

**AN ORDINANCE TO AMEND CITY CODE
CHAPTER 19, PERSONNEL
SECTIONS 19-96 and 19-150**

WHEREAS, current members of the Charlottesville Fire Department (“CFD”) classified as firefighters/emergency medical services (EMS) providers and enrolled in the Defined Benefit (pension) plan receive a public safety supplement if they retire with at least twenty (20) years of service; and

WHEREAS the CFD intends to hire EMS-only employees and would like to extend the same public safety pension supplement under the same provisions to those employees; and

WHEREAS, several localities across the Commonwealth have begun hiring “single-role” or “EMS-only” personnel to meet service and staffing demands; and

WHEREAS, the CFD made a presentation to the Retirement Commission on May 22, 2024, and the Commission determined that providing the public safety pension supplement to EMS-only employees is consistent with the intent of the retirement benefit and necessary to maintain competitive recruitment and retention practices; and

WHEREAS, the CFD has faced challenges with recruiting due to a shortage of firefighters and EMS providers, and current standards that require all CFD employees to be trained as firefighters and EMS providers may deter potential applicants, and providing an EMS-only position may attract a broader pool of candidates focused on EMS roles;

THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 19 Personnel, Sections 19-96 and 19-150 of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Sec. 19-96. - Same—Allowance.

(a) Upon service retirement on or after July 1, 2000, a member with creditable service which commenced prior to July 1, 2000, shall receive an annual retirement allowance payable monthly to them for life commencing on the first day of the month coinciding with or next following their date of retirement, in an amount computed as the larger of (1) and (2) following:

(1) The excess, if any, of two (2) percent of such member's average final compensation multiplied by the number of years of their creditable service, over two and one-half (2.5) percent of such member's annual primary social security benefit, multiplied by the number of years of their creditable service up to a maximum of twenty (20) years.

(2) One and six-tenths (1.60) percent of such member's average final compensation multiplied by the total number of years of their creditable service.

(b) Upon service retirement after July 1, 2000, a member whose employment commenced after June 30, 2000, shall receive an annual retirement allowance payable monthly to them for life commencing on the first day of the month coinciding with or next following their date of retirement, in an amount computed as follows:

(1) One and six-tenths (1.60) percent of such member's average final compensation multiplied by the total number of years of their creditable service.

(c) In addition to the retirement allowance to which a member is entitled under the provisions of subsections (a) and (b) of this section, a retired member who at the date of their retirement was in service as a police officer, firefighter, EMS employee sheriff or sheriff's deputy and who has completed twenty (20) years or more of creditable service shall receive an additional annual allowance, payable monthly, during the period after the member's date of retirement and until their attainment of full retirement age, as in effect on July 1, 2005, for purposes of qualifying for unreduced social security benefits, equal to one (1) percent of average final compensation multiplied by the number of years of their creditable service. In no event shall a police officer, firefighter, EMS employee, sheriff or sheriff's deputy receive both the supplement under this section and social security benefits. Effective for service retirements after June 30, 2017, the additional annual allowance shall be limited to a period of time that does not exceed seventeen (17) years prior to social security eligibility and effective for service retirements after June 30, 2020, this additional annual allowance shall be limited to the estimated unreduced primary social security benefit determined under [section 19-97](#).

Notwithstanding the foregoing, a person who becomes a member after June 30, 2012, shall be entitled to this additional, supplemental annual allowance only if such person has completed at least twenty (20) years of creditable service in a position of a police officer, firefighter, EMS employee, sheriff or sheriff's deputy and such person shall not be entitled to a supplement for a period of time that exceeds seventeen (17) years prior to social security eligibility. This additional annual allowance shall be limited in the case of a person who becomes a member after June 30, 2012, to their estimated unreduced primary social security benefit determined under [section 19-97](#).

(d) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member with less than thirty (30) years of creditable service precedes their normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by one-half (0.5) percent for each complete month in the period between the member's retirement date and the earlier of their normal retirement date or the date on which the member would have completed thirty (30) years of creditable service had they remained an employee continuously until such date.

(e) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member who is a police officer, firefighter, EMS employee, or sheriff's deputy with less than twenty-five (25) years of creditable service precedes their normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by one-half (0.5) percent for each complete month in the period between the member's retirement date and the earlier of their normal retirement date or

the date on which the member would have completed twenty-five (25) years of creditable service had they remained an employee continuously until such date.

Sec. 19-150. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Disability means a physical or mental illness or injury that incapacitates an employee from performing one (1) or more of the usual and customary duties of the employee's own job on a full-time basis, where such incapacity is likely to be permanent.

EMS employee means any employee whose primary function is to provide emergency medical services, including but not limited to: a medic; paramedic; or a basic, intermediate or advanced Emergency Medical Technician.

Primary Social Security benefit means the primary insurance amount to which the employee is entitled, for age or disability, pursuant to the provisions of the federal Social Security Act as in effect at the employee's date of retirement.

Public safety employee means any police officer, firefighter, EMS employee, sheriff, or deputy sheriff.

Salary means an employee's approved base pay at the time the employee becomes disabled, without career development pay, overtime compensation, or any other additional amount above the amount of base pay.

Work related disability means any disability, as defined herein, incurred by a public safety employee for which benefits are payable under the Virginia Workers' Compensation Act, where the City is the employer.

Suggested Motion: I move that Chapter 19 Personnel, Sections 19-96 and 19-150, of the Code of the City of Charlottesville be amended and reenacted.

Legend: ~~Deleted language~~
New language