

ORDINANCE NO. 23 (OTG)
Adopted December 10, 1962

AN ORDINANCE TO EXTEND THE PROVISIONS OF SECTION 1, ACT NO. 204, REGULAR SESSION, LOUISIANA LEGISLATURE OF 1952, AS AMENDED, PROVIDING SOCIAL SECURITY TO ELIGIBLE OFFICERS AND EMPLOYEES OF THE TOWN OF STERLINGTON, LOUISIANA.

Sec. 1. That it is hereby declared to be the policy and purpose of the Town of Sterlington, Louisiana, to extend the provisions of Section 1 of Act No. 204, Regular Session, Louisiana Legislature of 1952, as amended, providing Social Security coverage to eligible officers and employees of the Town of Sterlington, Louisiana. In pursuance of said policy, and for said purpose, the officers of the Town of Sterlington, Louisiana, shall take such action as may be required by applicable State or Federal laws or regulations. The coverage of eligible officers and employees shall be effective as of January 1, 1963.

Sec. 2. The Mayor of the Town of Sterlington, Louisiana, is hereby authorized and directed to execute an agreement with the Public Employees Board of Louisiana to secure Social Security coverage of eligible officers and employees as provided in Section 1 hereof.

Sec. 3. Withholdings from salaries or wages of officers and employees for the purposes provided in Section 1 hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws and regulations, and shall be paid over to the Public Employees Board, a State Agency, in such amounts and at such times as are designated by State laws and regulations of said Agency.

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Sec. 4. Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the State Agency in accordance with applicable State laws and regulations of said Agency.

Sec. 5. The Mayor shall maintain such records and submit such reports as may be required by applicable State and Federal laws or regulations.

Sec. 6. This ordinance shall take effect and be in full force from and after its passage.

Passed the tenth day of December, 1962.

SOCIAL SECURITY COVERAGE

AGREEMENT:

(A) It is agreed by and between the contracting parties that the terms and conditions stated in this agreement shall be in conformity with said Act No. 204 of 1952, as amended, being the Social Security Enabling Act of the State of Louisiana. It is further agreed that the APPENDIX hereto attached is by reference made a part hereof as fully as though it were herein set forth at length.

(B) DEFINITIONS:

For the purposes of this agreement:

(1) The term "political subdivision" includes an instrumentality of (a) the State, (b) one or more political subdivisions of the State, or (c) the State and one or more of its political subdivisions, but does not include a joint instrumentality of this and any other State or States.

(2) The term "employee", means an employee as defined in Section 210 (k) and 218 (b)(3) of the Social Security Act, as amended, and shall include an officer of the State or of a political subdivision thereof.

(3) The term "retirement system" means a pension, annuity, retirement, or similar fund or system established by the State or by a political subdivision thereof.

(4) An "absolute coverage group" is a coverage group as defined in Section 218 (b)(5) of the Social Security Act, as amended. A "retirement system coverage group" is a coverage group as defined in Section 218 (d)(4) of the said Act.

(C) SERVICES COVERED.

This agreement includes all services performed by individuals as employees of the POLITICAL SUBDIVISION, EXCEPT:

(1) Any service which, in the absence of an agreement entered into would constitute "employment", as defined by the Social Security Act, as amended.

(2) Any service performed by an employee in a position which, on the effective date specified under part (J), or on the effective date of any modification thereof, whichever is later, is covered by a retirement system.

(3) Any (a) services of an emergency nature, or (b) services in any class or classes of elective position, or (c) part-time positions, or (d) positions the compensation for which is either in whole or in part on a fee basis, if so specified in the appendix to this agreement or in any modification thereof with respect to any coverage group or political subdivision listed herein.

(4) Service performed in a hospital, home, or other institution by any patient, student or inmate of the institution.

(5) Service in positions covered by a retirement system established by the State, a political subdivision or an instrumentality of either on the date of this agreement, or any modification of this agreement, is made applicable to the coverage group (as defined in Section 218 (b) (5) of the Social Security Act, as amended), to which the employee performing such service belongs.

