

## No. 292

## AN ACT

To further amend the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making drivers of fire-fighting apparatus or ambulances for certain volunteer fire companies eligible to the pension fund.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The subdivision heading of subdivision (c) of Article XLIII and sections 4340, 4346, 4348, 4349 and 4352 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as reenacted and amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Act No. 164), are hereby further amended to read as follows:

(c) Pension Funds for Employes Other Than  
Policemen and *City-Paid* Firemen

Section 4340. Pension Funds for Employes other than Police or *City-Paid* Firemen.—Cities may create a pension fund for the pensioning of employes of said cities who are not members of the police force or *city-paid* fire department thereof, and the families of such as may be injured or killed in the service, in the manner, under the conditions and subject to the qualifications following. As used in this subdivision "employes" includes officers and officials of the city, whether elected or appointed.

Section 4346. Heads of Departments to Certify List of Employes.—The head of every department and office employing persons entitled to receive a pension shall certify to the board of pensions all persons so employed and the amount of salary or wages which is paid to said employes, together with dismissals, resignations, or terminations of service and, from the records of their office or department, shall furnish such other relevant information as the board of pensions shall require. *In the case of a volunteer fireman, "head of department or office" shall mean the president or secretary of the board of trustees of the volunteer fire company involved.*

Section 4348. Appropriations and Contributions to Fund [by Council].—The council may annually set

"The Third Class  
City Code."

The heading of  
subdivision (c)  
of Article XLIII  
and sections  
4340, 4346, 4348,  
4349 and 4352,  
act of June 23,  
1931, P. L. 932,  
as reenacted and  
amended by act  
of June 28, 1951  
(Act No. 164),  
further amended.

aside, apportion, and appropriate, out of all taxes and income of such city, unto the board of pensions, a sum sufficient to maintain the pensions or compensations due hereunder *on account of the city contributions for all employes except volunteer firemen. On account of volunteer firemen who become members of the pension fund, the board of trustees of the volunteer fire company employing and paying them shall annually contribute to the board of pensions a sum equal to the same percentage of its participating payroll as the amount contributed by the city for the same year bears to its participating payroll.*

Section 4349. Application.—The benefits conferred by this subdivision of this article shall apply to all persons employed in any capacity by, or holding positions in, or, *in the case of a volunteer fireman, rendering services recognized and accepted by,* the cities creating a pension fund and pension board in accordance with its provisions, but this subdivision shall not apply to employes of such departments, bureaus, or offices as are otherwise protected by pension authorized by [law] *this act.*

*Any volunteer fireman may become a member of such a pension fund, as of the date of his original employment or of the inception of the pension fund, whichever is later, upon his making back contributions, and if the volunteer fire company or board of trustees thereof employing and paying him agrees to contribute and contributes to the pension fund, from time to time, the sums hereinbefore required.*

Section 4352. [Employe Defined.—The term “employe”] *Definitions.—The term or phrase “employe,” “employed,” “employed by the city,” or “in the employment of any city,” as used in this subdivision, is meant to include all persons in the service of cities creating a pension fund and a pension board in accordance with the provisions thereof, who are not now otherwise protected by pensions authorized by this act, and any volunteer fireman who becomes a member of the pension fund.*

*“Volunteer fireman” shall mean a driver of fire-fighting apparatus or ambulances, regularly employed and paid by a volunteer fire company, rendering services recognized and accepted by a city.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 17th day of August, A. D. 1951.

JOHN S. FINE