

**CITY OF WILKES-BARRE  
PENNSYLVANIA**



# **CITY COUNCIL AGENDA**

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CITY COUNCIL

MARCH 19, 2024

6:00 P.M. Mayor George C. Brown (See Attached)

**WILKES-BARRE CITY COUNCIL  
WORK SESSION – MARCH 19, 2024  
MAYOR'S AGENDA**

**RESOLUTION:**

Authorizing the proper city officials to sign all necessary documents related to awarding the contract for the Kirby Park ADA Walkway and Pier Project to the lowest responsible bidder.

Authorizing the proper city officials to sign all necessary documents related to hiring Kavulich Construction Company to replace the floor at the Hollenback Fire Station.

Authorizing the proper city officials to enter into an agreement with the lowest, responsible bidder, Kuharchik Construction, in the amount of \$101,686.00 for the Traffic Signal Infrastructure Improvement Project. The project will be funded through the PennDot Green Light Go grant program and the City's Liquid Fuels account.

Reappointing Frank Majikes to the Police Civil Service Commission.

Reappointing Phil Latinski to the Police Civil Service Commission.

Reappointing Carl Naessig to the Traffic Committee.

Reappointing Tom Unvarsky to the Traffic Committee.

Reappointing Francis "Thomas" Collis to the Traffic Committee.

Reappointing Jean Brodie to the Planning Commission.

Reappointing Anthony Thomas to the Planning Commission.

Appointing Dave Wilson to the Planning Commission.

**ORDINANCES:**

Repealing and amending Division 2. (Entitled "Employees' Pension Fund) of Article III (Entitled "Employee and Officer Benefits") of Chapter 2 (Entitled "Administration") of the City of Wilkes-Barre Code of Ordinances.

**March 19, 2024**

**Mayor's Agenda – page two**

Repealing and amending Division 3. (Entitled "Paid Firemen's Pension Fund") of Article III (Entitled "Employee and Officer Benefits") of Chapter 2 (Entitled "Administration") of the City of Wilkes-Barre Code of Ordinances.

Repealing and amending Division 4. (Firefighters Pension Fund) of Article III (Entitled "Employee and Officer Benefits") of Chapter 2 (Entitled "Administration") of the City of Wilkes-Barre Code of Ordinances.

Repealing and amending Division 5. (Police Pension Fund) of Article III (Entitled "Employee and Officer Benefits") of Chapter 2 (Entitled "Administration") of the City of Wilkes-Barre Code of Ordinances.

Repealing and amending Division 6. (Policemen's Relief Pension Fund) of Article III (Entitled "Employee and Officer Benefits") of Chapter 2 (Entitled "Administration") of the City of Wilkes-Barre Code of Ordinances.



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, the City of Wilkes-Barre advertised for bids for a project called the **Kirby Park ADA Walkway and Pier Project** (the "Project");

WHEREAS, responses to the bid advertisement are due on March 20, 2024;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to sign any and all necessary documents related to awarding the contract related to the above-referenced Project to the lowest responsible bidder.

Lowest Responsible Bidder:

Amount:

Submitted by \_\_\_\_\_

ROLL CALL



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, the floor of the Hollenback Fire Station is deteriorating and is in need of repairs which include the application of a new Eco-CorFlex Ultra Coating System;

WHEREAS, due to the proprietary nature of this type of application, the City was only able to locate one (1) vendor to perform this service; and

WHEREAS, approximately ninety percent (90%) of the costs related to this project will be paid with grants proceeds available to the City;

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to sign any and all necessary documents related to hiring Kavulich Construction Co. to perform the above-referenced repairs and application for a purchase price of \$35,500.00.

BE IT FURTHER RESOLVED, that payment for these services shall be made as follows:

- i. \$31,951.99 from the Commonwealth of Pennsylvania, Office of that State Fire Commissioner, Fire Company and Emergency Medical Service Grant; and
- ii. \$3,548.01 from the Fire Department's 2024 budget.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

**WHEREAS**, the City of Wilkes-Barre has publicly advertised for bidders to perform work for the Traffic Signal Infrastructure Improvement Project;

**WHEREAS**, the project will consist of City upgrades to its pedestrian pushbuttons to be ADA compliant at ten (10) locations in the City along with camera installation at one (1) of the ten (10) intersections;

**WHEREAS**, Alfred Benesch & Company, the engineering firm of the project, has recommended Kuharchik Construction to perform the above-mentioned work;

**NOW, THEREFORE, BE IT RESOLVED** that the proper city officials are hereby authorized to enter into an agreement with the lowest, responsible bidder, Kuharchik Construction, in the amount of \$101,686.00 for the Traffic Signal Infrastructure Improvement Project. The project will be funded through the PennDOT Green Light Go grant program and the City's Liquid Fuels account.

Submitted by \_\_\_\_\_

ROLL CALL



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the persons referenced below to the Police Civil Service Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following persons are hereby re-appointed as members of the Police Civil Service Commission of the City of Wilkes-Barre:

Name

Term Expires

Frank Majikes  
52 Gordon Avenue  
Wilkes-Barre, PA 18702

December 31, 2027

Phillip Latinski  
20 Brazil Street  
Wilkes-Barre, PA 18705

December 31, 2027

Submitted by \_\_\_\_\_

ROLL CALL



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 29-48 of the Code of Ordinances of the City of Wilkes-Barre directs that four (4) citizens of the city be appointed to serve on the Traffic Committee;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Traffic Committee of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Wilkes-Barre City Traffic Committee:

Name

Term Expires

Carl Naessig  
33 Diebel Street  
Wilkes-Barre, PA 18702

March 21, 2027

Submitted by \_\_\_\_\_

**ROLL CALL**





Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 29-48 of the Code of Ordinances of the City of Wilkes-Barre directs that four (4) citizens of the city be appointed to serve on the Traffic Committee;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Traffic Committee of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Wilkes-Barre City Traffic Committee:

Name

Term Expires

Thomas Unvarsky  
21 Gore Street  
Wilkes-Barre, PA 18705

March 21, 2027

Submitted by \_\_\_\_\_

ROLL CALL



Resolution No. \_\_\_\_\_ Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 29-48 of the Code of Ordinances of the City of Wilkes-Barre directs that four (4) citizens of the city be appointed to serve on the Traffic Committee;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Traffic Committee of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Wilkes-Barre City Traffic Committee:

Name

Term Expires

Francis "Thomas" Collis  
47 Miner Street  
Wilkes-Barre, PA 18702

March 21, 2027

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 22-17 of Chapter 22 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the Planning Commission of the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member to the Planning Commission of the City of Wilkes-Barre:

Name

Term Expires

Jean Brodie  
238 Stanton Street  
Wilkes-Barre, PA 18702

December 31, 2027

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 22-17 of Chapter 22 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the Planning Commission of the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member to the Planning Commission of the City of Wilkes-Barre:

Name

Term Expires

Anthony Thomas  
18 Oakly Lane  
Wilkes-Barre, PA 18705

December 31, 2027

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 22-17 of Chapter 22 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the Planning Commission of the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed as a member to the Planning Commission of the City of Wilkes-Barre:

Name

Term Expires

David Wilson  
15 Mallery Place  
Wilkes-Barre, PA 18702

December 31, 2027

Submitted by \_\_\_\_\_

**ROLL CALL**

**FILE OF COUNCIL**

NO. \_\_\_\_\_ of 2024

**AN ORDINANCE**

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA REPEALING AND AMENDING DIVISION 2. (ENTITLED "EMPLOYEES' PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT DIVISION 2. (ENTITLED "EMPLOYEES' PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES IS HEREBY REPEALED AND AMENDED TO ADOPT SUBCHAPTER C. (ENTITLED "PENSION FOR EMPLOYEES OTHER THAN POLICE OFFICERS AND CITY-PAID FIREFIGHTERS") OF CHAPTER 143. (ENTITLED "PENSIONS") OF PENNSYLVANIA'S THIRD CLASS CITY CODE AND ANY SUBSEQUENT AMENDMENTS THERETO (COPY ATTACHED AND INCORPORATED HEREIN BY REFERENCE).

**SECTION 1.** Any current or former employee who at the time of this amendment has vested pension rights which differ from those contained herein shall not be affected by this amendment.

**SECTION 2.** Subchapter C. (entitled "Pension for Employees other than Police Officers and City-Paid Firefighters") of Chapter 143. (Entitled "Pensions") of the Pennsylvania Third Class City Code, and any subsequent amendments thereto, is attached hereto and incorporated herein by reference.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2024.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters

T. 11 Pa.C.S.A., Pt. V, Ch. 143, Subch. C, Refs & Annos

Currentness

T. 11 Pa.C.S.A., Pt. V, Ch. 143, Subch. C, Refs & Annos, PA ST T. 11 Pa.C.S.A., Pt. V, Ch. 143, Subch. C, Refs & Annos  
Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14339

Formerly cited as PA ST 53 P.S. § 39352

§ 14339. Definitions

Effective: January 25, 2016

Currentness

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Board.”** A pension board created by a city under section 14341(a) (relating to pension board and duties).

**“Employed,” “employed by the city” or “in the employment of any city.”** The terms include:

- (1) Each individual in the service of cities creating a pension fund and a pension board in accordance with this subchapter, who is not, on June 28, 1951, otherwise protected by pensions authorized under this chapter.
- (2) A volunteer firefighter who becomes a member of the pension fund.

**“Employees.”** The term includes:

- (1) Each individual in the service of cities creating a pension fund and a pension board in accordance with this subchapter, who is not, on June 28, 1951, otherwise protected by pensions authorized under this chapter.
- (2) A volunteer firefighter who becomes a member of the pension fund.
- (3) Officers and officials of the city, whether elected or appointed.

**“Fund.”** A pension fund created by a city under section 14340(a) (relating to pension for employees other than police or city-paid firefighters).

**“Volunteer firefighter.”** A driver of firefighting apparatus or ambulances, regularly employed and paid by a volunteer fire company rendering services recognized and accepted by a city.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

Notes of Decisions (1)

11 Pa.C.S.A. § 14339, PA ST 11 Pa.C.S.A. § 14339

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14340

Formerly cited as PA ST 53 P.S. § 39340

§ 14340. Pension for employees other than police or city-paid firefighters

Effective: January 25, 2016

Currentness

(a) **Nonmembers.**--Cities may create a pension fund for employees who are not members of the police force or city-paid fire department and surviving spouses of retired members if council so elects and the families of employees that are injured or killed in service in the manner, under the conditions and subject to the qualifications set forth in this subchapter.

(b) (Reserved).

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

Notes of Decisions (7)

11 Pa.C.S.A. § 14340, PA ST 11 Pa.C.S.A. § 14340

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14341

Formerly cited as PA ST 53 P.S. § 39341

§ 14341. Pension board and duties

Effective: January 25, 2016

Currentness

(a) **Members.**--Any city which creates a pension fund in accordance with this subchapter shall establish a pension board consisting of the mayor, the city controller, the superintendent of finance, two employees to be chosen by the employees contributing to the pension fund and, if members of council participate in the pension fund and are members of the fund, a member of council chosen by council.

(b) **Duties.**--It shall be the duty of the board to register all individuals employed by the city, administer the collections and distribution of the pension fund and make reasonable rules as the board may deem necessary.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, *2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14341, PA ST 11 Pa.C.S.A. § 14341

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14342

Formerly cited as PA ST 53 P.S. § 39342

§ 14342. Retirement age

Effective: January 25, 2016

Currentness

In a city which has created a pension fund and board in accordance with this subchapter, an employee 60 years of age or older who has been employed for a period of 20 years or more shall, upon application to the board, be retired from service and shall, subject to qualifications provided in this subchapter during the remainder of the employee's life, receive the pension or compensation fixed by this subchapter.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (2)

11 Pa.C.S.A. § 14342, PA ST 11 Pa.C.S.A. § 14342

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14343

Formerly cited as PA ST 53 P.S. § 39343

§ 14343. Retirement allowance, proof of disability and joint and single coverage members defined

Effective: January 25, 2016

Currentness

**(a) Entitlement.--**

(1) During the lifetime of an individual employed by a city creating a fund and board in accordance with this subchapter, the individual shall be entitled to receive 50% of the amount which would constitute the highest average annual salary or wages which the individual received during the last or any five years of the individual's employment by the city as a pension annually, which shall be paid in semi-monthly payments.

