

Powers and
duties.

far as the same is not inconsistent herewith. The magistrates so appointed shall have all the powers and perform the duties given to and prescribed for said officers by existing laws for cities of the class aforesaid.

APPROVED—The 9th day of August, A. D. 1955.

GEORGE M. LEADER

No. 125

AN ACT

Amending the act of May twenty-eight, one thousand nine hundred fifteen (Pamphlet Laws 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," by increasing the amount of pension in certain cases, increasing the contributions required from certain employes, and establishing certain minimum and maximum pensions.

Pension fund:
Cities of second
class.

Subsection (a),
section 4, act of
May 28, 1915,
P. L. 596,
amended July
19, 1951, P. L.
1091, further
amended.

Amount of pen-
sion.

Proviso.

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

Section 1. Subsection (a) of section four, act of May twenty-eight, one thousand nine hundred fifteen (Pamphlet Laws 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 July nineteen, one thousand nine hundred fifty-one (Pamphlet Laws 1091), is amended to read:

Section 4. (a) During the lifetime of the said person, he or she shall be entitled to receive a pension from the fund set aside for the purpose, [fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the last five years of his or her employment by the said city] *in the amount hereinafter provided*. Said pension shall be paid in monthly payments: Provided, That if any pension be granted to a person who has not been a contributor to the pension fund as herein provided, during a period of twenty years, such person shall be required to pay unto the board of pensions monthly 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 contribution shall have extended during a period of twenty years. Should any person be dismissed, for reasons other than misconduct, after having served as an employe for fifteen years or more but less than twenty years, such employe shall have the right to elect to keep in the fund all contributions heretofore made to the fund, and to continue making monthly payments to such fund in an amount equal to the amount last due and paid monthly while an employe. When such payments continue until the former employe has contributed to the fund for a total of at least twenty years, or until reaching the age of retirement, whichever is the longer, such person shall be entitled to receive a pension proportional to the pension which would have been received had the employe completed twenty years of service prior to dismissal, such proportion to be computed on the ratio which the employes' actual time of service in months bears to twenty years. Should any person 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 fixed for retirement by this act, 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 for retirement 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 such age: Provided, That any employe, who has heretofore or shall hereafter be dismissed, voluntarily retire or be in any manner deprived of his or her position or employment, and who has been in the service of the city for a period of twenty-five (25) years or more, and who has made payments into the pension fund for a period of twenty (20) years or more, and who has reached the age of fifty (50) years shall, upon application to the board of pensions, receive the pension or compensation fixed by this act, during the remainder of his or her life. Should any employe, however, become totally and permanently disabled after fifteen years of service, he or she shall be entitled to the said pension: Provided, That if any employe who has served less than fifteen years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty, such employe shall

When employe dismissed for reasons other than misconduct, after having served for fifteen years or more but less than twenty years.

When employe is dismissed or voluntarily retires after twenty years of service.

Provido.

Where employe who has served fifteen years becomes totally and permanently disabled.

Provido.

Proof of total and permanent disability.

Annual medical examination.

Subsection (b), section 4, act of May 28, 1915, P. L. 596, amended January 18, 1952, P. L. 2110, further amended.

Amount of pension payment to employes pensioned prior to June 1, 1951.

To employes pensioned after June 1, 1951, and prior to July 1, 1955.

To employes pensioned after July 1, 1955.

Subsection (c), section 4, and section 5, act of May 28, 1915, P. L. 596, amended July 19, 1951, P. L. 1091, further amended.

Computation of pension payment to employes who are members of fund June 1, 1951, and who shall retire or be pensioned prior to July 1, 1955.

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 totally disable him or her from performing the duties of his or her position or office. Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board, and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued.

