

1 **A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS TO**
2 **AMEND THE RESOLUTION CREATING THE FULTON COUNTY EMPLOYEES'**
3 **RETIREMENT SYSTEM ADOPTED SEPTEMBER 11, 1991, AS RESTATED BY A**
4 **RESOLUTION ADOPTED DECEMBER 18, 1991, AND AS FURTHER AMENDED**
5 **THEREAFTER, SO AS TO AMEND SECTION 4.9 OF THE DEFINED BENEFITS PLAN**
6 **RELATED TO REEMPLOYMENT TO ALLOW CERTAIN FORMER FULTON COUNTY**
7 **SHERIFF'S OFFICE DETENTION OFFICERS AND SWORN OFFICERS OF ANY**
8 **RANK RECEIVING A FULTON COUNTY PENSION BENEFIT TO WORK AS**
9 **DETENTION OFFICERS BEYOND THE 1,040 HOURS PER YEAR LIMITATION**
10 **THROUGH DECEMBER 31, 2026, WITHOUT PENALTY AND WITHOUT IMPACT TO**
11 **THEIR EXISTING PENSION BENEFIT; TO REMOVE THE PENALTY FOR**
12 **REEMPLOYED RETIREES WHO WORK NO MORE THAN 1,040 HOURS PER YEAR;**
13 **AND FOR OTHER PURPOSES.**

14
15 **WHEREAS**, pursuant to Art. 9, § 2, ¶ 1(f) of the Constitution of the State of
16 Georgia, Fulton County (the "Employer") created and established the Fulton County
17 Employees Retirement System (the "Plan") effective September 1, 1991, as a defined
18 benefit retirement plan for eligible employees; and

19
20 **WHEREAS**, the Employer has amended the Plan from time to time pursuant to
21 its authorities and in the best interests of the retirees and Fulton County; and

21
22 **WHEREAS**, pursuant to Section 9.4 of the Plan, the Employer reserves the
23 right to amend the plan as allowed by law, with notice thereafter provided to the
24 Investment Adviser or custodian; and

24
25 **WHEREAS**, on March 11, 1992, the Board of Commissioners amended
26 Section 4.9 of the Plan related to reemployment of retirees by adding subsection (c)
27 in order to allow retirees to be reemployed for up to six months in a calendar year
28 without penalty; and

28
29 **WHEREAS**, on March 2, 2011, via Agenda Item 11-0207, the Board of
30 Commissioners further amended Section 4.9 of the Plan related to reemployment of
 retirees, in order to allow retirees to be reemployed for up to 1,040 hours per year but

1 with an adjustment to their compensation because of the pension benefit being
2 received; and

3 **WHEREAS**, the Board Commissioners has determined that the Plan is closed
4 and has not enrolled any new active employees in the Plan since 1999; and

5 **WHEREAS**, the Fulton County Jail has a critical and urgent need to add
6 detention officer positions to ensure the safety of inmates and other staff members as
7 required by the January 6, 2025 Consent Decree in *United States of America v. Fulton*
8 *County and Sheriff Patrick Labat, in his official capacity*, No. 1:25-cv-00074-LMM ("the
9 Consent Decree"); and

10 **WHEREAS**, the Consent Decree in paragraphs 61 – 71 ordered the Fulton
11 County Sheriff to conduct a staffing analysis and to determine the levels of staffing in
12 the Fulton County Jail that are needed for supervising incarcerated individuals,
13 ensuring access to medical and mental health care, and taking into consideration
14 potential overcrowding, staff necessary for trips from the Jail to outside locations such
15 as a hospital, and a sufficient number of staff to provide relief from regular and special
16 detail-related absences; and

17 **WHEREAS**, CGL Management Group, LLC conducted a staffing analysis of the
18 Fulton County Sheriff's Office and preliminarily found as of October 2025 that, among
19 other things, there has been a significant decrease in security staffing levels between
20 2021 to 2025 and that the Fulton County Sheriff's Office needs additional full-time
21 security staff for adequate staffing; and

22 **WHEREAS**, based on the preliminary findings there is a substantial deficit of
23 employed detention officers; and

1 **WHEREAS**, the Board of Commissioners desires to create an interim solution
2 to swiftly triple the number of detention officers by utilizing experienced former Fulton
3 County Sheriff's officers alongside newly recruited personnel; and

4 **WHEREAS**, providing the ability for the Plan retirees who retired as Fulton
5 County Sheriff's detention officers or sworn officers of any rank and currently have the
6 requisite certification to work as a detention officer ("Certified Retirees") to hold
7 detention officer positions without penalty and without financial impacts to their existing
8 pensions during a limited period through December 31, 2026, will provide immediate
9 and ongoing relief as the Fulton County Jail continues to hire and onboard new
10 personnel in detention officer positions; and

11 **WHEREAS**, the Board of Commissioners is committed to ensuring adequate
12 and professional staffing for the critical functions of the Fulton County Jail, and seeks
13 to encourage the reemployment of Certified Retirees who have institutional knowledge
14 of the processes and procedures of jail operations; and

15 **WHEREAS**, the Board of Commissioners recognizes that Certified Retirees are
16 in a unique position to step in and quickly assume vacant detention officer positions in
17 the Fulton County Jail and assist with leading newer detention officers who have less
18 experience in the Fulton County Jail; and