(2) Should an individual with 20 or more years of service be dismissed, voluntarily retired or be in any manner deprived of the individual's position or employment before attaining 60 years of age and upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, the individual shall be entitled to the pension, notwithstanding that the individual has not attained 60 years of age at the time of the individual's separation from the service of the city, but the pension shall not commence until the individual has attained 60 years of age.

(3) If any employee becomes totally and permanently disabled after 10 years of service and before attaining 60 years of age, the individual shall be entitled to the pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employee is in a permanent condition of health which would permanently disable the individual from performing the duties of the individual's position or office.

(b) (Reserved).

**(c) Reduction.--**If a city has entered into an agreement with the Commonwealth to place certain employees under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), the pension to be paid joint coverage members according to the provisions of this section payable after the age and upon that portion of annual compensation on which Social Security benefits are payable shall be reduced by an amount equal to 40% of the primary insurance amount of Social Security paid or payable to the member. The reduction shall be subject to the following provisions:

(1) Upon attainment of the age at which Social Security benefits are payable by a beneficiary receiving a pension or upon retirement of a contributor after attaining that age, the individual's eligibility to the benefits commonly referred to as the old age insurance benefit and the primary insurance amount of Social Security upon which the reduction in the pension shall

be based, shall be computed by the board in the manner specified in the Social Security Act, except that, in determining the eligibility and the amount, only wages or compensation for services performed in the employ of the city shall be included.

(2) The reduction shall not apply to a pension for total and permanent disability payable under this section.

(3) Whenever the amount of the reduction from the pension is determined, it shall remain fixed for the duration of the pension, except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the pension.

(4) The total sum, including Social Security benefits, to be received upon retirement by an employee who is a member of the system at the time of the agreement shall not be less than the allowance that would be paid by the retirement system in the absence of the agreement.

**(d) Surviving spouse payments.**--If council elects, by ordinance, to make the payments, the surviving spouse of an employee who retired on pension or is killed in service on or after January 1, 1960, shall, during the surviving spouse's lifetime or so long as the surviving spouse does not remarry, be entitled to receive a pension calculated at the rate of 50% of the pension the member was receiving or would have been entitled to receive had the member been retired at the time of the member's death.

#### **Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### **Editors' Notes**

#### **CITY CODE COMMENTS**

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### **Notes of Decisions (6)**

11 Pa.C.S.A. § 14343, PA ST 11 Pa.C.S.A. § 14343

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14343.1

Formerly cited as PA ST 53 P.S. § 39343.1

§ 14343.1. Retirement allowances, full coverage and payments

Effective: January 25, 2016

Currentness

(a) **Allowance.**--If a city has entered into an agreement with the Commonwealth to place certain employees under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), the board may authorize any joint coverage member of the retirement system to elect, according to the provisions of this section, to receive compensation without the reduction provided for in section 14343 (relating to retirement allowance, proof of disability and joint and single coverage members defined), provided that the member shall make a lump-sum payment to the board or installment payments, as may be approved by the board, equal to the difference between the amount of the accumulated fund to the member's credit in the fund as of the last date for which salary or wages was paid and the amount which would have been to the member's credit in the fund if contributions had been made on that portion of the member's salary or wages on which Social Security allowances are payable at the same rate as made on that portion of the member's salary or wages in excess of that on which Social Security allowances are payable, from the time that the salary or wages became subject to Social Security coverage. Election shall be made in writing, in the form prescribed by the board, and shall be accompanied by the lump-sum payment or an agreement as to installment payments.

(b) **Election.**--The board may authorize a member to make the election under subsection (a) at any time, and, if made prior to retirement, the member shall, in addition to any lump-sum or installment payments required, pay to the board contributions on the member's entire salary or wages received after the election at the rate provided in this subchapter for monthly salary or wages in excess of that on which Social Security allowances are payable.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Editors' Notes**

**CITY CODE COMMENTS**

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14343.1, PA ST 11 Pa.C.S.A. § 14343.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.



Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14343.2

Formerly cited as PA ST 53 P.S. § 39343.2

§ 14343.2. Limited vested benefit

Effective: January 25, 2016

Currentness

(a) **Ordinance.**--In accordance with this subchapter, an ordinance creating a fund may provide for a limited vested benefit if it would conform to section 305 of the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act.

(a.1) **Vesting.**--Under a limited vested benefit, if a member of the fund terminates employment before reaching the date which would have been the member's earliest retirement date had the member continued employment by meeting the minimum age and minimum period of continuous service requirements but after having completed 12 years of full-time service, the member shall be entitled to vest the member's retirement benefits subject to the following conditions:

- (1) The member must file with the management board of the fund a written notice of the member's intention to vest.
- (2) The member must include in the notice the date the member intends to terminate the member's service as an employee.
- (3) The termination date shall be at least 30 days later than the date of notice to vest.
- (4) The member must be in good standing with the city on the date of notice to vest.
- (5) The board shall indicate on the notice to vest the rate of monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever is higher.

(b) **Collection.**--Upon reaching the date which would have been the member's earliest retirement date had the member continued the member's employment with the city, the member shall notify the board, in writing, that the member desires to collect the member's pension. The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the city until the member's earliest retirement date.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Footnotes

1 53 P.S. § 895.305.

11 Pa.C.S.A. § 14343.2, PA ST 11 Pa.C.S.A. § 14343.2

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14344

Formerly cited as PA ST 53 P.S. § 39344

§ 14344. Amount of payments into fund and repayment before retirement

Effective: January 25, 2016

Currentness

The employees of any city creating a fund and board in accordance with this subchapter shall pay monthly to the board an amount equal to 2% of their monthly salaries or wages and, if council elects by ordinance to make payments, an additional amount not to exceed 1% if deemed necessary by council to provide sufficient funds for payments to the surviving spouses of members who were retired on pension or killed in service, which shall be applied to the purposes of the fund. Payment of the monthly amount or contribution under this section shall cease and be discontinued at the time the beneficiary receives their pension. If, for any cause, an employee contributing to the fund ceases to be an employee of the city before the employee becomes entitled to a pension, the total amount of the contributions paid into the fund by the employee shall be refunded to the employee in full, without interest. If an employer returns to the employee the amount contributed and reenters the employ of the city, the employee shall not be entitled to the pension designated until 20 years after reemployment, unless the employee shall return to the fund the amount withdrawn, in which event that period of 20 years shall be computed from the time the employee first enters the service of the city. In the event of the death of an employee before the employee becomes entitled to the pension, the total amount of contributions paid into the fund by the employee shall be paid over to the estate of the deceased employee.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (4)

11 Pa.C.S.A. § 14344, PA ST 11 Pa.C.S.A. § 14344

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14344.1

Formerly cited as PA ST 53 P.S. § 39344.1

§ 14344.1. Determination of liability upon extension of Social Security

Effective: January 25, 2016

Currentness

**(a) Determination.**--If a city has entered into an agreement with the Commonwealth to place its employees under the Social Security Act (49 Stat. 620, 42 U.S.C § 301 et seq.), the board shall appoint an actuary and may fix the employee's compensation. The actuary shall determine the present value of the liability on account of pensions payable under the provisions of section 14343 (relating to retirement allowance, proof of disability and joint and single coverage members defined) to employees who are members of the system on the effective date of the agreement and shall offset the value of any assets in the fund to determine the unfunded liability. The city may make payments toward the unfunded liability until the accumulated reserve equals the present value of the liability. The actuary shall also determine the amount which shall be contributed annually into the fund on account of service of all new and original members subsequent to the effective date of the agreement.

**(b) Contribution.**--Employees shall pay into the board, monthly, an amount equal to 3.5% of that portion of monthly compensation on which Social Security allowances are payable and 5% of any monthly compensation in excess of that on which Social Security allowances are payable. The remainder of the needed annual contribution for service subsequent to the date of the agreement, as determined by the actuary, shall become the obligation of the city and shall be paid by it to the board by annual appropriations. The provisions of this section shall, in all applicable cases, supersede the provisions relating to contributions in sections 14344 (relating to amount of payments into fund and repayment before retirement) and 14348 (relating to appropriations and contributions to fund).

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Editors' Notes**

**CITY CODE COMMENTS**

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14344.1, PA ST 11 Pa.C.S.A. § 14344.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14345

Formerly cited as PA ST 53 P.S. § 39345

§ 14345. Payments by laborers optional

Effective: January 25, 2016

Currentness

Any individual holding a position in a city as a laborer at a per diem wage shall not be compelled to pay or contribute toward the fund but shall have the option of so doing and, in that event only, of becoming entitled to the pension provided for under this subchapter.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendment. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14345, PA ST 11 Pa.C.S.A. § 14345

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14346

Formerly cited as PA ST 53 P.S. § 39346

§ 14346. Heads of departments to certify list of employees

Effective: January 25, 2016

Currentness

The head of every department and office employing individuals entitled to receive a pension shall certify to the board all employees so employed and the amount of salary or wages which is paid to employees, together with dismissals, resignations or terminations of service, and, from office or department records, furnish other relevant information as the board requires. In the case of a volunteer fire company, "head of department or office" shall mean the president or secretary of the board of trustees of the volunteer fire company.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14346, PA ST 11 Pa.C.S.A. § 14346

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14347

Formerly cited as PA ST 53 P.S. § 39347

§ 14347. Receipt, investment and payment of funds

Effective: January 25, 2016

Currentness

When deemed advisable, it shall be the duty of the board to receive, retain and invest the funds payable in accordance with the provisions of this subchapter and pay over, by warrant or check, the amount due to employees.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14347, PA ST 11 Pa.C.S.A. § 14347

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14348

Formerly cited as PA ST 53 P.S. § 39348

§ 14348. Appropriations and contributions to fund

Effective: January 25, 2016

Currentness

Council may annually set aside, apportion and appropriate, out of all taxes and income of the city, to the board a sum sufficient to maintain the pensions or compensations due on account of the city contributions for all employees, except volunteer firefighters. The board of trustees of the volunteer fire company employing and paying members shall annually contribute to the board 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 for each volunteer firefighter member becoming a member of the fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

11 Pa.C.S.A. § 14348, PA ST 11 Pa.C.S.A. § 14348

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14349

Formerly cited as PA ST 53 P.S. § 39349

§ 14349. Application

Effective: January 25, 2016

Currentness

**(a) Applicability.**--The benefits provided for by this subchapter shall apply to all individuals employed in any capacity or holding positions in or, in the case of a volunteer firefighter, rendering services recognized and accepted by a city creating a fund and board in accordance with provisions of this subchapter. This subchapter shall not apply to employees of departments, bureaus or offices which are otherwise protected by pensions authorized by this chapter.