Section 2. Subsection (b) of section four of the act, amended January eighteen, one thousand nine hundred fifty-two (Pamphlet Laws 2110), 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 dollars nor exceed one hundred and thirty-seven dollars 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 dollars nor exceed one hundred seventy-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 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.*

Section 3. Subsection (c) of section four and section five of the act, amended July nineteen, one thousand nine hundred fifty-one (Pamphlet Laws 1091), are amended to read:

Section 4. * * *

(c) Any employe who is a member of the pension fund on the first day of June, one thousand nine hundred fifty-one, and who shall retire or be pensioned [thereafter] prior to the first day of July, one thousand nine hundred fifty-five, and whose average salary for the last five years of his or her employment by the

said city has been two hundred dollars a month or more but less than two hundred and fifty dollars per month, shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five-year period of time: And provided further, That any employe who is a member of the pension fund on the first day of June, one thousand nine hundred fifty-one, and who shall retire or be pensioned [thereafter] *prior to the first day of July, one thousand nine hundred fifty-five*, whose average salary during the last five years of his or her employment with the said city has been two hundred and fifty dollars per month or more, shall receive a pension of not less than one hundred thirty-seven dollars and fifty cents per month.

Further proviso.

*Any employe who is a member of the pension fund on the first day of July, one thousand nine hundred fifty-five, and who shall retire or be pensioned then or thereafter, and whose average salary for the last five years of his or her employment by the said city has been less than two hundred and fifty dollars per month, shall have his or her pension computed on sixty per centum of his or her average salary during the aforesaid five-year period of time. Any employe who is a member of the pension fund on the first day of July, one thousand nine hundred fifty-five, and who shall retire or be pensioned then or thereafter, and whose average salary for the last five years of his or her employment by the said city has been two hundred and fifty dollars or more per month, shall have his or her pension computed on fifty-five per centum *of his or her average salary during the aforesaid five-year period of time: And provided further, That any employe who is a member of the pension fund on the first day of July, one thousand nine hundred fifty-five, and who shall retire or be pensioned then or thereafter, and whose average salary for the last five years of his or her employment with the said city has been two hundred and fifty dollars or more per month, shall receive a pension of not less than one hundred and fifty-one dollars and twenty-five cents per month. In the event of the death of any person receiving a pension under this act, there shall be paid 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 a lump sum representing the difference, if any, between the*

To employes who are members of fund July 1, 1955, and who shall retire or be pensioned then or thereafter.

Further proviso.

Persons entitled to receive payment upon death of pensioner.

* "or" in original.

total contributions paid into the pension fund by him or her as an employe and the total pension payments received by him or her during his or her lifetime, but such lump sum shall be paid only when such total contributions exceed the total pension payments made.

* * * * *

Employes to make monthly payments into pension fund.

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 [four] *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 [fourteen] *twenty-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

Where employment ceases before employe becomes entitled to pension.

Providso.

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.

Where employe dies before becoming entitled to pension.

Section 4.* This act shall take effect immediately.

Act effective immediately.

APPROVED—The 9th day of August, A. D. 1955.

GEORGE M. LEADER

No. 126

AN ACT

Amending the act of March ten, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," permitting substitution of a county-wide program of in-service education for the two day meeting held annually for teaching instruction.

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

Public School Code of 1949.

Section 1. Section one thousand one hundred eighty-six, act of March ten, one thousand nine hundred forty-nine (Pamphlet Laws 30), known as the "Public School Code of 1949," is amended to read:

Section 1186, act of March 10, 1949, P. L. 30, amended.

Section 1186. County Superintendents to Call Meetings.—Each county superintendent shall call the teachers of the public schools under his jurisdiction to assemble, for two days or their equivalent each year, at such time and place as he may deem most convenient, for the purpose of receiving instruction in the science and art of teaching. Each superintendent may also invite members of the teaching and supervisory staffs of the other districts and of institutions of learning within the county to attend such meeting or meetings.

Each county superintendent shall exercise general management over such assembly, shall secure the necessary speakers and shall incur the necessary expenses.

A county-wide program of in-service education may be substituted for the above meetings. This program shall be planned by the county council of school admin-

* "4" repeated in original.