

two), be and the same is hereby further amended to read as follows:

Rehearing.

Section 426. The board, upon petition of any party and upon cause shown, at any time before the court of common pleas of any county of this Commonwealth to whom an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon, may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling, or has sustained or reversed any action of a referee, *but such rehearing shall not be granted more than one year after the board has made such award, disallowance, or other order or ruling, or has sustained or reversed any action of the referee.* If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in, the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article, the board shall file in such court a certified copy of its order granting such rehearing, and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board: *Provided, however, That nothing contained in this section shall limit or restrict the right of the board, or a referee designated by the board, to review, modify, set aside, reinstate, suspend, or terminate, an original or supplemental agreement, or an award in accordance with the provisions of section four hundred thirteen of this article.*

Limitation.

Proviso.

Effective date.

Section 9. The provisions of sections one and two of this act shall not apply to any accident or injury occurring prior to midnight, on the thirty-first day of December, one thousand nine hundred and twenty-seven, but all such accidents and injuries shall be compensated in the manner and according to the schedules as fixed prior to the passage of this act. The remaining provisions of this act shall be in force upon its passage and approval.

APPROVED—The 13th day of April, A. D. 1927.

JOHN S. FISHER

No. 157

### AN ACT

Authorizing cities of the third class to establish a pension fund for employes of said cities who are not now protected by pension authorized by the laws of this State and in force at the time of the passage of this act.

Whereas, The laws of the Commonwealth authorize cities of the third class to create and maintain pension funds for the benefit of volunteer firemen and police; and

Whereas, No authority is now vested in such cities to provide for the pensioning of other employes thereof who by reason of age or infirmities are incapacitated; therefore,

Section 1. Be it enacted, &c., That all cities of the third class may create a pension fund for the pensioning of employes of said cities who are not now protected by pension authorized by the laws of this State and in force at the time of the passage of this act, in the manner, under the conditions and subject to the qualifications following:

Cities of third class.

Pensions.

Section 2. In any such city, which creates such pension fund, there shall be created a board to be known as the pension board consisting of the mayor, the city controller, the superintendent of finance, and two employes to be chosen by the employes contributing to the pension fund. It shall be the duty of said board to register all persons employed by the said city, and to administer the collections and distribution of the fund herein provided for, and make such reasonable rules in the premises as such board may deem necessary to carry into effect the provisions of this act.

Pension board.

Duties.

Section 3. Every person, now or hereafter employed by any such city, which has created such pension fund and pension board as hereinbefore provided, of the age of sixty years and upwards, who shall have been so employed for a period of twenty years or more, shall, upon application to the board of pensions herein created, be retired from service and shall, during the remainder of his or her life, receive the pension or compensation fixed by this act, subject to such qualifications as are herein contained.

Persons entitled to pension.

Section 4. During the lifetime of any person, in the employment of any city of the third class creating such pension fund and pension board as hereinbefore provided, he or she shall be entitled to receive as a pension annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last five years of his or her employment by the said city, said pension to be paid in semi-monthly payments. Should any persons so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his or her position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned. notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the service of such city, but said pension shall not commence until he or she has attained the age of sixty

Amount and duration of pension.

Dismissal or retirement.

- years. Should any employe, however, become totally and permanently disabled, after twenty years of service, and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would permanently disable him or her from performing the duties of his or her position or office.
- Section 5. The employes of any city of the third class, creating such pension fund and pension board, shall, after the passage of this act, pay unto the board of pensions monthly, an amount equal to two per centum of their monthly salaries or wages, in no event, however, paying at a rate greater than four dollars per month, which shall be applied to the purpose of this act. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employe contributing to the pension fund shall cease to be an employe of any of such cities of the third class before the said employe becomes entitled to the pensions conferred by this act, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him or her in full, without interest: Provided, however, If any such employe shall have returned to him or her the amount contributed as aforesaid, and shall afterward reenter the employ of such city, said employe shall not be entitled to the pension designated until twenty-years after said reemployment, unless he or she shall return to the pension fund the amount withdrawn, in which event that period of twenty years shall be computed from the time said employe first enters the service of the city.
- In the event of the death of any such employe, before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions paid into the pension fund by said employe shall be paid over to the estate of said deceased employe.
- Section 6. Any person holding a position in any such city of the third class as a laborer at a per diem wage, shall not be compelled to pay or contribute toward the pension fund herein provided for, but shall have the option or choice of so doing and, in that event only, of becoming entitled to the pension provided by this act.
- Section 7. The head of every department and office employing persons entitled under the provisions of this act to receive a pension, shall certify to the board of pensions all persons so employed and the amount of salary or wages which is paid to said employe, together with dismissals, resignations, or terminations of service and, from the records of their office or department,
- Disability.
- Proof of permanent disability.
- Payments into fund by employe.
- Duration of contribution.
- Refund to employe leaving service.
- Reentry.
- Death of employe.
- Laborer at per diem wage.
- Reports to board by heads of departments.

shall furnish such other relative information as the board of pensions shall require.

