

No. 194

AN ACT

HB 1407

Amending the act of May 28, 1915 (P.L.596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," increasing the amount of certain pensions and payments to the board of pensions, and providing for payments to spouses of retired employes.

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

Section 1. Subsection (b) of section 4, act of May 28, 1915 (P.L.596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," amended May 15, 1957 (P.L.142), is amended to read:

Section 4. * * *

(b) The pension paid to any employe pensioned prior to the first day of June, one thousand nine hundred fifty-one, shall not be less than one hundred thirty dollars nor exceed one hundred forty-seven dollars and fifty cents per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month. The pension paid to any employe pensioned after the first day of June, one thousand nine hundred fifty-one and prior to the first day of July, one thousand nine hundred fifty-five, shall not be less than one hundred thirty dollars nor exceed one hundred eighty-five dollars per month and shall not be computed on rate of pay in excess of three hundred fifty dollars per month. The pension paid to any employe pensioned after the first day of July, one thousand nine hundred fifty-five, shall not be less than one hundred thirty dollars nor exceed two hundred forty-seven dollars and fifty cents per month and shall not be computed on rate of pay in excess of four hundred fifty dollars per month. *The pension paid to any employe pensioned after the first day of July, one thousand nine hundred sixty-nine, shall not be less than one hundred thirty dollars per month nor exceed three hundred fifty-seven dollars and fifty cents per month and shall not be computed on rate of pay in excess of six hundred fifty dollars per month.*

* * *

Section 2. Section 4 of the act is amended by adding at the end thereof, a new subsection to read:

Section 4. * * *

(d) *Any employe who is a member of the pension fund on the first day of July, one thousand nine hundred and sixty-nine and who shall retire or be pensioned then or thereafter, shall receive the following*

pension benefits as determined by said employe's salary for the last five years of employment:

(1) *An employe whose average salary for the last five years of his or her employment by the said city has been less than four hundred fifty dollars per month shall have his or her pension computed on sixty per cent of his or her average salary during the aforesaid five-year period of time, but in no event shall he or she receive a pension of less than one hundred thirty dollars per month.*

(2) *An employe whose average salary for the last five years of his or her employment by the said city has been four hundred fifty dollars or more per month shall have his or her pension computed on fifty-five per cent of his or her average salary during the aforesaid five-year period of time, but in no event shall he or she receive a pension of less than two hundred seventy dollars per month.*

Any employe who is a member of the pension fund and is in the employ of the city on the first day of July, one thousand nine hundred sixty-nine, and was a member of said fund for the last five years and any member of the pension fund who has not attained the required age of retirement, but has continued monthly payments as provided in subsection (a) hereof shall have the option of contributing to the pension fund sufficient additional moneys to become eligible for the benefits included in this amendment.

Section 3. The act is amended by adding after section 4.1, a new section to read:

Section 4.2. Any married person who retires under the provisions of this act may elect in writing to reserve in the pension fund up to one hundred dollars per month from his monthly pension payments and said sum not to exceed one hundred dollars per month shall be payable to his surviving spouse after his death: Provided, That such person shall have been married to his spouse for not less than two years prior to the date of his death. Each surviving spouse shall be entitled to receive payments up to one hundred dollars per month commencing the first day of the month in which the death of the employe spouse occurred and shall terminate upon the death or remarriage of such surviving spouse: Provided, however, That in no case shall total payments to a member or his surviving spouse be less than the deceased member's contribution into the fund. In the event the spouse of a retired city employe shall predecease such employe, the employe shall revert to full pension payments for the remainder of his or her life.

Section 4. Section 5 of the act, amended August 9, 1955 (P.L.314), is amended to read:

Section 5. The city employes shall, after the passage of this act, pay unto the board of pensions monthly an amount equal to not less than two nor more than five per centum of their monthly salaries or wages, as fixed by the board of pensions; in no event, however, paying at a rate greater than [twenty-two dollars and fifty cents] *thirty-two dollars and fifty cents*

per month, which shall be applied to the purposes of this act. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary received the pension herein provided if such beneficiary has so contributed to the pension fund during a period of twenty years. If at the time the beneficiary received the pension herein provided he or she shall not have been a contributor to the pension fund during a period of twenty years, such person shall be required to pay unto the board of pensions an amount equal to such amount as he or she would have been required to contribute had he or she contributed during such period as required by this act, until such time as his or her contributions shall have extended during a period of twenty years. If, for any cause, an employe contributing to the pension fund shall cease to be an employe of any such cities of the second class before said employe becomes entitled to the pension conferred by this act, the total amount of the contributions paid unto the pension fund by such employe shall be refunded to him or her in full without interest unless he or she has less than full pension rights under the provisions of section four of this act, and elects at once to exercise such rights by keeping such contributions in the fund and making such further payments as may be required: Provided, however, If any such employe shall have returned to him or her the amount contributed, as aforesaid, and shall afterwards 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 the period of twenty years shall be computed from the time the said employe first entered the service of said 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 aforesaid shall be paid over to such person or persons as he or she shall have designated in writing and filed with the board of pensions as his or her beneficiary or to his or her estate.

Section 5. This act shall take effect immediately.

APPROVED—The 14th day of January, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 194.



Raymond P. Shafer
Secretary of the Commonwealth.