

**11329. RESOLUTION 17-59 – AUTHORIZES AN AMENDMENT TO  
THE DELAWARE RIVER AND BAY AUTHORITY’S RESTATED RETIREMENT  
PLAN, FOR RETIREES REHIRED AS CASUAL EMPLOYEES ON OR AFTER  
JANUARY 1, 2018**

WHEREAS, the Delaware River and Bay Authority (the “Authority”) currently maintains the Delaware River and Bay Authority Employee’s Retirement Plan Amended and Restated 2014 (the “Retirement Plan”); and

WHEREAS, pursuant to Section 8.1 of the Retirement Plan, the Authority has the right to amend the Plans pursuant to a resolution of the Commissioners of the Authority; and

WHEREAS, the Authority desires to amend the Plans specific to Rehired Retirees; and

WHEREAS, the proposed amendments have been reviewed by the Personnel Committee and found to be appropriate; and

NOW, THEREFORE, BE IT RESOLVED, that the Delaware River and Bay Authority hereby approves the following amendment to the Retirement Plan, effective January 1, 2018:

A. Current last sentence of Section 5.1(d) of the Retirement Plan:

If a Participant whose retirement benefit has commenced, is re-employed by the Employer, including but not limited to, on a full-time, part-time, seasonal casual basis, the payment of such Participant’s retirement shall be suspended on the date on which the Participant commences such re-employment until such re-employment terminates.

B. Replace in its entirety the current last sentence and add the following language after the current last sentence of Section 5.1(d) of the Retirement Plan:

If a Participant whose retirement benefit has commenced, is re-employed by the Employer, including but not limited to, on a full-time, part-time, seasonal, or casual basis, the payment of such Participant’s retirement shall be suspended on the date on which the Participant commences such re-employment until such re-employment terminates.

Notwithstanding the foregoing, subject to review and approval only by the Executive Director, a Participant whose retirement benefit has commenced and who is reemployed by the Employer shall not have his or her retirement benefits suspended, if the Participant is rehired under the following conditions:

- 1) The Participant is not rehired within six (6)-months from the date of his or her initial date of retirement; and
- 2) The Participant is rehired in a casual position; and
- 3) After being rehired, the Participant works no more than 28 hours on average per week; and

- 4) The Participant, as a rehired employee in a casual position, earns no more than \$30,000 in total earnings in a calendar year as annual compensation; and
- 5) The Participant's return to employment was not pre-arranged between the Participant and the Employer at or about the time of the Participant's initial date of retirement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the proper officers and employees of the Authority are hereby authorized to prepare and execute the necessary amendments to the Plan and to take whatever action to execute whatever instruments with the advice and consent of General Counsel that may be necessary or convenient to carry out the foregoing resolution.

A motion to approve Resolution 17-59 was made by Commissioner Wilson, seconded by Commissioner Ratchford, and approved by a roll call vote of 10-0.

#### **Resolution 17-59 Executive Summary**

**Resolution:** Authorizing Amendments to the Delaware River and Bay Authority's Restated Retirement Plan, For Retirees Rehired As Casual Employees On Or After January 1, 2018

**Committee:** Personnel Committee

**Committee/Board Date:** November 21, 2017

**Purpose of Resolution:** To allow for the rehiring of experienced Retirees, casual employees as appropriate, without jeopardizing their retirement benefits under the Plans.

**Background for Resolution:** Particularly with its' more seasonal operations, the Authority has sometimes found it difficult to attract a sufficient number of applicants leading to a risk of being under-staffed during peak periods. This shortage is most noticeable in the Marine Division where specialized licenses are required.

The Authority believes there are a number of Retirees would be able to fill these casual positions and work a reduced schedule but who are not willing to do so because it will result in the suspension of their retirement benefits.

This Plan Amendment will permit Retirees to be re-employed in casual positions without jeopardy to their current retirement benefits and without jeopardizing the qualified status of the Retirement Plan.

Re-employing such Retirees subject to time, earnings and work limitations will benefit the Authority as a whole..

Review and approval only by the Executive Director is required prior to rehiring a Retiree in a casual position. The Executive Director is required to report annually to the Board of Commissioners through the Personnel Committee on the status and circumstances regarding each approved Rehired Retiree in a casual position.