**(b) Membership.**--Any volunteer firefighter may become a member of a fund as of the date of the volunteer firefighter's original employment or of the inception of the fund, whichever is later, upon the volunteer firefighter making back contributions and if the volunteer fire company or its board of trustees employing and paying the volunteer firefighter agrees to contribute and contributes to the fund the required sums.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

11 Pa.C.S.A. § 14349, PA ST 11 Pa.C.S.A. § 14349

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11 Pa.C.S.A. § 14350

Formerly cited as PA ST 53 P.S. § 39350

§ 14350. Computation of time of service

Effective: January 25, 2016

Currentness

The time of service of 20 years shall be computed from the time of the first or original employment, which shall consist of service to the city and need not be continuous.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

11 Pa.C.S.A. § 14350, PA ST 11 Pa.C.S.A. § 14350

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14351

Formerly cited as PA ST 53 P.S. § 39351

§ 14351. Funds payable to be free of attachment

Effective: January 25, 2016

Currentness

The compensation or pension shall not be subject to attachment or execution, shall be payable only to the beneficiary designated and shall not be subject to assignment or transfer.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

Notes of Decisions (3)

11 Pa.C.S.A. § 14351, PA ST 11 Pa.C.S.A. § 14351

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14352

§ 14352. (Reserved)

Effective: January 25, 2016

Currentness

11 Pa.C.S.A. § 14352, PA ST 11 Pa.C.S.A. § 14352

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter C. Pension for Employees Other than Police Officers and City-Paid Firefighters (Refs & Annos)

11 Pa.C.S.A. § 14353

Formerly cited as PA ST 53 P.S. § 39353

§ 14353. Beneficiaries of fund not to be employed by city

Effective: January 25, 2016

Currentness

No individual who becomes a beneficiary shall be employed by the city in any capacity. Subject to the provisions of section 14361 (relating to right to a pension if salary refused), nothing in this section shall be construed to prohibit an individual who becomes a beneficiary from serving in an elective city office.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Notes of Decisions (1)**

11 Pa.C.S.A. § 14353, PA ST 11 Pa.C.S.A. § 14353

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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**FILE OF COUNCIL**

**NO. \_\_\_\_\_ of 2024**

**AN ORDINANCE**

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA REPEALING AND AMENDING DIVISION 3. (ENTITLED "PAID FIREMEN'S PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT DIVISION 3. (ENTITLED "PAID FIREMEN'S PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES IS HEREBY REPEALED AND AMENDED TO ADOPT SUBCHAPTER B. (ENTITLED "FIREFIGHTERS") OF CHAPTER 143. (ENTITLED "PENSIONS") OF PENNSYLVANIA'S THIRD CLASS CITY CODE AND ANY SUBSEQUENT AMENDMENTS THERETO (COPY ATTACHED AND INCORPORATED HEREIN BY REFERENCE).

**SECTION 1.** Any current or former employee who at the time of this amendment has vested pension rights which differ from those contained herein shall not be affected by this amendment.

**SECTION 2.** Subchapter B. (entitled "Firefighters") of Chapter 143. (Entitled "Pensions") of the Pennsylvania Third Class City Code, and any subsequent amendments thereto, is attached hereto and incorporated herein by reference.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

**REPEALER.**

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2024.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk

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Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter B. Firefighters

11 Pa.C.S.A. § 14319

Formerly cited as PA ST 53 P.S. § 39328

§ 14319. Definitions

Effective: January 25, 2016

Currentness

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Salary.”** The fixed amount of compensation paid at regular, periodic intervals by the city to the member and from which pension contributions have been deducted.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

11 Pa.C.S.A. § 14319, PA ST 11 Pa.C.S.A. § 14319

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter B. Firefighters

11 Pa.C.S.A. § 14320

Formerly cited as PA ST 53 P.S. § 39320

§ 14320. Firefighters pension fund, management and annuity contracts

Effective: January 25, 2016

Currentness

(a) **Duty of city.**--Except as provided in this subchapter, a city shall provide an annuity contract or establish, by ordinance, a firefighters pension fund.

(b) **Monthly charge.**--The annuity contract or firefighters pension fund shall be maintained, in part, by an equal and proportionate monthly charge against each member of the fire department. The charge may not exceed annually 4% of the pay of the member and an additional amount not to exceed 1% if deemed necessary by council to provide sufficient funds for payments to surviving spouses of members retired on pension, killed or who die in service.

(c) **Existing organization or association.**--If there is an existing organization or association for the benefit of fully paid firefighters, constituting and having in charge the distribution of firefighters pension money, an annuity contract may not be provided and a firefighters pension fund may not be established under the provisions of this section unless and until the members of the organization or association, by a two-thirds vote, elect to transfer the existing fund into the pension fund required under this section.

(d) **Pension fund board.**--A firefighters pension fund established under the provisions of this section shall be under the direction and control of a board of managers that shall consist of the following:

(1) Ex-officio members as follows:

(i) the mayor;

(ii) the director of the department of accounts and finance;

(iii) the director of the department having charge of the fire department or, in a city where the mayor is also the director of the department having charge of the fire department, the director of the department of public safety;

(iv) the city controller; and

(v) the chief of the bureau of fire.

(2) Two members of the fire department to be chosen by the members of the fire department.

(e) **Substitution.**--If a city does not establish a department whose director is named as an ex-officio member of the board of managers, the director of another department or the officers of the city as may be designated by council shall be substituted on the board of managers.

(f) **Terms and vacancy.**--Of the first members chosen by the members of the fire department to the board of managers, one shall be chosen for a term of two years and one for a term of four years. Biennially after the initial choices, one fire department member shall be chosen for a term of four years to take the place of the one whose term expires. In case of vacancy among the managers chosen by the fire department, a successor shall be chosen for the unexpired term.

(g) **Requirements.**--Under regulations prescribed by the board of managers, the firefighters pension fund shall be applied for the benefit of the members of the fire department who receive honorable discharge from the fire department by reason of service, age or disability, surviving spouses of retired members and the families of members who are killed or who die in the service. A pension to an individual who is retired by reason of disability, service or age must be in conformity with a uniform scale, together with service increments as provided under this subchapter. A benefit from the fund to the family of a member who was killed or who died in service shall take into consideration the member's surviving spouse and the member's minor children under 18 years of age, if any.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Specifies that city council may appoint another department director to the board of managers if the city has not created a department expressly provided. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, *2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

#### Notes of Decisions (30)

11 Pa.C.S.A. § 14320, PA ST 11 Pa.C.S.A. § 14320

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes

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Chapter 143. Pensions

Subchapter B. Firefighters

11 Pa.C.S.A. § 14320.1

Formerly cited as PA ST 53 P.S. § 39320.1

§ 14320.1. Limited vested benefit for firefighters

Effective: January 25, 2016

Currentness

(a) **Ordinance.**--The ordinance establishing a firefighters pension fund may provide for a limited vested benefit if the benefit would conform to section 305 of the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act.

(b) **Conditions.**--Under a limited vested benefit, if a member of the firefighters pension fund has not completed the minimum period of continuous service and the applicable minimum age requirement but has completed 12 years of full-time service and ceased to be employed as a full-time firefighter, the member shall be entitled to vest the member's retirement benefits subject to the following conditions:

- (1) The member must file with the management board of the firefighters pension fund a written notice of the member's intention to vest.
- (2) The member must include in the notice the date the member intends to terminate service as a full-time firefighter.
- (3) The termination date shall be at least 30 days later than the date of notice to vest.
- (4) The member must be in good standing with the fire department on the date of notice to vest.
- (5) The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever is higher.

(c) **Notification.**--Upon reaching the date that would have been the member's retirement date had the member continued full-time employment with the fire department, the member shall notify the board in writing that the member desires to collect the member's pension.

(d) **Computation.**--The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service rendered bears to the years of service that would have been rendered had the member continued to be employed by the department until the member's minimum retirement date.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

#### Footnotes

1 53 P.S. § 895.305.

11 Pa.C.S.A. § 14320.1, PA ST 11 Pa.C.S.A. § 14320.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes  
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Chapter 143. Pensions  
Subchapter B. Firefighters

11 Pa.C.S.A. § 14321  
Formerly cited as PA ST 53 P.S. § 39321

§ 14321. Retirement and final discharge

Effective: January 25, 2016  
Currentness

(a) **Ordinance.**--With regard to continuous service and minimum age requirements, the ordinance establishing or regulations governing the firefighters pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum age is prescribed, a minimum of 50 years of age.

(b) **Retired member.**--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a firefighter reserve in a case of emergency under terms and conditions as may be established by council.

(c) **Military service.**--With the approval of council, a member of the firefighters pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of service upon:

(1) the member's payment to the firefighters pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which the member desires credit; and

(2) the member's payment to the fund of an additional amount as the equivalent of the contributions of the city plus the interest the city would have been required to pay on the contributions on account of the military service. To be eligible under this paragraph, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the firefighters pension fund prior to the military service.

(d) **Payments to surviving spouse.**--Upon the death of a member who retires on pension or is killed in service on or after January 1, 1960, or who dies in the service on or after January 1, 1968, payments as provided under this subchapter shall be made to the member's surviving spouse during the life of the spouse.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

Editors' Notes

CITY CODE COMMENTS

Clarifies that council may establish terms and conditions under which retired members, if not unfit by reason of age, disability, or otherwise, shall be subject to service as a firefighters' reserve. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (9)

11 Pa.C.S.A. § 14321, PA ST 11 Pa.C.S.A. § 14321

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter B. Firefighters

11 Pa.C.S.A. § 14322

Formerly cited as PA ST 53 P.S. § 39322

§ 14322. Pensions and service increments

Effective: January 25, 2016

Currentness

**(a) Payments.**--The following apply:

(1) Payments of pensions shall only be a charge on the firefighters pension fund and shall not be a charge on any other fund under the control, or in the treasury, of the city.

(2) The basis of the pension of a member shall be determined by the monthly salary of the member at the date of vesting under section 14320.1 (relating to limited vested benefit for firefighters) or retirement or the highest average annual salary which the member received during any five years of service preceding retirement, whichever is higher, whether for disability or by reason of age or service, and, except as to service increments provided for in subsection (b), shall be one-half the annual salary of the member at the time of vesting under section 14320.1 or retirement computed at the monthly or average annual rate, whichever is higher.

(3) For payment of pensions to members for permanent injury incurred in service and to families of members killed or who die in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board of managers. These regulations shall not take into consideration the amount and duration of workers' compensation allowed by law. Payments to surviving spouses of members retired on pension or killed in service on or after January 1, 1960, or who die in service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had the member been retired at the time of the member's death.

**(a.1) Home rule and optional charter plans.**--The provisions of subsection (a)(2) shall not apply to a city, whether operating under an optional charter adopted in accordance with the act of July 15, 1957 (P.L. 901, No. 399),<sup>1</sup> known as the Optional Third Class City Charter Law, or under a home rule charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E<sup>2</sup> (relating to home rule and optional plan government), which had pension plans in effect prior to June 19, 2002, that provided pensions in an amount greater than 50% of salary.

**(b) Service increment.**--In addition to the pension which is authorized to be paid from the firefighters pension fund under this chapter and notwithstanding the limitations placed upon the pensions and upon contributions under this chapter, every contributor entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions imposed under this chapter.

(1) A service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14321 (relating to retirement and final discharge), and multiplying the number of years by an amount equal to 0.025% of the retirement allowance which has become payable to the contributor in accordance with the provisions of this chapter. In computing the service increment, no employment after the contributor has reached 65 years of age shall be included and no service increment shall be paid in excess of \$100 per month.

(2) After September 18, 1968, each contributor shall pay into the pension fund a monthly sum in addition to the contributor's pension contribution which shall not exceed the sum of \$1 per month, provided that the service increment contribution shall not be paid after a contributor has reached 65 years of age.

(3) Any individual who is a member of the department on September 18, 1968, and who has reached 65 years of age shall have the individual's service increment computed on the years of employment prior to the member reaching 65 years of age.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions and may be withdrawn in full, without interest, by individuals who leave the employment of the city, subject to the same conditions by which retirement contributions may be withdrawn, or by individuals who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after September 18, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this chapter.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of \$100 per month as long as the payments do not exceed \$500 per month, and, in computing the service increments, no employment after the contributor has reached 65 years of age shall be included, provided that any agreement to provide an increase in service increment payments shall include a proportionate increase in the amount each contributor shall pay into the retirement fund under paragraph (2), not to exceed \$5 per month.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reference to "effective date of this amendment" in paragraphs (d)(2),(3) was changed to "September 18, 1968," the effective date of Act 204 of 1968, which added the language. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (11)



**Footnotes**

1 53 P.S. § 41101 et seq.

2 53 Pa.C.S.A. § 2901 et seq.

