

**Subject: Early Retirement Incentive Program**

**Date: February 11, 2009**

**Pages: 1 of 3**

**Replaces Policy Dated: N/A**

**PURPOSE:**

The purpose of the Early Retirement Incentive Program (ERIP) of Pinal County is to reduce costs to the County.

**QUALIFICATIONS:**

Eligible Employees: To be a eligible for participation in this program an employee must:

- a. Must be a full time employee of the County paid out of the General Fund on the date of acceptance of the person's application.
- b. Must be a current participant in the Arizona State Retirement System, age 62 with 10 or more years of service, or be 65 years of age and eligible for a normal retirement from the Arizona State Retirement System as of December 31, 2008.

Employees who are participants in the Corrections Officer Retirement System, Public Safety Retirement System or Elected Officials Retirement System are not eligible to participate in this Early Retirement Incentive Program. This program is not available to participants in the Arizona State Retirement System who are less than age 62 and who have achieved 80 points.

Resignation: Eligible Employee participants in the program shall resign their positions with the County not later than March 31, 2009.

Application and Agreement: Each qualified Eligible Employee who wishes to participate must submit an application and agreement on or before March 16. The application and agreement may be withdrawn by the employee at any time before issuance and acceptance of the incentive payment. Failure to submit the application or agreement within the time frame specified therein shall result in the rejection of such application.

Terminated Employee's Ineligibility: An employee who has received written notice of possible termination for reasons other than reduction in force shall NOT be eligible and may NOT participate in this program,

**BENEFITS:**

Calculation of Benefits: An Eligible Employee requesting to receive the ERIP shall receive the following benefits:

- a. Payment of 100% of accrued unused sick time and vacation time.

Income Tax Consequences: Early Retirement Incentive pay has been determined to be taxable income for state and federal income tax purposes and will be treated as such. It will be reported

## **Early Retirement Incentive Program**

Page 2

as a taxable retirement payment. Any required state or federal withholdings will be subtracted from each payment to the retiree.

Retired employees are eligible to continue the County Benefits coverage under COBRA for 18 months,

## WAIVER AND RELEASE AGREEMENT (“AGREEMENT”)

In consideration of the receipt of benefits under the Pinal County Early Retirement Incentive Plan (“ERIP”), I waive and release any and all rights or claims arising under local, state and federal law that I may have against the Pinal County at the time I sign this Agreement, including but not limited to claims arising under the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Equal Pay Act, the Arizona Civil Rights Act, the Arizona Employment Protection Act, the Arizona Wage Statute A.R.S. § 23-350, et seq., and Pinal County policies, and any and all actions for breach of contract, express or implied, breach of the covenant of good faith and fair dealing, express or implied, wrongful termination in violation of public policy, and all other tort claims, including, but not limited to, intentional or negligent infliction of emotional distress, invasion of privacy, negligence, negligent hiring or retention, defamation, intentional or negligent misrepresentation, fraud, and any and all other claims arising under laws and regulations relating to employment termination, employment discrimination or retaliation, wages, hours, benefits, compensation, and any and all claims for attorneys’ fees and costs.

I affirm that I have been paid all wages due and owing including, but not limited to, overtime in accordance with the Fair Labor Standards Act, and have received any and all benefits for which I would be eligible under the Family and Medical Leave Act.

Excluded from this waiver are all claims for benefits under the ERIP and any claims that may not be waived under state or federal law.

I acknowledge that I have been given at least 45 days to review and consider this Agreement and any attachments, and that I have been advised to consult with an attorney before signing this Agreement. I understand that I have until April 7, 2009, which is at least seven days after my execution of this Agreement, to revoke it by written notice to the Director of Human Resources, 31 N. Pinal Street, P.O. Box 1590, Florence, Arizona 85232. If I do not revoke this Agreement by that time, I may not revoke it thereafter.

The ERIP is available to all Pinal County employees who satisfy its eligibility criteria.

This Agreement contains the entire agreement of the parties with respect to its subject matter and can be modified only when signed by both parties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pinal County

\_\_\_\_\_  
Date