

CHATTANOOGA
FIREMEN'S
AND
POLICEMEN'S
PENSION
BILL

1949

SENATE BILL NO. 346
CHAPTER NO. 165
PRIVATE ACTS OF 1949

STATE OF TENNESSEE
DEPARTMENT OF STATE
February 16, 1949
JAMES H. CUMMINGS,
Secretary of State

SENATE BILL NO. 346

Private Chapter No. 165

AN ACT to amend the Charter of the City of Chattanooga, Tennessee, and all Acts amendatory thereof.

By RAGON

SECTION 1. *BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,* That the Charter of the City of Chattanooga, Tennessee, and all Acts heretofore passed by the General Assembly of the State of Tennessee amendatory thereof, be, and the same are hereby amended so as to authorize and require the Board of Commissioners of the said City to create a fund, in the manner hereinafter provided to be known as the FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND, which Fund shall be for the benefit of the employees of the Fire and Police Department of said City, and their beneficiaries, as provided by this Act.

SEC. 2. *BE IT FURTHER ENACTED,* That the Board of Commissioners of said City, after it has adopted a budget for the salaries of the Department of Fire and Police each year, shall add nine per cent of the amount of the budget adopted for salaries of said Department, which sum so added shall be placed in the Firemen's and Policemen's Insurance and Pension Fund. In event there are special appropriations for salaries for Fire and Police Department over and above the general budget so fixed, then said Board of Commissioners shall add nine per cent to the amount of said appropriations for salaries and said sum shall be paid into the Firemen's and Policemen's Insurance and Pension Fund. Said Pension and Trust Funds from all

sources herein provided shall be paid to the Hamilton National Bank of Chattanooga as trustee to be held by them as such Trustee for the purposes stated in this act. The funds coming into the hands of the Trustee shall be under the direction and control of the Board of Directors of the Firemen's and Policemen's Insurance and Pension Fund.

Any and all investments made by said Board of Directors shall be passed upon and voted in writing by a majority of the members of said Board without liability on their part whatsoever, or on the part of the Trustee.

SEC. 3. *BE IT FURTHER ENACTED*, That the Board of Commissioners of said City be and is hereby required to levy a sufficient annual tax upon all taxable property and taxable privileges within the City of Chattanooga for the purpose of raising revenue for the payment of pensions to members of said Department of Fire and Police and appropriate same for such purpose.

SEC. 4. *BE IT FURTHER ENACTED*, That each and every employee of the Department of Fire and Police, shall be assessed five per cent of his or her salary for the benefit of the Firemen's and Policemen's Insurance and Pension Fund. Such amount shall be deducted from the mid-month pay and so shown in the pay roll, and the total amount of deduction shall be made by the proper official and placed in the Firemen's and Policemen's Insurance and Pension Fund, and shall be kept by said Trustee as part of the Firemen's and Policemen's Insurance and Pension Fund as provided in Section 2 of this Act, provided, however, that if any member of the Fire and Police Department shall receive a salary of more than Two Hundred Fifty (\$250.00) Dollars per month, then the deduction shall only be made

on the said sum of Two Hundred Fifty (\$250.00) Dollars per month.

SEC. 5. *BE IT FURTHER ENACTED*, That if at the end of any fiscal year there shall remain an unexpended balance in the budget of the Department of Fire and Police, such balance shall be turned over to said Trustee and placed in said Firemen's and Policemen's Insurance and Pension Fund, as provided in Section 2 of this Act.

SEC. 6. *BE IT FURTHER ENACTED*, That if any personal property comes into the possession of the Department of Fire and Police, if the owner cannot be found, or if no person shall claim such property after six months, the property shall be sold, the net proceeds derived from the sale thereof shall be turned over to said Trustee to be placed in said special Firemen's and Policemen's Insurance and Pension Fund, as provided in Sections 2 and 4 of this Act.

SEC. 7. *BE IT FURTHER ENACTED*, That a sum equal to nine per cent of the monthly pay roll of the Department of Fire and Police shall be collected by the Tax Collector and Treasurer and paid over to said Trustee each month when the five per cent contribution by the employees is deducted from the pay roll.

SEC. 8. *BE IT FURTHER ENACTED*, That the net revenue derived from the operation of the Safety Lane for inspection of motor vehicles shall be turned over to the said Trustee as a part of said Firemen's and Policemen's Pension and Insurance Fund.

SEC. 9. *BE IT FURTHER ENACTED*, That the sum of One Hundred Ten Thousand, Five Hundred Forty-nine Dollars and Seventy-six Cents (\$110,549.76) which now

stands to the credit of the Firemen's and Policemen's Insurance and Pension Fund on the books of the City of Chattanooga, as provided by Chapter 509 of the Private Acts of Tennessee for 1935, be and the same is hereby appropriated to said Firemen's and Policemen's Insurance and Pension Fund and the said City of Chattanooga is hereby directed to transfer to said fund the sum of One Hundred Ten Thousand, Five Hundred Forty-nine Dollars and Seventy-six Cents (\$110,549.76), to be used according to the provisions of this Act.

