

**ORDINANCE NO. 2019-083**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70 ENTITLED "RETIREMENT AND PENSION", ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM, DIVISION 5 ENTITLED "BENEFITS", DELETING §70-240 IN ITS ENTIRETY AND REPLACING IT WITH A NEW §70-276 ENTITLED "OPTIONAL CONTINUANCE OF GROUP INSURANCE" IN A NEW DIVISION 8. ENTITLED "OTHER POST EMPLOYMENT BENEFITS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hialeah negotiated successor bargaining agreements with general employees and police officer employees which included changes to the optional post-employment insurance benefit offered by the City to qualified former employees; and

**WHEREAS**, on June 7, 2019, the City Council resolved the impasse in collective bargaining between the City and IAFF Local 1102 on behalf of firefighter employees by imposing certain contract changes including changes to the post-employment insurance benefit; and

**WHEREAS**, the intent of this ordinance is to clarify the scope of the post-employment insurance benefit and memorialize current policies and practices concerning the interpretation and administration of this benefit;

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Hialeah Code Section 70-240 entitled "Optional continuance of group insurance coverage by retirants." in Division 5, "Benefits", Article IV. Employees General Retirement System of Chapter 70 entitled "Retirement and Pensions" is deleted in its entirety. The section number shall be reserved to preserve the numerical sequence.

**Section 2:** Chapter 70 entitled "Retirement and Pensions" is amended by adding a new Code Section 70-276 entitled "Optional continuant of group insurance" in a new Division 8 entitled "Other Post-Employment Benefits" as follows:

Chapter 70

**RETIREMENT AND PENSIONS**

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**ARTICLE IV. EMPLOYEES GENERAL  
RETIREMENT SYSTEM**

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**DIVISION 8. OTHER POST-EMPLOYMENT BENEFITS**

**Sec. 70-276. – Optional continuance of group insurance.**

(a) The City shall pay the full cost of the premium for individual coverage only, but only up to the cost of single coverage under the most basic health insurance plan offered by the City, for retired employees hired prior to October 11, 2006 who meet the following criteria: The employee must (i) have retired in accordance with the retirement plan, or retired with a total and permanent disability retirement; and (ii) have been covered by the City's group insurance at the time of separation from employment, and must elect to continue such coverage at the time of separation from employment such that there is no gap in coverage. The retired employee shall be responsible for paying the full cost of any coverage, including dependent coverage, selected by the retired employee that exceeds the cost of the premium for individual coverage.

(b) Employees hired on or after October 11, 2006, who participate in the Employees General Retirement System and retire on a normal retirement in accordance with the retirement plan or with total and permanent disability retirement, may elect to continue group health insurance coverage in any City sponsored plan offered, so long as the employee, is covered by the City's group health insurance at the time of separation from employment, and elects to continue such coverage following separation from employment such that there is no gap in coverage, and provided the employee pays the active employee rates for individual health insurance coverage in effect at each open enrollment period until the retiree reaches the age of 65. The city shall pay the full cost of the premium for such retiree's individual coverage when the retiree attains eligibility for and enrolls in Medicare Part A and Part B. The retired employee shall be responsible for paying the full cost of any coverage, including dependent coverage, selected by the retired employee that exceeds the cost of the premium for individual coverage.

(c) Employees hired on or after April 1, 2012, who do not participate in the Employees General Retirement System, and who retire after completing at least 20 years of service, may elect to continue group health insurance coverage in any city sponsored plan offered, so long as the employee is covered by the City's group health insurance at the time of separation from employment, and elects to continue such coverage following separation from employment such that there is no gap in coverage, and provided the retired employee pays the full cost of any premium for coverage in effect at each open enrollment period for the retiree and the retiree's dependents.

(d) Beginning November 15, 2013, any employee who participates in the Employees General Retirement System and (i) retires on a vested retirement (the employee has at least 10 years of service but less than 20 years of service and 70 points) pursuant to code section 70-239 and is at least 55 years old on the date of separation from city employment, or (ii) who retires on a non-job related or not connected to an in-line-of-duty injury total and permanent disability retirement, may elect to continue group health insurance coverage in any city sponsored plan offered, so long as the employee is covered by the City's group health insurance at the time of separation from employment, and elects to continue such coverage following separation from employment such that there is no gap in coverage, and provided the retired employee pays the full cost of any premium for coverage of the retiree and the retiree's dependents.

