

**Tennessee Consolidated
Retirement System**

RESOLUTION NO. 17-560

**A RESOLUTION TO ESTABLISH A MANDATORY
RETIREMENT AGE REQUIREMENT OF AGE
SIXTY-TWO (62) OR OLDER PURSUANT TO *TENNESSEE
CODE ANNOTATED*, SECTION §8-36-205.**

WHEREAS, *Tennessee Code Annotated*, Section §8-36-205 provides that any political subdivision participating in the Tennessee Consolidated Retirement System may establish a mandatory retirement age requirement for all its firefighters and police officers, and for all its employees who have been transferred from such a position to a supervisory or administrative position within the political subdivision's police or fire department; provided that:

- (A) the mandatory retirement of any such employee does not violate the Age Discrimination in Employment Act. In case of doubt, the respective political subdivision shall determine whether the employee is employed in a position requiring the mandatory retirement of such employee under the provisions of *Tennessee Code Annotated*, Section §8-36-205 (a) (2);
- (B) the terms and conditions of the requirement shall be the same for all such employees within its employ;
- (C) the mandatory age requirement *shall not be less than* sixty (60) years of age;
- (D) each such employee shall be retired on the first day of the month following the month in which the employee attains the age requirement established by the political subdivision;
- (E) if the mandatory age requirement established by the political subdivision is less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. §§ 401-425), each such employee shall be entitled to the supplemental bridge benefit established pursuant to *Tennessee Code Annotated*, Section §8-36-211; and
- (F) the chief governing body of the political subdivision passes a resolution authorizing the establishment of the mandatory retirement age requirement, and if the mandatory age requirement established by the political subdivision is less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, the political subdivision accepts the liability associated with the granting of the supplemental bridge benefit. All costs associated with providing the supplemental benefit shall be paid by the political subdivision and not by the State; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Mount Carmel desires to establish a mandatory retirement age requirement of 62 years of age pursuant to *Tennessee Code Annotated*, Section §8-36-205; and

WHEREAS, the Governing Body of the above-named Political Subdivision acknowledges that the mandatory retirement age requirement adopted by this resolution is equal to or greater than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, and that, as a result thereof, its employees shall not be entitled to the supplemental bridge benefit established pursuant to *Tennessee Code Annotated*, Section §8-36-211.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the above-named Political Subdivision hereby establishes a mandatory retirement age requirement of for all its firefighters and police officers, and for all its employees who have been transferred from such a position to a supervisory or administrative position within the political subdivision's police or fire department, subject to the terms and conditions of *Tennessee Code Annotated*, Section §8-36-205.

BE IT FURTHER RESOLVED, that the Governing Body of the above-named Political Subdivision acknowledges that since the mandatory retirement age requirement adopted by this resolution is equal to or greater than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, its employees shall not be entitled to the supplemental bridge benefit established pursuant to *Tennessee Code Annotated*, Section §8-36-211.

A D O P T E D this the 26th day of September, 2017.

CHRISTOPHER S. JONES, Mayor

ATTEST:

MARIAN SANDIDGE, City Recorder

APPROVED AS TO FORM:

JOHN PEVY, Town Attorney

FIRST READING	AYES	NAYS	OTHER
Alderman Diane Adams		X	
Alderman Eugene Christian		X	
Alderman Margaret Christian	X		
Alderman Wanda Davidson		X	
Alderman Jennifer Williams		X	
Vice-Mayor Carl Wolfe		X	
Mayor Christopher Jones		X	
TOTALS			

██████: September 26, 2017

**STATE OF TENNESSEE
COUNTY OF HAWKINS**

I, Marian Sandidge, City Recorder of the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 26th day of September, 2017, the original of which is on file in this office. I further certify that _____ members voted in favor of the resolution and that _____ members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the Town of Mount Carmel.

Marian Sandidge, as Clerk of the Board,
as aforesaid

SEAL