11 Pa.C.S.A. § 14322, PA ST 11 Pa.C.S.A. § 14322

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14322.1

Formerly cited as PA ST 53 P.S. § 39322.1

§ 14322.1. Increase of allowances after retirement

Effective: January 25, 2016

Currentness

(a) **Recommendation.**--A city may, at any time, at its discretion and upon the recommendation of the persons having custody and management of the firefighters pension fund, increase the allowances of individuals receiving allowances of any kind from the fund by reason of and after the termination of the services of any member of the fund.

(b) **Uniform scale.**--Increases made pursuant to this section shall be in conformity with a uniform scale, which may be based on the cost of living, but the total of the allowances shall not, at any time, exceed one-half of the current salary being paid firefighters of the highest pay grade.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (3)

11 Pa.C.S.A. § 14322.1, PA ST 11 Pa.C.S.A. § 14322.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14323  
Formerly cited as PA ST 53 P.S. § 39323

§ 14323. Causes for forfeiture of rights in fund and other employments

Effective: January 25, 2016  
Currentness

(a) **Requirement.**—Whenever an individual becomes entitled to receive a pension from the firefighters pension fund and has been admitted to participate in the pension fund, the individual shall not be deprived of the individual's right to participation in the pension fund on the basis upon which the individual first became entitled to participation, unless otherwise required by the act of July 8, 1978 (P.L. 752, No. 140),<sup>1</sup> known as the Public Employee Pension Forfeiture Act.

(b) **Notice and hearing.**—Any termination of a pension shall be only after due notice and hearing as prescribed by regulation of the managers of the fund.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Editors' Notes**

**CITY CODE COMMENTS**

Also restricts the causes of forfeiture of pensions to those contained in the Public Employee Forfeiture Act. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (3)

**Footnotes**

<sup>1</sup> 43 P.S. § 1311 et seq.

11 Pa.C.S.A. § 14323, PA ST 11 Pa.C.S.A. § 14323

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14324

Formerly cited as PA ST 53 P.S. § 39324

§ 14324. Payments to firefighters pension fund by city

Effective: January 25, 2016

Currentness

Unless otherwise required by the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act, or by any other provision of law, this section shall govern the payment of money raised by taxes levied by the city to the firefighters pension fund. The following shall apply:

(1) A city shall pay to the firefighters pension fund annually a sum of money not less than one-half of 1% nor more than 3% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

(2) Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient money for payments to surviving spouses of members retired on pension, killed or who die in service, provided that the city shall annually pay into the fund not less than one-half of 1% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

References the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984). Editorial amendments.  
[PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

**Footnotes**

1 53 P.S. § 895.101 et seq.

11 Pa.C.S.A. § 14324, PA ST 11 Pa.C.S.A. § 14324

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14325

Formerly cited as PA ST 53 P.S. § 39325

§ 14325. Transfers from other pension funds

Effective: January 25, 2016

Currentness

(a) **Transfers.**--In any city where the members of the fire department are members of a pension fund not established solely for the purpose of pensioning members of the fire department, an amount equal to the money contributed to the other pension fund by members of the fire department who have not retired and a just and equitable proportion of the money contributed by the city to the other pension fund for the future retirement of members of the fire department shall be transferred from the other pension fund into the firefighters pension fund required under this chapter. The transfers may be made by the transfer of securities. The amounts to be transferred shall be amicably adjusted by the managers of the firefighters pension fund and the pension board having the charge of the other pension fund. In case of disagreement as to the amount to be transferred, the disagreement shall be resolved by council, whose action on the matter shall be final.

(b) **Continuation.**--Nothing under this section shall be construed to relieve any existing pension fund of its liability to continue the payment of pensions to retired members of the fire department in accordance with the laws and regulations under which the members were retired.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14325, PA ST 11 Pa.C.S.A. § 14325

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14326

Formerly cited as PA ST 53 P.S. § 39326

§ 14326. Trusts for benefit of firefighters pension fund

Effective: January 25, 2016

Currentness

A city may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of the pension fund. The care, management, investment and disposal of the body of the trust shall be vested in the officer or officers of the city as the city may designate. The care, management and disposal shall be directed by ordinance and the body of the trust shall be governed by the ordinance, subject to directions not inconsistent with the ordinance, as the settlor of the trust may prescribe.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14326, PA ST 11 Pa.C.S.A. § 14326

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14327  
Formerly cited as PA ST 53 P.S. § 39327

§ 14327. Repayment before retirement

Effective: January 25, 2016  
Currentness

(a) **Refund.**--If a contributing member of the firefighters pension fund ceases to be a member of the fire department before the member becomes entitled to a pension, the total amount of the contributions paid into the pension fund by the member shall be refunded in full without interest.

(b) **Withdrawals.**--If the fund returns to the member the amount contributed and afterward the individual again becomes a member of the fire department, the member shall not be entitled to the pension designated until 20 years after the member's reemployment, unless the member returns to the pension fund the amount withdrawn, in which event the period of 20 years shall be computed from the time the member first became a member of the fire department, excluding any period of time during which the member was not employed by the fire department.

(c) **Death of a member.**--In the event of the death of a member of the fire department, the total amount of contributions paid into the pension fund by the member shall be paid over to the member's estate if any of the following apply:

- (1) the death did not occur in the line of duty;
- (2) the death occurs before the member becomes entitled to a pension; and
- (3) the member has no surviving spouse or family entitled to payments as provided in this subchapter.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

11 Pa.C.S.A. § 14327, PA ST 11 Pa.C.S.A. § 14327

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14328

§ 14328. (Reserved)

Effective: January 25, 2016  
Currentness

11 Pa.C.S.A. § 14328, PA ST 11 Pa.C.S.A. § 14328

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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**FILE OF COUNCIL**

**NO. \_\_\_\_\_ of 2024**

**AN ORDINANCE**

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA REPEALING AND AMENDING DIVISION 4. (ENTITLED "FIREFIGHTERS' PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT DIVISION 4. (ENTITLED "FIREFIGHTERES' PENSION FUND") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES IS HEREBY REPEALED AND AMENDED TO ADOPT SUBCHAPTER B. (ENTITLED "FIREFIGHTERS") OF CHAPTER 143. (ENTITLED "PENSIONS") OF PENNSYLVANIA'S THIRD CLASS CITY CODE AND ANY SUBSEQUENT AMENDMENTS THERETO (COPY ATTACHED AND INCORPORATED HEREIN BY REFERENCE).

**SECTION 1.** Any current or former employee who at the time of this amendment has vested pension rights which differ from those contained herein shall not be affected by this amendment.

**SECTION 2.** Subchapter B. (entitled "Firefighters") of Chapter 143. (Entitled "Pensions") of the Pennsylvania Third Class City Code, and any subsequent amendments thereto, is attached hereto and incorporated herein by reference.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

**REPEALER.**

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2024.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk

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Chapter 143. Pensions  
Subchapter B. Firefighters

11 Pa.C.S.A. § 14319  
Formerly cited as PA ST 53 P.S. § 39328

§ 14319. Definitions

Effective: January 25, 2016  
Currentness

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Salary."** The fixed amount of compensation paid at regular, periodic intervals by the city to the member and from which pension contributions have been deducted.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

11 Pa.C.S.A. § 14319, PA ST 11 Pa.C.S.A. § 14319

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter B. Firefighters

11 Pa.C.S.A. § 14320

Formerly cited as PA ST 53 P.S. § 39320

§ 14320. Firefighters pension fund, management and annuity contracts

Effective: January 25, 2016

Currentness

(a) **Duty of city.**--Except as provided in this subchapter, a city shall provide an annuity contract or establish, by ordinance, a firefighters pension fund.

(b) **Monthly charge.**--The annuity contract or firefighters pension fund shall be maintained, in part, by an equal and proportionate monthly charge against each member of the fire department. The charge may not exceed annually 4% of the pay of the member and an additional amount not to exceed 1% if deemed necessary by council to provide sufficient funds for payments to surviving spouses of members retired on pension, killed or who die in service.

(c) **Existing organization or association.**--If there is an existing organization or association for the benefit of fully paid firefighters, constituting and having in charge the distribution of firefighters pension money, an annuity contract may not be provided and a firefighters pension fund may not be established under the provisions of this section unless and until the members of the organization or association, by a two-thirds vote, elect to transfer the existing fund into the pension fund required under this section.

(d) **Pension fund board.**--A firefighters pension fund established under the provisions of this section shall be under the direction and control of a board of managers that shall consist of the following:

(1) Ex-officio members as follows:

(i) the mayor;

(ii) the director of the department of accounts and finance;

(iii) the director of the department having charge of the fire department or, in a city where the mayor is also the director of the department having charge of the fire department, the director of the department of public safety;

(iv) the city controller; and

(v) the chief of the bureau of fire.

(2) Two members of the fire department to be chosen by the members of the fire department.

(e) **Substitution.**--If a city does not establish a department whose director is named as an ex-officio member of the board of managers, the director of another department or the officers of the city as may be designated by council shall be substituted on the board of managers.

(f) **Terms and vacancy.**--Of the first members chosen by the members of the fire department to the board of managers, one shall be chosen for a term of two years and one for a term of four years. Biennially after the initial choices, one fire department member shall be chosen for a term of four years to take the place of the one whose term expires. In case of vacancy among the managers chosen by the fire department, a successor shall be chosen for the unexpired term.

(g) **Requirements.**--Under regulations prescribed by the board of managers, the firefighters pension fund shall be applied for the benefit of the members of the fire department who receive honorable discharge from the fire department by reason of service, age or disability, surviving spouses of retired members and the families of members who are killed or who die in the service. A pension to an individual who is retired by reason of disability, service or age must be in conformity with a uniform scale, together with service increments as provided under this subchapter. A benefit from the fund to the family of a member who was killed or who died in service shall take into consideration the member's surviving spouse and the member's minor children under 18 years of age, if any.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Specifies that city council may appoint another department director to the board of managers if the city has not created a department expressly provided. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (30)

11 Pa.C.S.A. § 14320, PA ST 11 Pa.C.S.A. § 14320

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14320.1  
Formerly cited as PA ST 53 P.S. § 39320.1

§ 14320.1. Limited vested benefit for firefighters

Effective: January 25, 2016  
Currentness

(a) **Ordinance.**--The ordinance establishing a firefighters pension fund may provide for a limited vested benefit if the benefit would conform to section 305 of the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act.

(b) **Conditions.**--Under a limited vested benefit, if a member of the firefighters pension fund has not completed the minimum period of continuous service and the applicable minimum age requirement but has completed 12 years of full-time service and ceased to be employed as a full-time firefighter, the member shall be entitled to vest the member's retirement benefits subject to the following conditions:

- (1) The member must file with the management board of the firefighters pension fund a written notice of the member's intention to vest.
- (2) The member must include in the notice the date the member intends to terminate service as a full-time firefighter.
- (3) The termination date shall be at least 30 days later than the date of notice to vest.
- (4) The member must be in good standing with the fire department on the date of notice to vest.
- (5) The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever is higher.

(c) **Notification.**--Upon reaching the date that would have been the member's retirement date had the member continued full-time employment with the fire department, the member shall notify the board in writing that the member desires to collect the member's pension.

(d) **Computation.**--The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service rendered bears to the years of service that would have been rendered had the member continued to be employed by the department until the member's minimum retirement date.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

#### Footnotes

1 53 P.S. § 895.305.

11 Pa.C.S.A. § 14320.1, PA ST 11 Pa.C.S.A. § 14320.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 11 Pa.C.S.A. Cities  
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Chapter 143. Pensions  
Subchapter B. Firefighters

11 Pa.C.S.A. § 14321  
Formerly cited as PA ST 53 P.S. § 39321

§ 14321. Retirement and final discharge

Effective: January 25, 2016  
Currentness

(a) **Ordinance.**--With regard to continuous service and minimum age requirements, the ordinance establishing or regulations governing the firefighters pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum age is prescribed, a minimum of 50 years of age.