(e) Employees who participate in the Employees General Retirement System and separate from city employment before age 55 with at least 10 years but less than 20 years of credited service, and receive a deferred vested retirement benefit pursuant to code section 70-239, are not eligible for continued group health insurance coverage through a city sponsored plan following separation from city employment.

(f) *Secondary-payer upon subsequent employment.* This section shall take effect on November 17, 2017 for general employees, on August 14, 2018 for police officer employees and June 7, 2019 for firefighter employees, and shall be applicable to all such city employees who retire on or after the effective date. The city's health insurance plan provided to all employees eligible to join the city's group plan and receive coverage as provided herein, shall be secondary payer if, at any time after retirement, a retired city employee is employed by any organization, entity or business that offers insurance coverage or any other employer-funded medical expense reimbursement plan to the retired city employee, whether on a voluntary basis or as required by law, and regardless of whether the retired city employee elects the coverage offered by a subsequent employer. If a retired city employee is offered health insurance coverage or any other

employer-funded medical expense reimbursement plan by a subsequent employer and declines such coverage, the retired city employee's eligibility to receive coverage in the city's group plan as provided herein shall terminate. If the retired city employee misrepresents employment or the availability of employer-based coverage or any other employer-funder medical expense reimbursement plan, the retired city employee shall forfeit the right to insurance coverage as provided in this section. In no event will the city provide dependent coverage to a retired city employee who is employed by another employer that offers such coverage.

(g) An employee eligible to participate in group insurance pursuant to this section 70-276 may include his spouse and/or any other eligible dependents under the medical group insurance coverage to the same extent that the eligible retired employee would have been able to include them if they were still an employee of the city, merely, by the payment of the full premium for such spouse and/or other dependents.

(h) If the employee eligible to participate in group coverage pursuant to this section 70-276 should predecease a spouse or should die leaving other surviving eligible dependents and the spouse and/or other surviving eligible dependents were covered by the city's group health insurance at the time of the retiree's death, the spouse and/or other eligible dependents may elect to continue coverage for as long as they would have been eligible had the retiree survived, merely by payment of the full premium for such spouse and/or other eligible dependents to the city. This section does not apply to employees who have applied for a deferred pension as provided for in section 70-239.

(i) An employee who receives an in-the-line-of-duty disability retirement shall be entitled to a continuation of dependent coverage at the same premium as that of an active employee, except as provided in this section 70-276. If a member elects Option 1 pursuant to section 70-249(a), then the employee shall pay the full premium for health insurance for dependent coverage if the member elects such coverage. If the employee elects Option 2 pursuant to section 70-249(a), the employee shall pay the active rate for dependent coverage if the employee desires such coverage. If the employee is eligible and receives enhanced disability retirement benefits described in section 70-249(a), the employee shall pay the active rate for dependent coverage if the employee desires such coverage.

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**Section 3: Repeal of Ordinances in Conflict.**

All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 6: Severability Clause.**

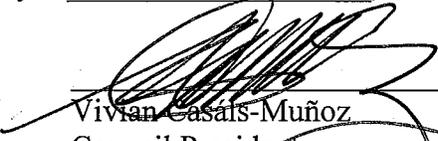
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 24 day of September, 2019.

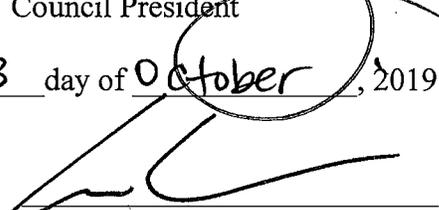
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL HEADING.

  
Vivian Casals-Muñoz  
Council President

Attest:

Approved on this 3 day of October, 2019.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

~~Strike through~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 5-1-1 vote with Councilmembers, Caragol, Zogby, Hernandez, Cue-Fuente, Garcia-Martinez voting "Yes", with Council President Casals-Munoz voting "No" and Councilmember Lozano absent.