Section 8. It shall be the duty of the board of pensions to receive and retain and, when deemed advisable, to invest the funds payable in accordance with the provisions of this act, and to pay over by warrant or check the amount due to said employes.

Custody of fund.

Section 9. The councils of every city of the third class may annually set aside, apportion, and appropriate, out of all taxes and income of such city, unto the board of pensions, a sum sufficient to maintain the pensions or compensations due under this act.

Appropriation by council.

Section 10. The benefits conferred by this act shall apply to all persons, employed in any capacity by, or holding positions in, the cities creating a pension fund and pension board in accordance with its provisions: Provided, That this act shall not apply to employes of such departments, bureaus or offices as are now protected by pension authorized by the laws of this State and in force at the time of the passage of this act.

Application of act.

Section 11. The time of service herein specified, namely, twenty years, shall be computed from the time of the first or original employments, said employment to consist of service to the said city and need not be continuous. No pensions shall be paid under the provisions of this act, however, until after January first, one thousand nine hundred and twenty-eight.

Computation of time of service.

Section 12. The compensation or pension herein mentioned shall not be subject to attachment or execution, and shall be payable only to the beneficiary designated by this act, and shall not be subject to assignment or transfer.

Pension payable only to beneficiary.

Section 13. The term "employe," as used in this act and the title thereto, is meant to include all persons in the service of cities of the third class creating a pension fund and a pension board in accordance with the provisions thereof, who are not now protected by pensions authorized by the laws of this State and in force at the time of the passage of this act.

"Employe" defined.

Section 14. No person or persons who shall have become a beneficiary under the terms and provisions of this act, shall be employed by the said city in any capacity, excepting an office elected by popular vote.

Pensioner not to be reemployed.

Section 15. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 13th day of April, A. D. 1927.

JOHN S. FISHER

No. 158

## AN ACT

To amend section one of article sixteen of an act, approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), entitled "An act for the government of cities of the second class," as amended, limiting the compensation of police magistrates.

Cities of second class.

Section 1 of article XVI of act of March 7, 1901 (P. L. 20), as amended by act of April 1, 1909 (P. L. 83), further amended.

Section 1. Be it enacted, &c., That section one of article sixteen of an act, approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), entitled "An act for the government of cities of the second class," which was amended by section three of an act, approved the first day of April, one thousand nine hundred and nine (Pamphlet Laws, eighty-three), entitled "An act amending article two, article six, article sixteen, and paragraph twenty-four of article nineteen, of an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one; by providing for an increase in the number of executive departments in said cities from nine to ten; by the creation of the Department of Public Health; by increasing the number of persons constituting the Department of Assessors, and enlarging and increasing the jurisdiction and powers of said department; by providing for an increase in the number of police magistrates in said cities from five to eight; and supplementing said act by authorizing the creation of the Department of Public Health; providing for the appointment of a director thereof, fixing the maximum of his salary, and defining the jurisdiction of said department," is hereby further amended to read as follows:

## ARTICLE XVI

## Police Magistrates

Police magistrates.

Section 1. The police power for taking information, making arrests, and preservation of the peace, heretofore vested in the mayor and five police magistrates, shall hereafter vest in the mayor and not less than five nor more than eight police magistrates, as shall be designated by ordinance, all of whom shall not be of the same political party; to be appointed by the mayor, subject to the approval of the select council in such districts of the city as shall by ordinance be designated, whose term of office shall be during good behavior and until a successor shall be appointed and approved. Said magistrates shall receive an annual salary, *not exceeding six thousand dollars (\$6,000)*, to be fixed by councils, and shall serve for the term of the mayor appointing them, but subject to removal by him. This act shall not be construed to repeal the act of June sixteenth,

Appointment.

Terms.

Salaries.

Act of June 16, 1891.