SEC. 10. *BE IT FURTHER ENACTED*, That there is hereby created a Board to be known as the Board of Directors of the Firemen's and Policemen's Insurance and Pension Fund, consisting of six members, three of which shall be from the Fire Department and three from the Police Department. The present Board of Directors as elected under the provisions of Section 7, Chapter 509 of the Private Acts of Tennessee for the year 1935, shall continue in office until their respective terms expire. That each year after the passage of this Act on the first day of September there shall be held an election for the purpose of electing one member of said Board from the Fire Department, and one from the Police Department, for a term of three years. Said election shall be held at each of the different fire halls and at police headquarters between the hours of 7 A.M. and 7 P.M. The votes shall be counted openly and publicly and the firemen and policemen receiving the highest number of votes shall be elected for a term of three years. At no time shall more than one member of the Fire Department above the rank of Engineer be eligible to serve as a member of said Board, and at no time shall more than one member of the Police Department above the rank of Detective be eligible to serve as a member of said

Board. If a vacancy should occur in said Board for any reason such vacancy shall be filled by the remaining members of said Board for the unexpired term. In addition to the six members hereinbefore provided for, the Mayor by virtue of his office shall be a member of said Board.

SEC. 11. *BE IT FURTHER ENACTED*, That as soon as may be following such election the Board shall meet and organize. There shall be elected for a term of one year from the membership a President, Vice-President and Secretary, who shall respectively discharge the customary duties of such office. The Secretary shall receive pay for his services, amount of such pay to be fixed by the Board, commensurate with the amount of time and work required of him to fulfill his duties.

SEC. 12. *BE IT FURTHER ENACTED*, That the said Board of Directors shall hear and decide all applications for pensions and death benefits under this Act, and its decision on such applications shall be final and conclusive.

SEC. 13. *BE IT FURTHER ENACTED*, That after an employee of the Department of Fire and Police has served not less than twenty years and becomes physically disabled, may at the discretion of the Board of Directors be retired on a full pension and paid a sum equal to fifty per cent of the basic salary of such employee at the time of the retirement. Any employee of the Department of Fire and Police who has served not less than twenty years and has reached the age of fifty-five years may request and demand that he be retired on a pension and paid a sum equal to fifty per cent of his basic salary at the time of retirement. Any employee of twenty-five years, regardless of his age at such time may request and demand that he be retired on a

pension at a sum equal to fifty per cent of his basic salary at the time of retirement and such employee when such demand is made shall be placed upon the pension roll.

After any employee of the Department of Fire and Police has served not less than ten years and becomes physically disabled and because of such disability is unable to discharge the duties required of him, and has been dropped from the pay roll of the City, such employee may be retired on a partial pension at a sum equal to twenty-five per cent of his basic salary at the time of his retirement. If any employee of said Department retires on disability after serving more than ten years and less than twenty years his pension shall be increased over the twenty-five per cent for more than ten years service the sum of two and one half per cent for each additional year of service over ten years and up to twenty years service. At the death of any employee of the Fire and Police Department there shall be paid to his beneficiary or beneficiaries the sum of Two Hundred Fifty (\$250.00) Dollars.

SEC. 14. *BE IT FURTHER ENACTED*, That upon organization of the Board of Directors, the Board shall assume supervision of all members of the Department of Fire and Police who have heretofore been placed on the existing pension roll, including the ones placed thereon as the result of a disability or injuries causing disability, and said Board, on the advice of three competent physicians, shall determine whether or not such members have again become able to perform their duties and are eligible for reinstatement. In the event the Board of Directors shall determine, on the advice of competent physicians, that an employee retired on disability is again able to work, then such employee shall be reemployed and placed on active duty.

SEC. 15. *BE IT FURTHER ENACTED*, That the full amount of pension any employee shall be entitled to, shall not be less than fifty per cent of the employee's basic salary at the time of such employee's retirement; provided, however, that the maximum amount any employee shall receive as a pension shall not be more than One Hundred twenty-five (\$125.00) Dollars per month. In computing the time served by an applicant for a pension if such applicant has been employed in other departments of the City of Chattanooga and has been employed as much as eight years in the Department of Fire and Police such applicant shall be given credit for the time served in such other Departments; provided, however, that such member shall pay into the pension fund the necessary amount to cover the years for which he is given credit, and if he fails to pay such amount into the fund he shall be treated as a new employee when he entered the Fire and Police Department; such provisions shall not apply to employees who have contributed to another municipal pension fund.

