plan to the contrary, the purchase of prior city service and intervening government service by management and senior management personnel shall be governed solely by this subsection. Any management or senior management member who has terminated employment with the city and has received a return of contributions may, upon regaining employment with the city, buy-back periods of prior service with the city and intervening government service, in accordance with this subsection. Credit for prior service with the city may be purchased by restoring to the plan the full amount of the employee contribution refunded, together with interest at the board's assumed rate of investment return for the period from the date contributions were refunded to the date of repayment. Credit for up to five (5) years of intervening government service may also be purchased by paying into the pension

fund an amount equal to the applicable member contribution rate in effect for each year or fraction thereof, including any cost sharing amount determined in accordance with section 11-53(c), based on the member's annual salary rate at the time of reemployment, for each year or fraction thereof purchased, together with interest at the board's assumed rate of investment return for the period from the date of reemployment to date of repayment. No portion of the credit for intervening government employment purchased under this subsection may be based in whole or part or upon any service with respect to which the member is receiving or will receive in the future retirement benefit or pension from a different employer's retirement system or plan.

(2) Management and senior management members who wish to buy-back prior city service or intervening government service must file with the board a notification of their intention to participate in the buy-back within ninety (90) days after reemployment, or the right to buy-back such prior service credit is irrevocably waived.

(3) The buy-back must be completed within two (2) years following notification to the board of the intention to participate in the buy-back. Failure to complete the buy-back within the two-year period shall result in a forfeiture of all prior city service or intervening government service for which full payment, including interest, has not been made. The buy-back contribution may be made by a cash payment to the fund, through authorization of additional pickup contributions, or by transfer of assets from another qualified retirement plan.

(4) No credit for prior city service or intervening government service shall be granted nor may any benefit be based on such service until full payment is made in accordance with this section, and the member has completed five (5) years of city service after reemployment as a management or senior management member. In the event a management or senior management member purchases credit for prior city service or intervening government service, but does not remain employed in a management or senior management position for five (5) years following reemployment, the amount paid for such service credit shall be refunded, without interest.

(5) The cost attributable to buy-backs under this section shall be in addition to the maximum cost attributable to the city under section 11-26(b)(3) of the City Code."

3. Any member wishing to purchase service pursuant to 11-53 must complete an application/election form provided by the Plan Administrator. The form must specifically provide whether the time being purchased is prior non-pensionable City service or intervening governmental service with another employer, and the actual amount of service being purchased. The form must also contain an acknowledgment to be signed by the member indicating that they are not receiving, or eligible to receive in the future, a defined benefit retirement from another publicly supported system, except the federal military retirement system, for the time being purchased. The form shall also contain a warning that the board is empowered under City of Sunrise Code Sections 11-42 and 43 to purge the pension rolls of any person who is granted a benefit, if the benefit is found to have been erroneously, fraudulently, or illegally obtained.
4. Should a member choose to purchase service after receiving the estimate, the member shall pay the full cost of the service buyback within two years following notification to the board of the intention to participate in the buy-back. The buyback shall be purchased in one lump sum, through authorization of additional pickup contributions, or by rollover from a qualified retirement plan.
5. With regard to the purchase of intervening governmental service, the member shall provide sufficient proof of actual service with a governmental employer indicating the length of service with that employer. Only full time service with a governmental employer may be purchased. The member shall also provide sufficient proof that the member is not receiving, or eligible to receive, a defined benefit retirement based on the prior service. Either a certified copy of a member's personnel file, or a notarized statement from the prior employer shall be acceptable as sufficient proof of the prior governmental service. Once this proof is received, the Plan Administrator shall verify the information with the prior governmental employer.
7. The Board of Trustees reserves the right to amend this Administrative Rule from time to time as it deems appropriate. The Board shall retain the right to exercise its discretion in interpreting this rule and in resolving any disputes that may arise hereunder.
8. This rule was considered by the Board of Trustees at a public hearing, following proper notice, on February 25, 2009. The Administrative Rule was adopted by vote of the Trustees on February 25, 2009.