(6) Any (a) agricultural labor or (b) service performed by a student, if so specified in the appendix to this agreement or in any modification thereof with respect to any coverage group or political subdivision listed therein. This paragraph shall apply only with respect to service which is excluded from employment by any provision of Section 210 (a) other than paragraph (8) of such Section of the Federal Social Security Act, as amended.

(D) CONTRIBUTIONS BY THE POLITICAL SUBDIVISION.

(1) The POLITICAL SUBDIVISION as a part of this agreement hereby agrees to pay to the STATE AGENCY, at such time or times as the STATE AGENCY may by regulation prescribe, amounts equivalent to the sum of taxes which would be imposed under the Federal Insurance Contribution Act if the services of employees covered by this agreement constituted employment as defined in such Act.

(2) The POLITICAL SUBDIVISION as a part of this agreement hereby agrees to reimburse the STATE AGENCY by separate payment, at such time or times as the STATE AGENCY may by regulation prescribe, its pro rata share of the total expenses of administration, payable at the rate of five per cent (5%) of the total contribution due the STATE AGENCY which may be reduced by the STATE AGENCY if conditions warrant, but said rate of five per cent (5%) shall not be increased.

(E) COMPLIANCE WITH THE LAW AND REGULATIONS.

The POLITICAL SUBDIVISION further agrees that it will comply with all Federal and State laws and with such Rules and Regulations as the STATE AGENCY may prescribe to carry out the purposes of Section 218 of the Social Security Act, as amended.

(F) MODIFICATION.

This agreement will be modified at the request of the POLITICAL SUBDIVISION to include additional employees or additional services not now included in this agreement, such modification to be consistent with the provisions of Section 218 of the Social Security Act, as amended, but no modification shall be allowed to exclude employees or services included in this agreement.

(G) TERMINATION BY THE POLITICAL SUBDIVISION.

The POLITICAL SUBDIVISION, upon giving at least two years' advance notice in writing to the STATE AGENCY, may terminate this agreement, effective at the end of a calendar quarter specified in the notice, provided, however, that the agreement may be terminated only if it has been in effect not less than five years prior to receipt of such notice.

(H) TERMINATION BY THE STATE AGENCY FOR CAUSE.

If the STATE AGENCY, after reasonable notice and opportunity for hearing to the POLITICAL SUBDIVISION, finds that the POLITICAL SUBDIVISION has failed to comply substantially with any provision of this agreement or of Subsection 218 of the Social Security Act, as amended, the STATE AGENCY shall notify the POLITICAL SUBDIVISION by giving notice in writing that this agreement in accordance with Section 5 (a)(6) of Act. No. 204, Laws of 1952, as amended, will be terminated.

Provided further that if the Secretary of the Department of Health, Education, and Welfare shall terminate the agreement with the State of Louisiana, in its entirety, or as to this political subdivision, at any time, in accordance with the provisions of Section 218 (g)(2) of the Federal Social Security Act, as amended, the date of any such termination shall constitute the date of termination of this agreement.

(I) FAILURE TO MAKE PAYMENTS WHEN DUE.

In case the POLITICAL SUBDIVISION fails to make, at the time or times due, the payments provided for under this agreement, there shall be added, as part of the amounts due, interest at the rate of six per cent (6%) per annum from the date due until paid, and the STATE AGENCY may recover such amount as is delinquent, plus accrued interest by action in a court of competent jurisdiction against the POLITICAL SUBDIVISION liable therefor. In addition, upon due certification of the delinquency and at the request of the STATE AGENCY such sums with interest at the rate of six per cent (6%) per annum shall be deducted from any monies payable to the POLITICAL SUBDIVISION or instrumentality by any department or agency of this State.

The POLITICAL SUBDIVISION hereby exercises its option under the provisions of Act No. 204 of 1952, as amended, to accept the benefits of Social Security coverage for the employees thereof; unless stated otherwise in the appendix attached hereto.

(J) EFFECTIVE DATE.

