

No. 341

AN ACT

HB 435

Amending the act of June 1, 1959 (P.L.392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," providing for crediting of certain service in the Philadelphia retirement system to the State system.

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

Section 1. Subclause (ii) of clause (a) of subsection (6) of section 102, act of June 1, 1959 (P.L.392), known as the "State Employes' Retirement Code of 1959," clause (a) amended December 10, 1968 (Act No. 364), is amended to read:

Section 102. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

* * *

(6) "State employe" shall mean a person in one or more of the following categories:

(a) Any person holding a State office or position under the Commonwealth, employed on a yearly or monthly basis by the State government of the Commonwealth, in any capacity whatsoever except any officer or employe employed on a per diem or hourly basis for less than one hundred (100) days or seven hundred fifty (750) hours other than a legislative employe, and except any officer or employe who has elected membership in the Public School Employes' Retirement System and has not filed with the Public School Employes' Retirement Board an election in writing to transfer such membership and become a member of the State Employes' Retirement System. Such definition shall include, but shall not be limited to—

* * *

(ii) Any judge whose salary is paid by the Commonwealth, including the Chief Justice and any judge of the Supreme Court, the President Judge and any judge of the Superior Court, and any judge or associate judge not learned in the law of any court of common pleas or orphans' court, and any judge of the Municipal *or Traffic* Court of Philadelphia, the County Court of Allegheny County and the Juvenile Court of Allegheny County.

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Section 2. Subsection (1) of section 201 of the act is amended by adding a new clause to read:

Section 201. Mandatory and Optional Membership.—

(1) Membership in the retirement system shall be mandatory for all State employes as defined in article I. section 102, except the following:

* * *

(n) Any former magistrate of the City of Philadelphia who, on January 1, 1969 became a judge of the Municipal Court of Philadelphia or the Traffic Court of Philadelphia pursuant to article V. of the Constitution of Pennsylvania together with the schedule thereof.

* * *

Section 3. Section 204 of the act is amended by adding a new subsection to read:

Section 204. Credited Service.—

* * *

(5.3) Any former magistrate of the City of Philadelphia who on January 1, 1969 became a judge of the Municipal Court of Philadelphia or the Traffic Court of Philadelphia pursuant to article V. of the Constitution of Pennsylvania together with the schedule thereof and who had been a contributor to the City of Philadelphia retirement system as a former magistrate as of December 31, 1968, and who is not receiving or entitled to receive presently or at any time in the future a pension or other benefit under the City of Philadelphia retirement system based upon service rendered at any time prior to January 1, 1969, shall be allowed credit for all years of service as a member of the City of Philadelphia retirement system as a former magistrate. Such credit shall be allowed by the retirement board immediately upon compliance by such State employe with the requirements of article V. section 506 subsection (4.5).

* * *

Section 4. Section 503 of the act is amended by adding a new subsection to read:

Section 503. Duties of the Retirement Board.—

* * *

(6.3) Upon application of a State employe for credit for former service as a former magistrate of the City of Philadelphia according to the provisions of article V. section 506 subsection (4.5), the retirement board, shall determine the amount to be paid by such employe into the State Employes' Retirement System; and upon payment thereof, the retirement board shall credit such employe with such period of service.

* * *

Section 5. Section 506 of the act is amended by adding a subsection to read:

Section 506. Duties of State Employes.—

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(4.5) Any State employe desiring to receive credit for former service as a former magistrate of the City of Philadelphia according to the provisions of article II. section 204 subsection (5.3), shall, within ninety (90) days of the effective date of this amending act (i) withdraw from the City of Philadelphia retirement system all contributions made thereto

by him, (ii) furnish the retirement board with a statement from the City of Philadelphia Board of Pensions and Retirement certifying all such service heretofore credited as a former magistrate of the City of Philadelphia retirement system, (iii) a statement that he is not receiving or entitled to receive presently or at any time in the future a pension or other benefit under the City of Philadelphia retirement system for such service, and (iv) pay to the State Employes' Retirement System the amount he would have paid as employe contributions, together with statutory interest to date of purchase, had he been a State employe during his period of service as a former magistrate of the City of Philadelphia. The amount so determined by the State Employes' Retirement Board to be paid into the State Employes' Retirement System shall be the obligation of the judge who requested credit for previous service as a former magistrate of the City of Philadelphia; in no event shall such amount be an obligation of the City of Philadelphia or the City of Philadelphia retirement system.

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Section 6. This act shall take effect immediately.

APPROVED—The 28th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 341.



Secretary of the Commonwealth.