SEC. 16. *BE IS FURTHER ENACTED*, That if any employee of the Department of Fire and Police while engaged in the discharge of his duties shall receive injuries resulting in such employee becoming disable from performing his duties, he shall be placed on a full pension and paid the amount heretofore provided, regardless of the length of time served; provided, however, that before such injured employee shall be retired on a pension the Board of Directors shall have the right to have him examined by competent physicians to determine whether or not such disabled employee is unable to discharge his regular, or any other duty that may be required of him by officials of the Department of Fire and Police; and provided, further, that no disabled employee shall be retired on a pension because of injury until six months after such injury was

received. Any employee retired on a pension because of an injury, in event of recovery to the extent that he is again able to perform any duty required of him shall be removed from the pension roll and reinstated in service. If such employee who has been placed upon the pension roll refuses to allow himself to be examined by physicians selected by the Board, the Board shall have the right to suspend his pension until such time as he may permit an examination by the physicians selected by the Board.

SEC. 17. *BE IT FURTHER ENACTED*, That if an employee after having served in said Fire and Police Department, shall have his service terminated by reasons beyond his control or death, for which no benefits are provided by law, such employee or his beneficiaries shall receive from said fund one half the amount of money which said employee has contributed to the Firemen's and Policemen's Insurance and Pension Fund, provided, however, that such employee shall not be paid such money until after a period of ninety days from severance from duty. If such employee should be reinstated or rehired to either the Fire or Police Department after such money has been paid to him he shall be required to pay back into said pension fund the full amount received by him. If he should fail to pay the full amount received back into said fund he shall be classified as a new employee and his pension rights and benefits shall start from the date of reemployment.

SEC. 18. *BE IT FURTHER ENACTED*, That the insurance or pension fund, either before or after its distribution by the Trustee to disabled or retired employees of said Fire and Police Department, and their widows, or the beneficiary of any deceased employee, shall be exempt from the debts of such employee and shall not be subject to attachment, garnishment, execution, or other legal process,

but that the same shall be received by such employee or beneficiary, free from debts, judgments and demands of such employee or beneficiary.

SEC. 19. *BE IT FURTHER ENACTED*, That any employee of the Department of Fire and Police who has served not less than twenty years shall not be deprived of his pension unless he be discharged for cause and on charges preferred in writing. Such employee shall upon request have a hearing by the Board of Commissioners. If such employee is dissatisfied with the action of said Board he may file a petition for certiorari to any court of competent jurisdiction for hearing.

SEC. 20. *BE IT FURTHER ENACTED*, That from and after the passage of this Act, all new employees coming into the Department shall be required to serve the full twenty-five years before they are eligible for retirement, unless they become disabled as is otherwise provided in this Act.

SEC. 21. *BE IT FURTHER ENACTED*, That hereafter no employee of the Fire and Police Department who has served for a period of more than twenty years shall be suspended from the service for a period of more than ninety days.

SEC. 22. *BE IT FURTHER ENACTED*, That there shall be kept by the Secretary of the said Board a book to be known as the List of Retired Firemen and Policemen, and their widows. This book shall give full and complete record of all pensions being paid at the time of the Organization of the Board of Directors and of the action of the Board of Directors in the future in retiring any and all

persons under this Act. Such records shall give names, dates of employment in the Department, date of retirement, and the reasons therefor as to all persons retired. All employees seeking retirement or pension for permanent disability shall make application to the Board of Directors on a form to be provided by the said Board, which application shall be accompanied by proof of facts entitling retirement, or proper medical proof of disability; all applications and proofs shall be retained in the custody of the Board of Directors. Due notice of application shall be recorded by the Secretary and the applicant shall be notified five days in advance of the hearing by the Board on his application.

SEC. 23. *BE IT FURTHER ENACTED*, That every employee of the Department of Fire and Police having beneficiaries who, in the event of their death may be entitled to any benefits of this Act, shall file with the Board the names of his beneficiaries in the order of their precedence stating the relationship of each to said employee; provided, however, the failure to file the names required by this section shall not deprive the employee or his legal beneficiaries of any rights under this Act.

SEC. 24. *BE IT FURTHER ENACTED*, That this Act shall receive a liberal interpretation, and construction, and if any word, clause, paragraph or section shall be held unconstitutional it shall not invalidate the remainder of said Act.

SEC. 25. *BE IT FURTHER ENACTED*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, provided, however, that nothing in this Act shall have any bearing whatsoever on the now existing Pension Laws of the City of Chattanooga, or repeal same affecting employees other than those of the Depart-

ment of Fire and Police of said City, it being the purpose of this Act to repeal the Pension Laws of said City only in so far as they affect employees of said Department of Fire and Police.

SEC. 26. *BE IT FURTHER ENACTED*, That this Act take effect from and after its passage, the Public Welfare requiring it.

PASSED: February 11, 1949.

WALTER M. HAYNES
Speaker of the Senate

McALLEN FONTCH
Speaker of the House of Representatives

APPROVED: 2-16-49

GORDON BROWNING
Governor

MEMORANDUM

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