19 **WHEREAS**, Certified Retirees would not be able to return to service in the Fulton
20 County Jail to fill these critical needs without a penalty to their Plan benefits unless the
21 Plan is amended; and

22 **WHEREAS**, the Board of Commissioners also recognizes that the 2011
23 amendment to Section 4.9 of the Plan imposes a penalty on Plan retirees who are

1 reemployed no more than 1,040 hours by requiring an adjustment to their compensation
2 based on the pension amount received; and

3 **WHEREAS**, the penalty on Plan retirees who are reemployed no more than
4 1,040 hours impedes the ability to reemploy Plan retirees even in part-time or limited
5 capacities for operational needs such as quicker onboarding for immediate staffing
6 needs and organizational stability during transition periods; and

7 **WHEREAS**, in addition to the limited-duration relief for Certified Retirees, the
8 Board of Commissioners desires to remove the penalty imposed on Plan retirees who
9 are reemployed no more than 1,040 hours; and

10 **WHEREAS**, the Board of Trustees of the Fulton County Employees Retirement
11 System supports an amendment to the Plan to allow the Plan retirees who retired as
12 Fulton County Sheriff's detention officers or sworn officers of any rank and currently
13 have the requisite detention officer certification to work as a full time detention officer
14 in the Fulton County Jail through December 31, 2026, to meet the emergent needs of
15 the County and the Fulton County Sheriff, without penalizing said retirees or modifying
16 or recalculating their pension benefits; and

17 **WHEREAS**, the Board of Trustees of the Fulton County Employees Retirement
18 System also supports an amendment to the Plan to remove the penalty imposed on
19 Plan retirees who are reemployed no more than 1,040 hours such that an adjustment
20 to their compensation based on the pension amount received will not be required.

21 **NOW THEREFORE**, the Board of Commissioners of Fulton County hereby amends
22 Section 4.9 of the Defined Benefit Plan related to Reemployment of Participant to add the
23 underlined language in subsection (c) and the new subsection (d) as follows:

SECTION 1.

4.9 *Reemployment of Participant.*

(a) **Suspension of Benefits.** If a Participant receiving benefits under the Plan is reemployed by the Employer, any benefits payable to him under the Plan shall be suspended during such period of reemployment but shall resume as of the first day of the month following the Participant's subsequent termination.

(b) **Effect on Amount of Benefits.** A Participant who is reemployed by the Employer and becomes an Active Participant shall accrue benefits under the Plan and Trust just as any other Active Participant and shall be paid any such benefits to which he or she may become entitled under Article 4 upon reemployment; provided, however, that the determination of the amount of such individual's Accrued Benefit at such time shall take into account only those additional years of Creditable Service that were not used in determining any benefit whose payment is suspended pursuant to subsection (a) or any benefit as to which the entire present value was distributed to the Participant.

(c) ***Reemployment of Participant.*** Notwithstanding the provision of this section, an individual receiving benefits under the plan who is reemployed by the employer on a temporary basis not exceeding a total of 1,040 hours in any calendar year and is ineligible to participate in the plan under the provisions of subsection (2) of the definition of eligible employee in section 154-91 shall continue to receive the pension benefit previously awarded to him, but shall not accrue additional benefits under the plan by virtue of such temporary employment. In addition, no reemployed participant shall be eligible for the General Disability Retirement Benefits as provided in section 4.4, the Peace Officers' Disability Pension Benefit as provided in section 4.5, the Reduction in Force Pension Benefit as provided in section 4.6 and the Death Benefits as provided in section 4.11 on account of any occurrence during such temporary employment. The compensation payable to such individual shall be adjusted because of the pension benefit being received.

(d) Reemployment of Fulton County Sheriff's Office detention officers and sworn officers of any rank as detention officers. Notwithstanding the provisions of this section, an individual receiving benefits under the Plan who retired as a Fulton County Sheriff's Office detention officer or sworn officer of any rank prior to January 21, 2026 and who is reemployed as a Fulton County Sheriff's Office detention officer on or after January 21, 2026 and possesses the requisite certification to work as a detention officer at the time of application for reemployment shall continue to receive the pension benefit previously awarded to them during such reemployment, regardless of the hours worked, through December 31, 2026; provided that such individual shall not accrue additional benefits under the Plan or have their accrued benefit recalculated due to the additional hours worked for the Fulton County Sheriff's Office during this period. In addition, no reemployed participant shall be eligible for the General Disability Retirement Benefits as provided in section 4.4. the Peace Officers' Disability Pension Benefit as provided in

section 4.5, the Reduction in Force Pension Benefit as provided in section 4.6 and the Death Benefits as provided in section 4.11 on account of any occurrence during such reemployment through December 31, 2026, nor shall they have the ability to contribute to or participate in Fulton County's Defined Contribution (401(a)) Plan or enroll in Fulton County active employee benefits during such reemployment through December 31, 2026 unless and to the extent required by law.

SECTION 2.

This amendment shall be made effective January 21, 2026, and the Clerk to the Commission is hereby directed to take all steps to update Fulton County Code Section 154-140 to reflect these Plan amendments.

SECTION 3.

All Resolutions or parts thereof in conflict herewith are hereby repealed.

FULTON COUNTY BOARD OF COMMISSIONERS

Sponsored by:

Dana Barrett, Commissioner
District 3

ATTEST:

Tonya Grier
Clerk to the Commission

APPROVED AS TO FORM:

**Y. Soo Jo
County Attorney**