

No. 248

AN ACT

HB 1372

Amending the act of May 22, 1935 (P.L.233, No.99), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," providing for veterans credits, service increments, the elimination of references to salary and for cost-of-living increments.

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

Section 1. Clause (3) of section 13, act of May 22, 1935 (P.L.233, No.99), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," amended June 28, 1955 (P.L.210, No.66), is amended to read:

Section 13. Members of the fund shall be eligible to receive pensions from said fund as follows—

* * *

(3) Any member, who has become a member of this fund, under the provisions of sub-section (1) of section 8 hereof, or who has been admitted to membership under the provisions of sub-section (2) or sub-section (3) of section 8 hereof, more than sixty days after the effective date of this act, shall be entitled to receive a pension from said fund upon written application of such member, stating his desire to withdraw from service in said city or that his employment by the said city has been terminated, and showing that such member has attained the age of fifty years and has rendered at least twenty years' service whether or not continuous to the said city and shall include service in the armed forces of the United States **[in times of war.] or active service in the**

Pennsylvania State Militia when said militia has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service not to exceed three years. Each member desiring such credit shall be required to pay to the fund an amount equal to five per centum of the salary or wages he or she would have earned had he or she been a member of the Bureau of Police during the period of military service, with interest at the rate of five per centum of the amount paid into the fund.

* * *

Section 2. Clause (5) of section 13 of the act, amended November 9, 1965 (P.L.687, No.334), is amended to read:

Section 13. Members of the fund shall be eligible to receive pensions from said fund as follows—

* * *

(5) In addition to applicants eligible for pension pursuant to section 11 of this act, any member, who has been admitted to membership in this fund, who has become totally and permanently disabled after **[fifteen]** *ten* years of service, shall be entitled to said pension. Any member who has become totally and permanently disabled by reason of injury sustained in the actual performance of duty, shall be entitled to such pension. Such service shall include service in the armed forces of the United States in time of war, armed conflict, or active service in the Pennsylvania State Militia, when it has been mobilized for internal police duty ***whether such armed forces or militia service occurs prior to or during such service.*** Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. Once a year, the board of pensions may require a disability pensioner to undergo, or the disability pensioner may demand, a medical examination by three physicians appointed by the board and approved by the civil service commissioners, and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated, and should the pension board concur in such report, the pension payments to such beneficiary shall be discontinued, and the beneficiary shall be reinstated to the position he formerly held or be returned to active duty in the next vacancy that occurs: Provided, That the beneficiary has been found to be fully qualified to perform the duties required in the position to which reinstatement or appointment is made.

Payments for disability shall be made on or after July 1, 1959.

Section 3. Section 13.1 of the act, added February 1, 1956 (P.L.979, No.305), is amended by adding paragraphs to read:

Section 13.1. * * *

The governing body of a city of the second class may grant to beneficiaries under the fund, regardless of the date of retirement whether prior to or after the effective date of this act, an annual cost-of-living allowance not to exceed the per centum change in the price index from November of the year preceding the most recent cost-of-living adjustment as taken on November one in each year times the beneficiaries pension allowance, excluding cost-of-living adjustments. No pension shall be paid at a lower rate than that which the beneficiary would be entitled to receive excluding the cost-of-living allowance.

The cost-of-living percentage is the average quarterly calendar year change of the Consumer Price Index (all items—United States city average) published monthly by the Federal Bureau of Labor Statistics, using as a base of one hundred the years 1957-1959.

Section 4. Section 14.4 of the act, added June 28, 1955 (P.L.210, No.66), clause (1) amended May 23, 1961 (P.L.211, No.111) and clause (4) amended April 6, 1956 (P.L.1440, No.473), is amended to read:

Section 14.4. In every city of the second class, in addition to the pension which is authorized by law and notwithstanding the limitations therein placed upon pensions and upon contributions, every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth.

(1) Service increment shall be the sum obtained by computing the number of whole years after the completion of twenty years' service while a contributor has been employed by the Bureau of Police or the city and paid out of the city treasury and multiplying the number of years so computed by an amount equal to **[five dollars] ten dollars** for each month of service beyond twenty years of service. This sum shall be divided by twelve to arrive at the monthly increment payment. In computing the service increment no employment after the contributor has reached the age of sixty-five years shall be included. **[and no service increment shall be paid in excess of one hundred dollars per month.]**

(2) Each contributor from and after the effective date of this amendment shall pay into the retirement fund as the contribution to the increment fund a monthly sum in addition to his or her retirement contribution which shall be equal to one-half of one per centum of his or her **[salary] wages**. Such payment shall not exceed the sum of one dollar per month. The service increment contribution shall not be paid after a contributor has reached the age of sixty-five years.

(3) Persons who are contributors on the effective date of this amendment, who have already reached the age of sixty-five years, shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth birthday. Such person, however, shall be entitled to the increment only by paying in the one

dollar per month contribution for the number of months his or her service exceeds twenty years but such contribution shall not exceed a total of one hundred dollars.

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full without interest by persons who leave the employment of the Bureau of Police, subject to the same conditions by which pension contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment. When any person is re-employed by the Bureau of Police after withdrawal of pension contributions, his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid.

(5) All employees of the Bureau of Police who are now contributors to the pension fund and all persons who are employed by the Bureau of Police after the effective date of this amendment who are required to become contributors to the pension fund shall be subject to the provisions of this section.

APPROVED—The 10th day of October, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 248.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.