

3.5 OMISSION OF ELIGIBLE EMPLOYEE

If, in any Plan Year, any Employee who should be included as a Participant in the Plan is erroneously omitted and discovery of such omission is not made until after a contribution by the Employer for the year has been made and allocated, then the Employer shall make a subsequent contribution, if necessary after the application of Section 4.3(c), so that the omitted Employee receives a total amount which the Employee would have received (including both Employer contributions and earnings thereon) had the Employee not been omitted. Such contribution shall be made regardless of whether it is deductible in whole or in part in any taxable year under applicable provisions of the Code.

3.6 INCLUSION OF INELIGIBLE EMPLOYEE

If, in any Plan Year, any person who should not have been included as a Participant in the Plan is erroneously included and discovery of such inclusion is not made until after a contribution for the year has been made and allocated, the Employer shall be entitled to recover the contribution made with respect to the ineligible person provided the error is discovered within twelve (12) months of the date on which it was made. Otherwise, the amount contributed with respect to the ineligible person shall constitute a Forfeiture for the Plan Year in which the discovery is made.

3.7 REHIRED EMPLOYEES AND BREAKS IN SERVICE

(a) Except as otherwise provided in subsection (c), vested former participants, who become re-employed as eligible employees, may resume participation in the plan upon their date of re-employment.

(b) Except as otherwise provided in subsection (c), non-vested former participants, who become re-employed as eligible employees may participate in the plan upon satisfaction of the eligibility requirements provided by section 3.1. Upon becoming participants, employees shall have prior service credit reinstated for vesting purposes and shall be credited with service from date of re-employment.

(c) Former city council or paid-on-call fire fighter participants, who become re-employed as eligible employees, may participate in the plan upon satisfaction of the eligibility requirements provided by section 3.1. Prior paid-on-call fire fighter service will not be recognized for vesting purposes, ~~unless the eligible employee is re-employed as a probationary member of the Rochester Hills professional fire fighters international association of fire fighters, local 3472 (“IAFF”).~~ Prior city council service will not be recognized for vesting purposes, unless the eligible employee is re-employed as the mayor.