This agreement to be effective as of January 1, 1963 is hereby entered into on the 30th day of January, 1963 between the State of Louisiana, acting herein through the Public Employees Board, represented by A. P. TUGWELL, its Director, under authority vested in him by resolution of the Public Employees Board, pursuant to the provisions of Act No. 204, Regular Session, Louisiana Legislature of 1952, as amended, and the TOWN OF STERLINGTON, Louisiana, a Political Subdivision, through its governing authority represented herein by J. B. MILSTEAD, its MAYOR pursuant to the Ordinance of said POLITICAL SUBDIVISION, incorporated herein and made a part hereof.

APPENDIX TO ARTICLE I OF THIS AGREEMENT

This appendix is to be and become a part of the above and foregoing agreement made and entered into by and between the Public Employees Board of Louisiana, and the TOWN OF STERLINGTON, Louisiana, a POLITICAL SUBDIVISION of the State.

It is understood and agreed that in addition to the officers and employees of the above named POLITICAL SUBDIVISION excluded from the provisions of Old

Ordinance No. 23 (continued)

Age, Survivors and Disability insurance benefits under the Social Security Act, as amended, under the terms and provisions of Part (c), Article I of the agreement to which this appendix is made a part, officers and the employees in the following marked classification of positions shall likewise be excluded from coverage under the provisions of the Social Security Act, as amended.

- (1) All services of an emergency nature.
- (2) Elective positions.
- (3) Part-time positions.
- (4) Positions on a fee basis.
- (5) Any agricultural labor or service performed by a student, otherwise excluded from employment by any provision of Section 210 (a) other than paragraph (8) of such Section of the Federal Social Security act, as amended.

IMPORTANT - PLEASE READ

If the POLITICAL SUBDIVISION wishes to exclude officers and employees engaged in performing services in any one or all of the above listed classifications, numbered (1) through (5) from coverage under the Social Security Act, as amended, it shall place a cross (x) or star (*) in the box to the left of the classification desired to be excluded. Otherwise, such officers and employees shall be covered by Social Security Act, as amended.

APPENDIX

Name of POLITICAL SUBDIVISION:

Town of Sterlington, Louisiana.

1. Source or sources of funds from which the required payments are to be made by the POLITICAL SUBDIVISION in conformity with this agreement, and subsequent modifications thereof, and assurance that such sources from which such funds are to be derived will be adequate for such purposes.

SOURCE OF FUNDS

Taxation.

2. Name, title and address of officer designated to act as the custodian of all funds collected and who will be responsible to the STATE AGENCY for delivery of such funds. The STATE AGENCY is to be notified immediately of any change.

NAME OF CUSTODIAN

Mrs. Bill Jordan, Treasurer

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3. Name, title and address of officer designated in charge of payroll records, together with the name of the agency and business address in each case where the payroll records are maintained in more than one location. The STATE AGENCY is to be notified immediately of any change.

J. B. Milstead, Mayor

Helen Wimberly, Clerk of Town

4. Indicate the approximate number of employees to be reported.

One

5. All payroll reports together with payments of contributions from the POLITICAL SUBDIVISION pursuant to regulations are to be submitted to Public Employees Board, Capitol Station, Baton Rouge, Louisiana.

The report for each calendar quarter shall be due 20 days after the last day of the last month of the calendar quarter.

MODIFICATION NO. 275

TO LOUISIANA STATE SOCIAL SECURITY AGREEMENT

The Secretary of Health, Education, and Welfare and the State of Louisiana acting through its representative designated to administer its responsibility under the agreement of December 10, 1952, hereby accept as an additional coverage group under said agreement and accept the full applicability of the original agreement to the following:

CITIES

Town of Sterlington

Effective date of coverage: January 1, 1963.

Excluded services:

- a. Elective positions.

Approximate numbers of employees - 1.

In accordance with Section 218 (f)(2) of the Act, the State of Louisiana designates the following date: January 3, 1963.

Approved for the Public Employees Board this 3rd day of January, 1963.

MODIFICATION NO. 275

The title and address of the person charged with the duty of making assessments, collections and reports for the unit covered by this modification are as follows:

TOWN OF STERLINGTON

Treasurer
Sterlington, La.