

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED

DEC 09 2002

G. PATRICK MURPHY,
DISTRICT JUDGE
SOUTHERN DISTRICT OF ILLINOIS
ST. LOUIS, ILLINOIS

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CIVIL NO. 93-799-GPM

THE CITY OF BELLEVILLE and THE)
CITY OF BELLEVILLE BOARD OF FIRE)
AND POLICE COMMISSIONERS,)

Defendants.)

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

Before the Court is the joint motion to distribute pension fund in accordance with the United States' December 2, 2002, proposed plan (Doc. 443) and objections to the motion. The motion and objections were called for hearing on December 9, 2002, pursuant to notice. The Court having considered these matters, overrules all objections and grants the motion. **IT IS FURTHER ORDERED:**

1. A total of \$37,892.00 shall be distributed forthwith from the Pension Fund, which is currently on deposit in the registry of the Court in the above-styled action, to the City of Belleville's Firefighters' Pension Board. This check, to be made payable to "City of Belleville Firemen's Pension Fund," taxpayer identification number 37-6102304, shall be provided to Attorney David F. Yates, Thompson & Coburn, One US Bank Plaza, St. Louis, Missouri 63101. This \$37,892.00 payment represents \$900 to compensate the City of

Belleville Firefighters' Pension Board for the cost of retaining D.J. Mosier, & Associates in connection with the September 25, 2002, Order of the Court and \$36,992.00 for the cost of purchasing retroactive pension credits on behalf of the individuals described below. In consideration for the receipt of \$37,892.00, the City of Belleville's Firefighters' Pension Board shall afford the following relief to the individuals described below:

Andrew Hudson: Remedial pension credits extending between July 20, 1997 (remedial pension date) and June 15, 1998 (actual date of hire);

Sidney Byas: Remedial pension credits extending between October 24, 1997 (remedial pension date) and November 2, 1998 (actual date of hire); and

Michael Bradley: Remedial pension credits extending between July 20, 1997 (remedial pension date) and June 15, 1998 (actual date of hire).

2. A total of \$167,419.00 shall be distributed forthwith from the Pension Fund, which is currently on deposit in the registry of the Court in the above-styled action, to the City of Belleville Police Pension Board. This check, to be made payable to "City of Belleville, Police Pension Fund," taxpayer identification number 36-6431947, shall be provided to Attorney David F. Yates, Thompson & Coburn, One US Bank Plaza, St. Louis, Missouri 63101. This \$167, 419.00 payment represents \$3,600.00 to compensate the City of Belleville's Police Pension Board for the cost of retaining D.J. Mosier, & Associates in connection with the September 25, 2002, Order of the Court and \$163,819.00 for the cost of purchasing retroactive pension credits on behalf of the individuals described below. In consideration for the receipt of \$167,419.00, the City of Belleville Police Pension Board shall afford the following relief to the individuals described below:

Armand Harris: Remedial pension credits extending between December 25, 1996

(remedial pension date) and September 28, 1998 (actual date of hire);

Kathleen Wallen: Remedial pension credits extending between July 23, 1996 (remedial pension date) and January 2, 1997 (actual date of hire);

John Moody: Remedial pension credits extending between April 19, 1995 (remedial pension date) and September 4, 1998 (actual date of hire);

Parrish Marshall: Remedial pension credits extending between December 6, 1995 (remedial pension date) and January 2, 1997 (actual date of hire);

Kelly Paul: Remedial pension credits extending between June 3, 1992 (remedial pension date) and January 3, 1994 (actual date of hire); and

William G. Clay: Remedial pension credits extending between June 18, 1993 (remedial pension date) and July 14, 1995 (actual date of hire).