(b) **Retired member.**--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a firefighter reserve in a case of emergency under terms and conditions as may be established by council.

(c) **Military service.**--With the approval of council, a member of the firefighters pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of service upon:

(1) the member's payment to the firefighters pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which the member desires credit; and

(2) the member's payment to the fund of an additional amount as the equivalent of the contributions of the city plus the interest the city would have been required to pay on the contributions on account of the military service. To be eligible under this paragraph, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the firefighters pension fund prior to the military service.

(d) **Payments to surviving spouse.**--Upon the death of a member who retires on pension or is killed in service on or after January 1, 1960, or who dies in the service on or after January 1, 1968, payments as provided under this subchapter shall be made to the member's surviving spouse during the life of the spouse.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Editors' Notes**

**CITY CODE COMMENTS**

Clarifies that council may establish terms and conditions under which retired members, if not unfit by reason of age, disability, or otherwise, shall be subject to service as a firefighters' reserve. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, *2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

**Notes of Decisions (9)**

11 Pa.C.S.A. § 14321, PA ST 11 Pa.C.S.A. § 14321

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14322  
Formerly cited as PA ST 53 P.S. § 39322

§ 14322. Pensions and service increments

Effective: January 25, 2016  
Currentness

**(a) Payments.**--The following apply:

(1) Payments of pensions shall only be a charge on the firefighters pension fund and shall not be a charge on any other fund under the control, or in the treasury, of the city.

(2) The basis of the pension of a member shall be determined by the monthly salary of the member at the date of vesting under section 14320.1 (relating to limited vested benefit for firefighters) or retirement or the highest average annual salary which the member received during any five years of service preceding retirement, whichever is higher, whether for disability or by reason of age or service, and, except as to service increments provided for in subsection (b), shall be one-half the annual salary of the member at the time of vesting under section 14320.1 or retirement computed at the monthly or average annual rate, whichever is higher.

(3) For payment of pensions to members for permanent injury incurred in service and to families of members killed or who die in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board of managers. These regulations shall not take into consideration the amount and duration of workers' compensation allowed by law. Payments to surviving spouses of members retired on pension or killed in service on or after January 1, 1960, or who die in service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had the member been retired at the time of the member's death.

**(a.1) Home rule and optional charter plans.**--The provisions of subsection (a)(2) shall not apply to a city, whether operating under an optional charter adopted in accordance with the act of July 15, 1957 (P.L. 901, No. 399),<sup>1</sup> known as the Optional Third Class City Charter Law, or under a home rule charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E<sup>2</sup> (relating to home rule and optional plan government), which had pension plans in effect prior to June 19, 2002, that provided pensions in an amount greater than 50% of salary.

**(b) Service increment.**--In addition to the pension which is authorized to be paid from the firefighters pension fund under this chapter and notwithstanding the limitations placed upon the pensions and upon contributions under this chapter, every contributor entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions imposed under this chapter.

(1) A service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14321 (relating to retirement and final discharge), and multiplying the number of years by an amount equal to 0.025% of the retirement allowance which has become payable to the contributor in accordance with the provisions of this chapter. In computing the service increment, no employment after the contributor has reached 65 years of age shall be included and no service increment shall be paid in excess of \$100 per month.

(2) After September 18, 1968, each contributor shall pay into the pension fund a monthly sum in addition to the contributor's pension contribution which shall not exceed the sum of \$1 per month, provided that the service increment contribution shall not be paid after a contributor has reached 65 years of age.

(3) Any individual who is a member of the department on September 18, 1968, and who has reached 65 years of age shall have the individual's service increment computed on the years of employment prior to the member reaching 65 years of age.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions and may be withdrawn in full, without interest, by individuals who leave the employment of the city, subject to the same conditions by which retirement contributions may be withdrawn, or by individuals who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after September 18, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this chapter.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of \$100 per month as long as the payments do not exceed \$500 per month, and, in computing the service increments, no employment after the contributor has reached 65 years of age shall be included, provided that any agreement to provide an increase in service increment payments shall include a proportionate increase in the amount each contributor shall pay into the retirement fund under paragraph (2), not to exceed \$5 per month.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reference to "effective date of this amendment" in paragraphs (d)(2),(3) was changed to "September 18, 1968," the effective date of Act 204 of 1968, which added the language. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (11)

**Footnotes**

1 53 P.S. § 41101 et seq.

2 53 Pa.C.S.A. § 2901 et seq.

11 Pa.C.S.A. § 14322, PA ST 11 Pa.C.S.A. § 14322

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14322.1

Formerly cited as PA ST 53 P.S. § 39322.1

§ 14322.1. Increase of allowances after retirement

Effective: January 25, 2016

Currentness

(a) **Recommendation.**--A city may, at any time, at its discretion and upon the recommendation of the persons having custody and management of the firefighters pension fund, increase the allowances of individuals receiving allowances of any kind from the fund by reason of and after the termination of the services of any member of the fund.

(b) **Uniform scale.**--Increases made pursuant to this section shall be in conformity with a uniform scale, which may be based on the cost of living, but the total of the allowances shall not, at any time, exceed one-half of the current salary being paid firefighters of the highest pay grade.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (3)

11 Pa.C.S.A. § 14322.1, PA ST 11 Pa.C.S.A. § 14322.1

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14323

Formerly cited as PA ST 53 P.S. § 39323

§ 14323. Causes for forfeiture of rights in fund and other employments

Effective: January 25, 2016

Currentness

(a) **Requirement.**--Whenever an individual becomes entitled to receive a pension from the firefighters pension fund and has been admitted to participate in the pension fund, the individual shall not be deprived of the individual's right to participation in the pension fund on the basis upon which the individual first became entitled to participation, unless otherwise required by the act of July 8, 1978 (P.L. 752, No. 140),<sup>1</sup> known as the Public Employee Pension Forfeiture Act.

(b) **Notice and hearing.**--Any termination of a pension shall be only after due notice and hearing as prescribed by regulation of the managers of the fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Also restricts the causes of forfeiture of pensions to those contained in the Public Employee Forfeiture Act. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (3)

#### Footnotes

<sup>1</sup> 43 P.S. § 1311 et seq.

11 Pa.C.S.A. § 14323, PA ST 11 Pa.C.S.A. § 14323

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Subchapter B. Firefighters

11 Pa.C.S.A. § 14324

Formerly cited as PA ST 53 P.S. § 39324

§ 14324. Payments to firefighters pension fund by city

Effective: January 25, 2016

Currentness

Unless otherwise required by the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act, or by any other provision of law, this section shall govern the payment of money raised by taxes levied by the city to the firefighters pension fund. The following shall apply:

(1) A city shall pay to the firefighters pension fund annually a sum of money not less than one-half of 1% nor more than 3% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

(2) Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient money for payments to surviving spouses of members retired on pension, killed or who die in service, provided that the city shall annually pay into the fund not less than one-half of 1% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

References the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984). Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

**Footnotes**

1 53 P.S. § 895.101 et seq.

11 Pa.C.S.A. § 14324, PA ST 11 Pa.C.S.A. § 14324

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11 Pa.C.S.A. § 14325  
Formerly cited as PA ST 53 P.S. § 39325

§ 14325. Transfers from other pension funds

Effective: January 25, 2016  
Currentness

(a) **Transfers.**--In any city where the members of the fire department are members of a pension fund not established solely for the purpose of pensioning members of the fire department, an amount equal to the money contributed to the other pension fund by members of the fire department who have not retired and a just and equitable proportion of the money contributed by the city to the other pension fund for the future retirement of members of the fire department shall be transferred from the other pension fund into the firefighters pension fund required under this chapter. The transfers may be made by the transfer of securities. The amounts to be transferred shall be amicably adjusted by the managers of the firefighters pension fund and the pension board having the charge of the other pension fund. In case of disagreement as to the amount to be transferred, the disagreement shall be resolved by council, whose action on the matter shall be final.

(b) **Continuation.**--Nothing under this section shall be construed to relieve any existing pension fund of its liability to continue the payment of pensions to retired members of the fire department in accordance with the laws and regulations under which the members were retired.

**Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

**Editors' Notes**

**CITY CODE COMMENTS**

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14325, PA ST 11 Pa.C.S.A. § 14325

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14326

Formerly cited as PA ST 53 P.S. § 39326

§ 14326. Trusts for benefit of firefighters pension fund

Effective: January 25, 2016

Currentness

A city may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of the pension fund. The care, management, investment and disposal of the body of the trust shall be vested in the officer or officers of the city as the city may designate. The care, management and disposal shall be directed by ordinance and the body of the trust shall be governed by the ordinance, subject to directions not inconsistent with the ordinance, as the settlor of the trust may prescribe.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14326, PA ST 11 Pa.C.S.A. § 14326

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11 Pa.C.S.A. § 14327  
Formerly cited as PA ST 53 P.S. § 39327

§ 14327. Repayment before retirement

Effective: January 25, 2016  
Currentness

(a) **Refund.**--If a contributing member of the firefighters pension fund ceases to be a member of the fire department before the member becomes entitled to a pension, the total amount of the contributions paid into the pension fund by the member shall be refunded in full without interest.

(b) **Withdrawals.**--If the fund returns to the member the amount contributed and afterward the individual again becomes a member of the fire department, the member shall not be entitled to the pension designated until 20 years after the member's reemployment, unless the member returns to the pension fund the amount withdrawn, in which event the period of 20 years shall be computed from the time the member first became a member of the fire department, excluding any period of time during which the member was not employed by the fire department.

(c) **Death of a member.**--In the event of the death of a member of the fire department, the total amount of contributions paid into the pension fund by the member shall be paid over to the member's estate if any of the following apply:

- (1) the death did not occur in the line of duty;
- (2) the death occurs before the member becomes entitled to a pension; and
- (3) the member has no surviving spouse or family entitled to payments as provided in this subchapter.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (1)

11 Pa.C.S.A. § 14327, PA ST 11 Pa.C.S.A. § 14327

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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11 Pa.C.S.A. § 14328

§ 14328. (Reserved)

Effective: January 25, 2016

Currentness

11 Pa.C.S.A. § 14328, PA ST 11 Pa.C.S.A. § 14328

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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**FILE OF COUNCIL**

NO. \_\_\_\_\_ of 2024

**AN ORDINANCE**

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA REPEALING AND AMENDING DIVISION 5. (ENTITLED "POLICE PENSION FUND ASSOCIATION") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT DIVISION 5. (ENTITLED "POLICE PENSION FUND ASSOCIATION") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES IS HEREBY REPEALED AND AMENDED TO ADOPT SUBCHAPTER A. (ENTITLED "POLICE") OF CHAPTER 143. (ENTITLED "PENSIONS") OF PENNSYLVANIA'S THIRD CLASS CITY CODE AND ANY SUBSEQUENT AMENDMENTS THERETO (COPY ATTACHED AND INCORPORATED HEREIN BY REFERENCE).

**SECTION 1.** Any current or former employee who at the time of this amendment has vested pension rights which differ from those contained herein shall not be affected by this amendment.

**SECTION 2.** Subchapter A. (entitled "Police") of Chapter 143. (Entitled "Pensions") of the Pennsylvania Third Class City Code, and any subsequent amendments thereto, is attached hereto and incorporated herein by reference.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

**REPEALER.**

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2024.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk

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Subchapter A. Police

11 Pa.C.S.A. § 14300  
Formerly cited as PA ST 53 P.S. § 39309

§ 14300. Definitions

Effective: January 25, 2016  
Currentness

**(a) Chapter.**--The following words and phrases when used in this chapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Joint coverage member.” A city employee who becomes a member of the retirement system subsequent to the last date permitted by the city for statement or preference concerning Social Security coverage or who, having become a member on or before that date, filed a written statement with a city's retirement board that the member elects Social Security coverage under an agreement with the Secretary of Health and Human Services entered into by the Commonwealth.

