

Sec. 2-305. - Nonduty death.

(a) Any member who continues in the employ of the city after the date such member either acquires 15 years of credited service or attains age 55 years and has ten or more years of credited service may, by written declaration duly executed and filed with the board, elect option II provided in section 2-304(a)(2) and nominate a beneficiary whom the board finds to have an insurable interest in the member's life. ~~be dependent upon such member for at least 50 percent of the member's financial support.~~ Prior to the effective date of such member's retirement, the member may revoke his election of option II and nomination of a beneficiary and may, prior to the effective date of such member's retirement, again elect option II and nominate a beneficiary as provided in this subsection. Upon the death of a member who has an option II election in force, the member's beneficiary, if living, shall immediately receive a retirement allowance computed in the same manner in all respects as if such member had retired the day preceding the date of such member's death, notwithstanding that the member might not have satisfied the age and service requirements for retirement provided in section 2-299; provided that the computation of the retirement allowance of section 2-301(b) shall not be applied if the deceased member was a covered member. If a member has an option II election in force at the time of his retirement, the member's election of option II and nomination of a beneficiary shall thereafter continue in force, unless prior to the effective date of the member's retirement the member elects to receive his retirement allowance as a straight life retirement allowance or according to another option provided in section 2-304(a). No benefits shall be paid under this subsection on account of the death of a member if any benefits are paid under section 2-310 on account of the member's death.

(b) Any member who continues in the employ of the city after the date he either acquires 15 years of credited service, or attains age 55 years and has ten or more years of credited service, and in either case does not have an option II election in force as provided in subsection (a) of this section, and dies while in city employment and leaves a surviving spouse to whom the member was legally married at the time of death, widow, or in the case of a female member, leaves a widower whom the board finds to be totally and permanently disabled and to have been dependent upon such female member for at least 50 percent of his financial support, such spouse widow or widower shall immediately receive a retirement allowance computed in the same manner in all respects as if such member had: (1) Retired the day preceding the date of such member's death, notwithstanding that the member might not have satisfied the age and service requirements for retirement provided in section 2-299; (2) Elected option II provided in section 2-304(a)(2); and (3) Nominated such member's spouse widow or widower as beneficiary; provided that in computing such retirement allowance, section 2-301(b) shall not be applied if the deceased member was a covered member. No benefits shall be paid under this subsection on account of the death of a member if any benefits are paid under section 2-310 on account of such member's death.