3. A total of \$60,018.00 shall be distributed forthwith from the Pension Fund, which is currently on deposit in the registry of the Court in the above-styled action, to the Illinois Municipal Retirement Fund ("IMRF"). This check, to be made payable to "Illinois Municipal Retirement Fund," taxpayer identification number 36-6001368, shall be provided to Attorney David F. Yates, Thompson & Coburn, One US Bank Plaza, St. Louis, Missouri 63101. Pursuant to Section 6.40D of the IMRF Manual for Authorized Agents, the IMRF, in consideration for the receipt of \$60,018.00, shall afford the following relief to the individuals described below:

Marshall Wilson: Remedial pension credits extending between February 1, 1994 (remedial pension date) and September 8, 1997 (actual date of hire);

Sherry Hill: Remedial pension credits extending between November 1, 1993 (remedial pension date) and March 24, 1997 (actual date of hire);

Carmen S. Murphy: Remedial pension credits extending between May 1, 1995 (remedial pension date) and August 1, 1999 (actual date of hire);

Linda Wallace: Remedial pension credits extending between November 1, 1998 (remedial pension date) and June 4, 2001 (actual date of hire);

Annie Baugus: Cash refund in the amount of \$2,380.00, less any mandatory withholding.

Gwenell Harris: Cash refund in the amount of \$2,803.00, less any mandatory withholding.

Wesley Smith: Remedial pension credits extending between December 1, 1996 (remedial pension date) and March 22, 1999 (actual date of hire); and

Dathan Jackson: Remedial pension credits extending between March 1, 1999 (remedial pension date) and January 16, 2001 (actual date of hire).

4. The City of Belleville shall provide Annie Baugus, Gwenell Harris, Wesley Smith, and Dathan Jackson with one day of active employment with the City of Belleville and process all necessary paperwork in order to ensure that each individual is credited with service credits and/or rendered eligible to receive a refund in accordance with 40 ILCS § 5/7-139. The IMRF will simultaneously process all necessary paperwork for each of these individuals in accordance with the terms of this order. The City of Belleville shall also make the following payments to the individuals described below in connection with providing them one day of active employment.

Gwenell Harris: Payment in the net amount of \$68.34.

Wesley Smith: Payment in the net amount of \$69.08.

Dathan Jackson: Payment in the net amount of \$64.27.

Annie Baugus: Payment in the net amount of \$119.02.

5. The remainder of the funds on deposit in the Pension Fund, estimated at \$11,699.71, shall be distributed forthwith from the Pension Fund that is currently on deposit in the registry of

the Court in the above-styled action to the City of Belleville. This check, to be made payable to the "City of Belleville," taxpayer identification number ID #37-6001921, shall be provided to Attorney David F. Yates, Thompson & Coburn, One US Bank Plaza, St. Louis, Missouri 63101. In consideration for the receipt of the remainder of the funds on deposit in the Pension Fund, the City of Belleville shall provide each of the individuals described below with a lump sum check, less any mandatory withholdings, in the amount indicated:

Mary Hall: Payment in the amount of \$2,041.00, less mandatory withholding.

Dwayne Hunter: Payment in the amount of \$3,176.00, less mandatory withholding.

DeAngelo Franklin: Payment in the amount of \$5,392.00, less mandatory withholding.

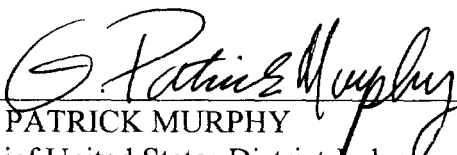
In the event that any of the sums of money referenced in paragraphs 1, 2 or 3 above are determined by the City of Belleville's Police Pension Fund, City of Belleville's Firefighters' Pension Fund or the IMRF ("Pension Boards") to be inadequate to fund the pension dates referenced therein, the City of Belleville shall pay the Pension Boards the difference between the amount received by the Pension Boards from the Pension Fund and the amount required to fully fund the remedial pension dates set forth in this Order. However, the City of Belleville shall not be required to pay one or more of the Pension Boards any amount in excess of \$740.00. Any sums remaining after the above-referenced payments are made shall revert to the City of Belleville in accordance with Modified Paragraph 40 (p)(2) of the Consent Decree.

6. The parties, the IMRF and the City of Belleville's Police and Firefighters' Boards shall carry out their respective responsibilities under the terms of this Order promptly and in any event on or before **December 31, 2002**.

7. The individual relief ordered herein is made pursuant to the Consent Decree entered into in settlement of an action arising under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

IT IS SO ORDERED.

DATED this 9th day of December, 2002.


G. PATRICK MURPHY
Chief United States District Judge