“Single coverage member.” A city employee who becomes a member of the retirement system on or before the last date permitted by the city for statement of preference concerning Social Security coverage and who either filed a written statement with the retirement board that the member does not elect Social Security coverage under any agreement with the Secretary of Health and Human Services entered into by the Commonwealth or did not file any written statement with the retirement board.

**(b) Subchapter.**--The following words and phrases when used in this subchapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Salary.” The fixed amount of compensation paid at regular, periodic intervals by the city to the member and from which pension contributions have been deducted.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

11 Pa.C.S.A. § 14300, PA ST 11 Pa.C.S.A. § 14300

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter A. Police

11 Pa.C.S.A. § 14301  
Formerly cited as PA ST 53 P.S. § 39301

§ 14301. Police pension fund

Effective: January 25, 2016  
Currentness

(a) **Establishment.**—By ordinance, a city shall establish a police pension fund.

(b) **Requirements.**—The following shall apply to a police pension fund established under this section:

(1) The fund shall be maintained by an equal and proportionate monthly charge against each member of the police force that may not exceed annually 4% of the pay of the member and an additional amount not to exceed 1% of the pay of the member.

(2) The charges under paragraph (1) shall be paid by the member or the municipal corporation to provide sufficient funds for payments required by section 14303(f) (relating to allowances and service increments).

(3) The payments under paragraph (2) shall be made to a surviving spouse even if the spouse remarries or, if no spouse survives or if the individual survives and subsequently dies, to the children under 18 years of age of:

(i) a member of the police force;

(ii) a member retired on pension; or

(iii) a member who died in service.

(4) The fund shall be under the direction and control of council but may be committed to the custody and management of an officer of the city or to another person, as may be designated by council by ordinance.

(5) Under regulations as council may prescribe by ordinance, the fund shall be applied for the benefit of:

(i) members of the police force that have received honorable discharge from the police force by reason of age or disability;

(ii) surviving spouses even if they remarry; or

(iii) if no spouse survives or if the individual survives and subsequently dies, the child or children under 18 years of age of:

(A) members of the police force; or

(B) members retired on pension.

(6) An allowance made to an individual who retired by reason of a disability or age shall be in conformity with a uniform scale, together with a service increment as provided under this chapter.

(7) Compensation paid to a corporate custodian of the police pension fund shall be paid from the city general fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Clarifies that if council designates officers of the city or other persons or entities to the custody and management of the police pension fund that the designation must be by ordinance. Editorial amendments. Subdivided for clarity. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (29)

11 Pa.C.S.A. § 14301, PA ST 11 Pa.C.S.A. § 14301

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter A. Police

11 Pa.C.S.A. § 14302

Formerly cited as PA ST 53 P.S. § 39302

§ 14302. Retirement and final discharge

Effective: January 25, 2016

Currentness

(a) **Requirements for ordinance.**--With regard to continuous service and minimum retirement age requirements, the ordinance establishing the police pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum retirement age is prescribed, a minimum age of 50 years.

(b) **Retired member.**--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a police reserve under terms and conditions as may be established by council.

(c) **Military service.**--With the approval of council, a member of the police pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of the service upon the member's payment to:

(1) the police pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which credit is desired; and

(2) the fund of an additional amount as the equivalent of the contributions of the city on account of the military service.

To be eligible under this subsection, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the police pension fund prior to the military service.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Clarifies that council may establish terms and conditions under which retired members, if not unfit by reason of age, disability, or otherwise, shall be subject to service as a police reserve. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (16)

11 Pa.C.S.A. § 14302, PA ST 11 Pa.C.S.A. § 14302

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Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14302.1  
Formerly cited as PA ST 53 P.S. § 39302.1

§ 14302.1. Limited vested benefit

Effective: January 25, 2016  
Currentness

(a) **Ordinance.**--The ordinance establishing a police pension fund may provide for a limited vested benefit if the benefit would conform to section 305 of the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act.

(b) **Requirements.**--Under a limited vested benefit, a member of the police pension fund who has not completed the minimum period of continuous service requirement and satisfied an applicable minimum age requirement but who has completed 12 years of full-time service shall be entitled to vest the member's retirement benefits subject to the following conditions:

(1) The member must file with the management board of the police pension fund a written notice of the member's intention to vest.

(2) The member must include in the notice the date the member intends to terminate the member's service as a full-time police officer.

(3) The termination date shall be at least 30 days later than the date of notice to vest.

(4) The member must be in good standing with the police department on the date of the notice to vest.

(5) The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding that date, whichever is higher.

(c) **Notification.**--Upon reaching the date that would have been the member's retirement date if the member continued full-time employment with the police department, the member shall notify the board, in writing, that the member desires to collect the member's pension.

(d) **Amount of retirement benefits.**--The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service rendered bears to the years of service that would have been rendered if the member continued to be employed by the department until the member's minimum retirement date.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (2)

#### Footnotes

1 53 P.S. § 895.305.

11 Pa.C.S.A. § 14302.1, PA ST 11 Pa.C.S.A. § 14302.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 11 Pa.C.S.A. Cities  
Part V. Third Class Cities (Refs & Annos)  
Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14303  
Formerly cited as PA ST 53 P.S. § 39303

§ 14303. Allowance and service increments

Effective: January 25, 2016  
Currentness

(a) **Allowance.**--A payment for an allowance shall only be a charge on the police pension fund and may not be a charge on another fund under the control of or in the city treasury.

(b) **Apportionment of the pension.**--The basis of the apportionment of the pension:

(1) Shall be determined by the rate of the monthly pay of the member at the date of injury, death, honorable discharge, vesting under section 14302.1 (relating to limited vested benefit) or retirement, or the highest average annual salary that the member received during any five years of service preceding injury, death, honorable discharge, vesting under section 14302.1 or retirement, whichever is higher.

(2) Except as to service increments provided for in subsection (d), may not exceed in a year one-half the annual pay of the member computed at the monthly or average annual rate, whichever is higher.

(c) **Limitation.**--

(1) The provisions of subsection (b)(2) may not apply to a city operating under:

(i) an optional charter adopted in accordance with the act of July 15, 1957 (P.L. 901, No. 399),<sup>1</sup> known as the Optional Third Class City Charter Law; or

(ii) a home rule charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E<sup>2</sup> (relating to home rule and optional plan government).

(2) This subsection is applicable only to a city that had a pension plan in effect prior to July 1, 1931, that provided pensions in an amount greater than 50% of salary.

(d) **Conditions.**--In addition to the retirement allowance authorized to be paid from the police pension fund by this chapter and notwithstanding the limitations placed upon the retirement allowances and upon contributions, a contributor who becomes entitled to the retirement allowance shall be entitled to the payment of a service increment in accordance with and subject to the following conditions:

(1) The following shall apply:

(i) Service increment shall be the sum obtained by computing:

(A) the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14302 (relating to retirement and final discharge); and

(B) multiplying the number of years computed under clause (A) by an amount equal to 0.025% of the retirement allowance that has become payable to the contributor in accordance with the provisions of this chapter.

(ii) In computing the service increment, employment after the contributor has reached 65 years of age may not be included and a service increment may not be paid in excess of \$100 per month.

(2) From and after January 1, 1952, a contributor shall pay into the retirement fund a monthly sum in addition to the contributor's retirement contribution that shall be equal to one-half of 1% of the contributor's salary, provided that:

(i) the payment may not exceed the sum of \$1 per month; and

(ii) the service increment contribution may not be paid after a contributor has reached 65 years of age.

(3) An individual who is a contributor on January 1, 1952, and has reached 65 years of age shall have the contributor's service increment computed on the years of employment prior to the date the contributor reached 65 years of age.

(4) A service increment contribution shall be paid at the same time and in the same manner as a retirement contribution. A service increment contribution may be withdrawn in full without interest by an individual who:

(i) left the employment of the city, subject to the same conditions by which a retirement contribution may be withdrawn; or

(ii) retires before becoming entitled to a service increment.

(5) The members of the police force who are now contributors to the retirement fund and the members employed by the city after January 1, 1952, if required to become contributors to the retirement fund, shall be subject to the provisions of this part.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of \$100 per month as long as the payments do not exceed \$500 per month. In computing the service increments, employment after the contributor has reached 65 years of age may not be included, provided that an agreement to provide an increase in service increment payments shall include a proportionate increase in the amount a contributor shall pay into the retirement fund under paragraph (2), not to exceed \$5 per month.

(e) **Spouse and children.**--The spouse of a member of the police force or a member who retires on pension who dies or, if no spouse survives or if the spouse survives and subsequently dies or remarries, the child or children under 18 years of age of a member of the police force or a member who retires on pension who dies on or after August 1, 1963, shall, during the lifetime of the surviving spouse, even if the surviving spouse remarries, or until reaching 18 years of age in the case of a child or children, be entitled to receive a pension calculated at the rate of 50% of the pension the member was receiving or would have been receiving if the member was retired at the time of the member's death and may receive the pension the member was receiving or would have been receiving had the member been retired at the time of the member's death.

(f) **Certain police officers.**--A police officer who has less than 10 years of service and who dies or is totally disabled due to injuries or mental incapacities not in the line of duty and is unable to perform the duties of a police officer may be entitled to a pension of 25% of the police officer's annual compensation. For death or injuries received after 10 years of service, the compensation may be 50% of the police officer's annual compensation.

(g) **Disability pension.**--The disability pension may be payable to the police officer during the police officer's lifetime, and, if the police officer dies, the pension payment that the police officer was receiving may be continued to be paid to:

(1) the police officer's spouse if the spouse survives; or

(2) if the spouse subsequently dies or remarries, the child or children under 18 years of age of the police officer.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reference to "the effective date of this amendment" in subsection (d)(2)-(5) was changed to January 1, 1952, the effective date of Act 596 of 1951 which added that language. Reference to "the effective date of this clause" in subsection (d)(6) was changed to June 19, 2002, the effective date of Act 65 of 2002 which added that language. Reference to "the effective date of this amendment" in subsection (e) was changed to August 1, 1963, the effective date of Act 232 of 1963 which added that language. Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (39)

Footnotes

1 53 P.S. § 41101 et seq.

2 53 Pa.C.S.A. § 2901 et seq.

11 Pa.C.S.A. § 14303, PA ST 11 Pa.C.S.A. § 14303

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14303.1

Formerly cited as PA ST 53 P.S. § 39303.1

§ 14303.1. Increase of allowances after retirement

Effective: January 25, 2016

Currentness

(a) **Increase of allowance.**--Upon the recommendation of the persons having custody and management of the police pension fund, a city may, at its discretion, increase the allowance of individuals receiving an allowance from the police pension fund by reason of and after the termination of the services of a member of the fund.

(b) **Limitation.**--An increase made under this section must be in conformity with a uniform scale that may be based on the cost of living, but the total of the allowance may not exceed one-half of the current salary being paid patrol persons of the highest pay grade.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (6)

11 Pa.C.S.A. § 14303.1, PA ST 11 Pa.C.S.A. § 14303.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Proposed Legislation

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14303.2

Formerly cited as PA ST 53 P.S. § 39303.2

§ 14303.2. Total disability

Effective: January 25, 2016

Currentness

(a) **Injury sustained in the line of duty.**--Notwithstanding any provision of this chapter, a police officer who becomes totally disabled due to an injury sustained in the line of duty shall be deemed to be fully vested in the police pension fund regardless of the actual number of years of credited service and shall be eligible for immediate retirement benefits.

(b) **Claim and proof.**--The governing body of the city shall decide a claim under this section. Proof of disability shall be by competent medical evidence provided by the claimant. The governing body of the city may, at any time, have the claimant examined by its own physician.

(c) **Procedure.**--A claim under this section may be initiated as the regulations of council prescribe. Hearings and appeals shall be as provided in 2 Pa.C.S. (relating to administrative law and procedure).

(d) **Subrogation.**--The police pension fund shall be subrogated to the right of the claimant to the extent of a payment made under the act of June 2, 1915 (P.L. 736, No. 338),<sup>1</sup> known as the Workers' Compensation Act, or the act of June 28, 1935 (P.L. 477, No. 193),<sup>2</sup> referred to as the Enforcement Officer Disability Benefits Law (Heart and Lung Act).

