

the company agrees that, for services rendered or to be rendered, the salary or compensation or emolument will extend for a period beyond twelve months from the date of such agreement, *except that payment may, by written contract, be deferred beyond such period of twelve months, which contract may include conditions to be met by such officer or employe before payment will be made.* No director or trustee shall receive any compensation or emolument, other than a fee for attendance at committee or board meetings and for expenses legitimately incurred for travel and maintenance to attend such meetings. No salary, compensation, or emolument exceeding five thousand dollars in any one year shall be paid to any officer, director, trustee, person, firm, or corporation, unless such salary, compensation, or emolument is first authorized by a vote of the board of directors. This shall not apply to commissions accruing on agents' contracts or any agreement between the company and agents for the payment of renewal commissions.

No officer whose services are paid for at an amount exceeding twelve hundred dollars a year shall receive compensation or emolument from any other source, excepting renewal commissions which may be due him from time to time on business obtained prior to the time of his election to office.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 28th day of August, A. D. 1959.

DAVID L. LAWRENCE

No. 275

AN ACT

Amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties," defining "county employe," providing a service allowance for certain per diem employes, further providing for a superannuation retirement allowance, increasing the period of time during which a contributor may be reinstated and limiting the exception or execution.

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

Retirement System.

Section 1. The definition of "County Employe" in section 1, act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on

Definition of county employe, section 1, act of June 4, 1937, P. L. 1625, amended December 22, 1951, P. L. 1723, further amended.

counties," amended December 22, 1951 (P. L. 1723), is amended to read:

Section 1. Be it enacted, &c., That the following words and phrases, as used in this act, shall be construed to have the following meanings:

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"County Employe," any person whether elected or appointed, who is employed by the county, by the county institution district or its predecessor the county poor board, or any independent poor district thereof and employed by the county, by the county prison authorities, by the county house of detention authorities, or by the county retirement system, whose salary or compensation is paid in regular periodic installments, *or from fees collected from his office*, but shall not, except as hereinafter provided, include any person who is employed on a per diem basis, *nor shall it include any person to the extent that the total of the salary and fees exceed the highest salary paid to any elected county official.*

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Section 10 of the act, amended May 18, 1948, P. L. 688, further amended.

Section 2. Section 10 of the act, amended May 18, 1945 (P. L. 688), is amended to read:

Section 10. Service Allowance.—In computing the length of service of a contributor for retirement purposes, full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established. This shall include the services of a county official whose compensation was in the form of fees collected by his office, and shall also include the services of employes paid directly by such county official out of such fees. *Full credit shall also be given for each year of service of a contributor who was a per diem employe of the county for a period of at least five years prior to the time the system became effective and who averaged at least two hundred days of employment in each of such years.* As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first of the year retirement system was established. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the member. [The retirement board may also give credit to any person who was a county employe for each year that he was employed previous to the first day of January, one thousand nine hundred forty-five, for at least two hundred days per year, on a per diem basis, for the purpose of the computation of his retirement credit.] The time during which a member is

absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the county commissioners and approved by the board.

Section 3. Section 11 of the act, amended October 7, 1955 (P. L. 691), is amended to read:

Section 11 of the act amended October 7, 1955, P. L. 691, further amended.

Section 11. Superannuation Retirement Allowance.— Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired. Said application shall retire said contributor at the time so specified.

On retirement for superannuation, a beneficiary shall receive a retirement allowance which shall consist of, (a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the members' annuity reserve account, and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his final salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his final salary multiplied by each year of prior service. At any time the board by rule may, by increasing the county annuity, authorize the payment of a minimum retirement allowance of one hundred dollars (\$100) per month to every beneficiary who [has retired] *shall thereby retire* for superannuation after twenty (20) years service, but the total county annuity shall never exceed fifty per centum of the final salary.

Whenever the board has by rule authorized the members of the retirement system to transfer from the one one-hundred-twentieth (1-120) class to the one one-hundredth (1-100) class, or whenever the board shall hereafter by rule authorize the transfer to the one-eightieth (1-80) class, the county annuity shall be calculated as follows:

(a) For service prior to the time of transfer, at the one one-hundred-twentieth (1-120) rate or the one one-hundredth (1-100) rate, as the case may be.

(b) For service subsequent to the time of transfer to the time of retirement, or to the time of a subsequent transfer, at the rate applicable during such period.

(c) For all service prior to the time of commencing contribution, as the time he contributed at the one one-hundred-twentieth (1-120) rate bears to the total time of contribution and as the time he contributed at any other rate herein provided for bears to the total time of contribution.

Section 17.4 of the act, added April 20, 1956, P. L. 1489, further amended.

Section 4. Section 17.4 of the act, added April 20, 1956 (P. L. 1489), is amended to read:

Section 17.4. Reinstatement on Return to County Employment.—Any contributor separated from county employment by dismissal, resignation, or any other reason, except death or retirement, or any county officer having legally withdrawn from the retirement system, who within [five] *twelve* years from the date of such dismissal, registration or withdrawal or within six months after the effective date of this amendment, whichever is later, returns to county employment and restores to the retirement fund to the credit of the members' annuity reserve account his accumulated deductions as they were at the time of separation, shall have the annuity rights forfeited by him restored. Such payments may be made either in a lump sum or by installments, but in no event shall the installments be less than sufficient to pay such amount by the time the member attains superannuation retirement age.

Section 18 of the act amended.

Section 5. Section 18 of the act is amended to read:

Section 18. Exemption from Taxation and Execution, Etc.—The right to a member's annuity, or a county annuity, or to the return of contributions, shall be exempt from any State or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable, *except for any indebtedness due the county or the institution district arising out of embezzlement or fraudulent conversion by a member of the retirement fund against the respective county or the institution district of which the same member is employed.*

APPROVED—The 28th day of August, A. D. 1959.

DAVID L. LAWRENCE

No. 276

AN ACT

Amending the act of July 8, 1941 (P. L. 298), entitled "An act authorizing the creation of, and providing for, and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class, imposing certain charges on counties, and fixing penalties," defining "county employe," setting the time for designating a beneficiary, increasing the period of time during which a contributor may be reinstated, increasing the total disability retirement allowance and limiting the exemption on execution.

Fourth Class
County Retirement
Law.

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