

During the lifetime of any such person he shall be entitled to receive as compensation annually from the fund set aside for the purpose, fifty (50) per centum of the amount which would constitute the [average] *highest average annual salary* or wages which he earned during [the last] *any five (5) years* of his service for the city, *or which would be determined by the rate of the monthly pay of such person at the date of retirement, whichever is the higher.* Said compensation to be paid in semi-monthly payments.

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APPROVED—The 9th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 88

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," changing the basis for certain pensions.

The Third Class  
City Code.

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

Subsection (a),  
section 4303, act  
of June 23, 1931,  
P. L. 932,  
reenacted and  
amended June  
28, 1951, P. L.  
662 and amended  
January 18,  
1952, P. L. 2105,  
further amended.

Section 1. Subsection (a) of section 4303, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended January 18, 1952 (P. L. 2105), is amended to read:

Section 4303. Allowances and Service Increments.—  
(a) Payments for allowances shall not be a charge on any other fund in the treasury of the city or under its control save the police pension fund herein provided for. The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of injury, death, honorable discharge, or retirement, *or the highest average annual salary which the member received during any five years of service preceding injury, death, honorable discharge, or retirement, whichever is the higher,* and except as to service increments provided for in subsection (b) of this section, shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly *or average annual rate, whichever is the higher.*

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Section 2. Subsection (a) of section 4322 of the act, amended July 27, 1959 (P. L. 569) and August 14, 1959 (P. L. 704), is amended to read:

Subsection (a), section 4322 of the act, amended July 27, 1959, P. L. 569 and August 14, 1959, P. L. 704, further amended.

Section 4322. Pensions and Service Increments.—  
 (a) Payments of pensions shall not be a charge on any fund in the treasury of the city or under its control save the firemen's pension fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary of the member at the date of *retirement, or the highest average annual salary which he received during any five years of service preceding retirement, whichever is the higher*, whether for disability, or by reason of age or service, and except as to service increments provided for in subsection (b) of this section, shall be one-half the annual salary of such member at the time of retirement computed at such monthly or *average annual rate, whichever is the higher*. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board, which shall take into consideration the amount and duration of workmen's compensation allowed by law. If council elects, by ordinance, to make such payments to widows of members retired on pension or killed in the service on or after January 1, 1960, such payments shall be one-half of the amount payable to the member or which would have been payable had he been retired at the time of his death.

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Section 3. Section 4343 of the act, amended June 14, 1957 (P. L. 327), is amended to read:

Section 4343 of the act, amended June 14, 1957, P. L. 327, further amended.

Section 4343. Retirement Allowance; Proof of Disability; Joint and Single Coverage Members Defined.—  
 During the lifetime of any person in the employment of any city 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 *or any* five years of his or her employment by the said city, *whichever is the higher*, said pension to be paid in semi-monthly payments. Should any persons so employed, after twenty years of service, be dismissed, voluntarily retired, 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-men-

tioned, 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 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.

For the purpose of this article on pensions, the following words shall have the meaning herein assigned to them:

“Joint Coverage Member” of the retirement system shall mean a city employe who shall have become a member of the retirement system subsequent to the last date permitted by such city for statement or preference concerning social security coverage, or who, having become a member on or before such date, shall have filed with the Retirement Board a written statement that he or she elects social security coverage under an agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth.

“Single Coverage Member” of the retirement system shall mean a city employe who shall have become a member of the retirement system on or before the last date permitted by such city for statement of preference concerning social security coverage and who either shall have filed with the Retirement Board a written statement that he or she does not elect social security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth, or shall not have filed with the Retirement Board any written statement.

Where a city has entered into an agreement with the Commonwealth to place certain employes under the Federal Social Security Act, 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 forty (40) per centum of the primary insurance amount of social security paid or payable to the member. Such 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, his eligibility to 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 Federal Social Security Act, except that in determining such eligibility and such 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 shall have been once 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 employe 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.

APPROVED—The 9th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 89

AN ACT

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing that supervisors, assessors, auditors and tax collectors must be electors of the township in order to be eligible.

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

Section 1. Section 401, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), is amended to read:

Section 401. Township Officers to Be Electors.—No person shall be eligible to *the office of supervisor, assessor, auditor or tax collector in any township* [office] unless he is a registered elector of the township for which he is chosen.

APPROVED—The 9th day of May, A. D. 1961.

DAVID L. LAWRENCE

The Second  
Class Township  
Code.

Section 401, act  
of May 1, 1933,  
P. L. 103,  
reenacted and  
amended July  
10, 1947, P. L.  
1481, further  
amended.