(e) **Definition.**--As used in this section, the term "total disability" means permanent mental or physical impairment that renders the police officer unable to perform the officer's duties.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS



Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (5)

#### Footnotes

1 77 P.S. § 1 et seq.

2 53 P.S. §§ 637, 638.

11 Pa.C.S.A. § 14303.2, PA ST 11 Pa.C.S.A. § 14303.2

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14304

Formerly cited as PA ST 53 P.S. § 39304

§ 14304. Inalienable rights in fund

Effective: January 25, 2016

Currentness

Whenever an individual becomes entitled to receive an allowance from the police pension fund and has been admitted to participate in the fund, the individual may not be deprived of the individual's right to equal and proportionate participation in the fund on the basis upon which the individual first became entitled to participation.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

Notes of Decisions (4)

11 Pa.C.S.A. § 14304, PA ST 11 Pa.C.S.A. § 14304

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14305

Formerly cited as PA ST 53 P.S. § 39305

§ 14305. Payments to police pension fund by city

Effective: January 25, 2016

Currentness

Unless otherwise required by the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act, or another provision of law, this section shall govern the payment to the police pension fund of money raised by a tax levied by the city. The following shall apply:

(1) A city shall pay annually to the police pension fund a sum of money sufficient to meet the requirements of and to maintain the fund. In any year, the sum may not be less than one-half of 1% or more than 3% of the taxes levied by the city, other than a tax levied to pay interest on or extinguish the debt of the city.

(2) Council may exceed the limitation imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to surviving spouses of members retired on pension, killed or who die in the service, provided that the city may annually pay into the fund not less than one-half of 1% of the taxes levied by the city, other than a tax levied to pay interest on or extinguish the debt of the city.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

References the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984). Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (3)

### Footnotes

1 53 P.S. § 895.101 et seq.

11 Pa.C.S.A. § 14305, PA ST 11 Pa.C.S.A. § 14305

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Title 11 Pa.C.S.A. Cities  
Part V. Third Class Cities (Refs & Annos)  
Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14306  
Formerly cited as PA ST 53 P.S. § 39306

§ 14306. Management of police pension fund

Effective: January 25, 2016  
Currentness

Only a person designated in accordance with section 14301(b)(4) (relating to police pension fund) shall be authorized to make decisions to hold, receive and distribute the money of the police pension fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Rephrased for clarity. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14306, PA ST 11 Pa.C.S.A. § 14306

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14307

Formerly cited as PA ST 53 P.S. § 39307

§ 14307. Trust for benefit of police pension fund

Effective: January 25, 2016

Currentness

By gift, grant, devise or bequest, a city may take money or real, personal or mixed property in trust for the benefit of the pension fund. The care, management, investment and disposal of the body of the trust shall be vested in the officer or officers of the city for the time the council designates. The care, management and disposal shall be directed by ordinance and the body of the trust shall be governed by the ordinance, subject to the directions that are not inconsistent with the ordinance, as the settlor of the trust may prescribe.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14307, PA ST 11 Pa.C.S.A. § 14307

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter A. Police

11 Pa.C.S.A. § 14308  
Formerly cited as PA ST 53 P.S. § 39308

§ 14308. Repayment before retirement

Effective: January 25, 2016  
Currentness

(a) **Refund.**--If a contributing member of the police pension fund ceases to be a member of the police force before becoming entitled to a pension, the total amount of the contributions paid into the pension fund by the member shall be refunded to the member in full, without interest.

(b) **Return of amount contributed.**--If the fund has returned to the member the amount contributed and afterward the individual again becomes a member of the police force, the member shall not be entitled to the pension designated until 20 years after the member's reemployment, unless the member returns to the police pension fund the amount withdrawn. If a member returns to the pension fund the amount withdrawn, the period of 20 years shall be computed from the time the member first became a member of the police force, excluding the period of time during which the member was not employed by the police force.

(c) **Payment to member's estate.**--If a member of the police force dies not in the line of service before the member becomes entitled to a pension and the member is not survived by a spouse or family entitled to payments as provided in this subchapter, the total amount of contributions paid into the pension fund by the member shall be paid over to the member's estate.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14308, PA ST 11 Pa.C.S.A. § 14308

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 11 Pa.C.S.A. Cities

Part V. Third Class Cities (Refs & Annos)

Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14309

§ 14309. (Reserved)

Effective: January 25, 2016

Currentness

11 Pa.C.S.A. § 14309, PA ST 11 Pa.C.S.A. § 14309

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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**FILE OF COUNCIL**

**NO. \_\_\_\_\_ of 2024**

**AN ORDINANCE**

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA REPEALING AND AMENDING DIVISION 6. (ENTITLED "BUREAU OF POLICEMEN'S RELIEF") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT DIVISION 6. (ENTITLED "BUREAU OF POLICEMEN'S RELIEF") OF ARTICLE III. (ENTITLED "EMPLOYEE AND OFFICER BENEFITS") OF CHAPTER 2 (ENTITLED "ADMINISTRATION") OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES IS HEREBY REPEALED AND AMENDED TO ADOPT SUBCHAPTER A. (ENTITLED "POLICE") OF CHAPTER 143. (ENTITLED "PENSIONS") OF PENNSYLVANIA'S THIRD CLASS CITY CODE AND ANY SUBSEQUENT AMENDMENTS THERETO (COPY ATTACHED AND INCORPORATED HEREIN BY REFERENCE).

**SECTION 1.** Any current or former employee who at the time of this amendment has vested pension rights which differ from those contained herein shall not be affected by this amendment.

**SECTION 2.** Subchapter A. (entitled "Police") of Chapter 143. (Entitled "Pensions") of the Pennsylvania Third Class City Code, and any subsequent amendments thereto, is attached hereto and incorporated herein by reference.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

**REPEALER.**

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2024.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 11 Pa.C.S.A. Cities  
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Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14300  
Formerly cited as PA ST 53 P.S. § 39309

§ 14300. Definitions

Effective: January 25, 2016  
Currentness

**(a) Chapter.**--The following words and phrases when used in this chapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Joint coverage member.” A city employee who becomes a member of the retirement system subsequent to the last date permitted by the city for statement or preference concerning Social Security coverage or who, having become a member on or before that date, filed a written statement with a city's retirement board that the member elects Social Security coverage under an agreement with the Secretary of Health and Human Services entered into by the Commonwealth.

“Single coverage member.” A city employee who becomes a member of the retirement system on or before the last date permitted by the city for statement of preference concerning Social Security coverage and who either filed a written statement with the retirement board that the member does not elect Social Security coverage under any agreement with the Secretary of Health and Human Services entered into by the Commonwealth or did not file any written statement with the retirement board.

**(b) Subchapter.**--The following words and phrases when used in this subchapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Salary.” The fixed amount of compensation paid at regular, periodic intervals by the city to the member and from which pension contributions have been deducted.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

11 Pa.C.S.A. § 14300, PA ST 11 Pa.C.S.A. § 14300

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Part V. Third Class Cities (Refs & Annos)  
Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14301  
Formerly cited as PA ST 53 P.S. § 39301

§ 14301. Police pension fund

Effective: January 25, 2016  
Currentness

(a) **Establishment.**--By ordinance, a city shall establish a police pension fund.

(b) **Requirements.**--The following shall apply to a police pension fund established under this section:

(1) The fund shall be maintained by an equal and proportionate monthly charge against each member of the police force that may not exceed annually 4% of the pay of the member and an additional amount not to exceed 1% of the pay of the member.

(2) The charges under paragraph (1) shall be paid by the member or the municipal corporation to provide sufficient funds for payments required by section 14303(f) (relating to allowances and service increments).

(3) The payments under paragraph (2) shall be made to a surviving spouse even if the spouse remarries or, if no spouse survives or if the individual survives and subsequently dies, to the children under 18 years of age of:

(i) a member of the police force;

(ii) a member retired on pension; or

(iii) a member who died in service.

(4) The fund shall be under the direction and control of council but may be committed to the custody and management of an officer of the city or to another person, as may be designated by council by ordinance.

(5) Under regulations as council may prescribe by ordinance, the fund shall be applied for the benefit of:

(i) members of the police force that have received honorable discharge from the police force by reason of age or disability;

(ii) surviving spouses even if they remarry; or

(iii) if no spouse survives or if the individual survives and subsequently dies, the child or children under 18 years of age of:

(A) members of the police force; or

(B) members retired on pension.

(6) An allowance made to an individual who retired by reason of a disability or age shall be in conformity with a uniform scale, together with a service increment as provided under this chapter.

(7) Compensation paid to a corporate custodian of the police pension fund shall be paid from the city general fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Clarifies that if council designates officers of the city or other persons or entities to the custody and management of the police pension fund that the designation must be by ordinance. Editorial amendments. Subdivided for clarity. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (29)

11 Pa.C.S.A. § 14301, PA ST 11 Pa.C.S.A. § 14301

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14302

Formerly cited as PA ST 53 P.S. § 39302

§ 14302. Retirement and final discharge

Effective: January 25, 2016

Currentness

**(a) Requirements for ordinance.**--With regard to continuous service and minimum retirement age requirements, the ordinance establishing the police pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum retirement age is prescribed, a minimum age of 50 years.

**(b) Retired member.**--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a police reserve under terms and conditions as may be established by council.

**(c) Military service.**--With the approval of council, a member of the police pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of the service upon the member's payment to:

(1) the police pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which credit is desired; and

(2) the fund of an additional amount as the equivalent of the contributions of the city on account of the military service.

To be eligible under this subsection, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the police pension fund prior to the military service.

#### **Credits**

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### **Editors' Notes**

#### **CITY CODE COMMENTS**

Clarifies that council may establish terms and conditions under which retired members, if not unfit by reason of age, disability, or otherwise, shall be subject to service as a police reserve. Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (16)

11 Pa.C.S.A. § 14302, PA ST 11 Pa.C.S.A. § 14302

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14302.1

Formerly cited as PA ST 53 P.S. § 39302.1

§ 14302.1. Limited vested benefit

Effective: January 25, 2016

Currentness

(a) **Ordinance.**--The ordinance establishing a police pension fund may provide for a limited vested benefit if the benefit would conform to section 305 of the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act.

(b) **Requirements.**--Under a limited vested benefit, a member of the police pension fund who has not completed the minimum period of continuous service requirement and satisfied an applicable minimum age requirement but who has completed 12 years of full-time service shall be entitled to vest the member's retirement benefits subject to the following conditions:

(1) The member must file with the management board of the police pension fund a written notice of the member's intention to vest.

(2) The member must include in the notice the date the member intends to terminate the member's service as a full-time police officer.

(3) The termination date shall be at least 30 days later than the date of notice to vest.

(4) The member must be in good standing with the police department on the date of the notice to vest.

(5) The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding that date, whichever is higher.

(c) **Notification.**--Upon reaching the date that would have been the member's retirement date if the member continued full-time employment with the police department, the member shall notify the board, in writing, that the member desires to collect the member's pension.



(d) **Amount of retirement benefits.**—The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service rendered bears to the years of service that would have been rendered if the member continued to be employed by the department until the member's minimum retirement date.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (2)

#### Footnotes

1 53 P.S. § 895.305.

11 Pa.C.S.A. § 14302.1, PA ST 11 Pa.C.S.A. § 14302.1

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14303

Formerly cited as PA ST 53 P.S. § 39303

§ 14303. Allowance and service increments

Effective: January 25, 2016

Currentness

(a) **Allowance.**--A payment for an allowance shall only be a charge on the police pension fund and may not be a charge on another fund under the control of or in the city treasury.

(b) **Apportionment of the pension.**--The basis of the apportionment of the pension:

(1) Shall be determined by the rate of the monthly pay of the member at the date of injury, death, honorable discharge, vesting under section 14302.1 (relating to limited vested benefit) or retirement, or the highest average annual salary that the member received during any five years of service preceding injury, death, honorable discharge, vesting under section 14302.1 or retirement, whichever is higher.

(2) Except as to service increments provided for in subsection (d), may not exceed in a year one-half the annual pay of the member computed at the monthly or average annual rate, whichever is higher.

(c) **Limitation.**--

(1) The provisions of subsection (b)(2) may not apply to a city operating under:

(i) an optional charter adopted in accordance with the act of July 15, 1957 (P.L. 901, No. 399),<sup>1</sup> known as the Optional Third Class City Charter Law; or

(ii) a home rule charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E<sup>2</sup> (relating to home rule and optional plan government).

(2) This subsection is applicable only to a city that had a pension plan in effect prior to July 1, 1931, that provided pensions in an amount greater than 50% of salary.

(d) **Conditions.**--In addition to the retirement allowance authorized to be paid from the police pension fund by this chapter and notwithstanding the limitations placed upon the retirement allowances and upon contributions, a contributor who becomes entitled to the retirement allowance shall be entitled to the payment of a service increment in accordance with and subject to the following conditions:

(1) The following shall apply:

(i) Service increment shall be the sum obtained by computing:

(A) the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14302 (relating to retirement and final discharge); and

(B) multiplying the number of years computed under clause (A) by an amount equal to 0.025% of the retirement allowance that has become payable to the contributor in accordance with the provisions of this chapter.

(ii) In computing the service increment, employment after the contributor has reached 65 years of age may not be included and a service increment may not be paid in excess of \$100 per month.

(2) From and after January 1, 1952, a contributor shall pay into the retirement fund a monthly sum in addition to the contributor's retirement contribution that shall be equal to one-half of 1% of the contributor's salary, provided that:

(i) the payment may not exceed the sum of \$1 per month; and

(ii) the service increment contribution may not be paid after a contributor has reached 65 years of age.

(3) An individual who is a contributor on January 1, 1952, and has reached 65 years of age shall have the contributor's service increment computed on the years of employment prior to the date the contributor reached 65 years of age.

(4) A service increment contribution shall be paid at the same time and in the same manner as a retirement contribution. A service increment contribution may be withdrawn in full without interest by an individual who:

(i) left the employment of the city, subject to the same conditions by which a retirement contribution may be withdrawn; or

(ii) retires before becoming entitled to a service increment.

(5) The members of the police force who are now contributors to the retirement fund and the members employed by the city after January 1, 1952, if required to become contributors to the retirement fund, shall be subject to the provisions of this part.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of \$100 per month as long as the payments do not exceed \$500 per month. In computing the service increments, employment after the contributor has reached 65 years of age may not be included, provided that an agreement to provide an increase in service increment payments shall include a proportionate increase in the amount a contributor shall pay into the retirement fund under paragraph (2), not to exceed \$5 per month.

(e) **Spouse and children.**--The spouse of a member of the police force or a member who retires on pension who dies or, if no spouse survives or if the spouse survives and subsequently dies or remarries, the child or children under 18 years of age of a member of the police force or a member who retires on pension who dies on or after August 1, 1963, shall, during the lifetime of the surviving spouse, even if the surviving spouse remarries, or until reaching 18 years of age in the case of a child or children, be entitled to receive a pension calculated at the rate of 50% of the pension the member was receiving or would have been receiving if the member was retired at the time of the member's death and may receive the pension the member was receiving or would have been receiving had the member been retired at the time of the member's death.

(f) **Certain police officers.**--A police officer who has less than 10 years of service and who dies or is totally disabled due to injuries or mental incapacities not in the line of duty and is unable to perform the duties of a police officer may be entitled to a pension of 25% of the police officer's annual compensation. For death or injuries received after 10 years of service, the compensation may be 50% of the police officer's annual compensation.

(g) **Disability pension.**--The disability pension may be payable to the police officer during the police officer's lifetime, and, if the police officer dies, the pension payment that the police officer was receiving may be continued to be paid to:

(1) the police officer's spouse if the spouse survives; or

(2) if the spouse subsequently dies or remarries, the child or children under 18 years of age of the police officer.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Reference to "the effective date of this amendment" in subsection (d)(2)-(5) was changed to January 1, 1952, the effective date of Act 596 of 1951 which added that language. Reference to "the effective date of this clause" in subsection (d)(6) was changed to June 19, 2002, the effective date of Act 65 of 2002 which added that language. Reference to "the effective date of this amendment" in subsection (e) was changed to August 1, 1963, the effective date of Act 232 of 1963 which added that language. Reorganized for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (39)

**Footnotes**

1 53 P.S. § 41101 et seq.

2 53 Pa.C.S.A. § 2901 et seq.

11 Pa.C.S.A. § 14303, PA ST 11 Pa.C.S.A. § 14303

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14303.1  
Formerly cited as PA ST 53 P.S. § 39303.1

§ 14303.1. Increase of allowances after retirement

Effective: January 25, 2016  
Currentness

(a) **Increase of allowance.**--Upon the recommendation of the persons having custody and management of the police pension fund, a city may, at its discretion, increase the allowance of individuals receiving an allowance from the police pension fund by reason of and after the termination of the services of a member of the fund.

(b) **Limitation.**--An increase made under this section must be in conformity with a uniform scale that may be based on the cost of living, but the total of the allowance may not exceed one-half of the current salary being paid patrol persons of the highest pay grade.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

#### Notes of Decisions (6)

11 Pa.C.S.A. § 14303.1, PA ST 11 Pa.C.S.A. § 14303.1

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Chapter 143. Pensions  
Subchapter A. Police

11 Pa.C.S.A. § 14303.2  
Formerly cited as PA ST 53 P.S. § 39303.2

§ 14303.2. Total disability

Effective: January 25, 2016  
Currentness

(a) **Injury sustained in the line of duty.**--Notwithstanding any provision of this chapter, a police officer who becomes totally disabled due to an injury sustained in the line of duty shall be deemed to be fully vested in the police pension fund regardless of the actual number of years of credited service and shall be eligible for immediate retirement benefits.

(b) **Claim and proof.**--The governing body of the city shall decide a claim under this section. Proof of disability shall be by competent medical evidence provided by the claimant. The governing body of the city may, at any time, have the claimant examined by its own physician.

(c) **Procedure.**--A claim under this section may be initiated as the regulations of council prescribe. Hearings and appeals shall be as provided in 2 Pa.C.S. (relating to administrative law and procedure).

(d) **Subrogation.**--The police pension fund shall be subrogated to the right of the claimant to the extent of a payment made under the act of June 2, 1915 (P.L. 736, No. 338),<sup>1</sup> known as the Workers' Compensation Act, or the act of June 28, 1935 (P.L. 477, No. 193),<sup>2</sup> referred to as the Enforcement Officer Disability Benefits Law (Heart and Lung Act).

(e) **Definition.**--As used in this section, the term "total disability" means permanent mental or physical impairment that renders the police officer unable to perform the officer's duties.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (5)

### Footnotes

1 77 P.S. § 1 et seq.

2 53 P.S. §§ 637, 638.

11 Pa.C.S.A. § 14303.2, PA ST 11 Pa.C.S.A. § 14303.2

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Subchapter A. Police

11 Pa.C.S.A. § 14304

Formerly cited as PA ST 53 P.S. § 39304

§ 14304. Inalienable rights in fund

Effective: January 25, 2016

Currentness

Whenever an individual becomes entitled to receive an allowance from the police pension fund and has been admitted to participate in the fund, the individual may not be deprived of the individual's right to equal and proportionate participation in the fund on the basis upon which the individual first became entitled to participation.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - *Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703)*, 2013-14 Sess. (2014)]

Notes of Decisions (4)

11 Pa.C.S.A. § 14304, PA ST 11 Pa.C.S.A. § 14304

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Subchapter A. Police

11 Pa.C.S.A. § 14305

Formerly cited as PA ST 53 P.S. § 39305

§ 14305. Payments to police pension fund by city

Effective: January 25, 2016

Currentness

Unless otherwise required by the act of December 18, 1984 (P.L. 1005, No. 205),<sup>1</sup> known as the Municipal Pension Plan Funding Standard and Recovery Act, or another provision of law, this section shall govern the payment to the police pension fund of money raised by a tax levied by the city. The following shall apply:

(1) A city shall pay annually to the police pension fund a sum of money sufficient to meet the requirements of and to maintain the fund. In any year, the sum may not be less than one-half of 1% or more than 3% of the taxes levied by the city, other than a tax levied to pay interest on or extinguish the debt of the city.

(2) Council may exceed the limitation imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to surviving spouses of members retired on pension, killed or who die in the service, provided that the city may annually pay into the fund not less than one-half of 1% of the taxes levied by the city, other than a tax levied to pay interest on or extinguish the debt of the city.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

References the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984). Editorial amendments.  
[PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

Notes of Decisions (3)

**Footnotes**

1 53 P.S. § 895.101 et seq.

11 Pa.C.S.A. § 14305, PA ST 11 Pa.C.S.A. § 14305

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14306

Formerly cited as PA ST 53 P.S. § 39306

§ 14306. Management of police pension fund

Effective: January 25, 2016

Currentness

Only a person designated in accordance with section 14301(b)(4) (relating to police pension fund) shall be authorized to make decisions to hold, receive and distribute the money of the police pension fund.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Rephrased for clarity. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14306, PA ST 11 Pa.C.S.A. § 14306

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14307

Formerly cited as PA ST 53 P.S. § 39307

§ 14307. Trust for benefit of police pension fund

Effective: January 25, 2016

Currentness

By gift, grant, devise or bequest, a city may take money or real, personal or mixed property in trust for the benefit of the pension fund. The care, management, investment and disposal of the body of the trust shall be vested in the officer or officers of the city for the time the council designates. The care, management and disposal shall be directed by ordinance and the body of the trust shall be governed by the ordinance, subject to the directions that are not inconsistent with the ordinance, as the settlor of the trust may prescribe.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14307, PA ST 11 Pa.C.S.A. § 14307

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Chapter 143. Pensions

Subchapter A. Police

11 Pa.C.S.A. § 14308

Formerly cited as PA ST 53 P.S. § 39308

§ 14308. Repayment before retirement

Effective: January 25, 2016

Currentness

(a) **Refund.**--If a contributing member of the police pension fund ceases to be a member of the police force before becoming entitled to a pension, the total amount of the contributions paid into the pension fund by the member shall be refunded to the member in full, without interest.

(b) **Return of amount contributed.**--If the fund has returned to the member the amount contributed and afterward the individual again becomes a member of the police force, the member shall not be entitled to the pension designated until 20 years after the member's reemployment, unless the member returns to the police pension fund the amount withdrawn. If a member returns to the pension fund the amount withdrawn, the period of 20 years shall be computed from the time the member first became a member of the police force, excluding the period of time during which the member was not employed by the police force.

(c) **Payment to member's estate.**--If a member of the police force dies not in the line of service before the member becomes entitled to a pension and the member is not survived by a spouse or family entitled to payments as provided in this subchapter, the total amount of contributions paid into the pension fund by the member shall be paid over to the member's estate.

#### Credits

2015, Nov. 24, P.L. 242, No. 67, § 1, effective in 60 days [Jan. 25, 2016].

#### Editors' Notes

#### CITY CODE COMMENTS

Subdivided for clarity. Editorial amendments. [PA Local Gov't. Comm. <<http://www.lgc.state.pa.us>>, 2014 - Part II, Section-By-Section Commentary, Third Class City Code Revision, Act 22 of 2014 (SB 497, PN 1703), 2013-14 Sess. (2014)]

11 Pa.C.S.A. § 14308, PA ST 11 Pa.C.S.A. § 14308

Current through the end of the 2023 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter A. Police

11 Pa.C.S.A. § 14309

§ 14309. (Reserved)

Effective: January 25, 2016  
Currentness

11 Pa.C.S.A. § 14309, PA ST 11 Pa.C.S.A. § 14309

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