

No. 307

AN ACT

Reenacting and amending section four, of 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," increasing the amount of pensions in certain cases.

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

Section 1. 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, in part, January eighteen, one thousand nine hundred fifty-two (Pamphlet Laws 2110), August twenty-one, one thousand nine hundred fifty-three (Pamphlet Laws 1255), and August nine, one thousand nine hundred fifty-five (Pamphlet Laws 314), is reenacted and 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, in the amount hereinafter provided. [Said] *The* pension shall be paid in monthly payments. [Provided, That if] *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

Cities of second class—pension fund.

Section 4. act of May 28, 1915, P. L. 596, amended, in part, January 18, 1952, P. L. 2110, August 21, 1953, P. L. 1255, and August 9, 1955, P. L. 314, reenacted and amended.

Amount of pension.

Time of payment of pension.

Requirement of payments by certain contributors.

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.

When employe leaves employment in any manner after twenty-five years service and paid into the pension fund twenty years or more and has reached the age of fifty years.

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

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

Proof of total and permanent disability.

Annual medical examination.

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

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] *the* 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] *the* pension shall not commence until he or she has attained such age. [Provided, That any] *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] *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 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.

(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.

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

To employes pensioned after July 1, 1955.

(b.1) Any employe who had been a member of the pension fund prior to the first day of June, one thousand nine hundred fifty-one, and who had retired or was pensioned prior thereto, and whose average salary for the last five years of his or her employment by the city was two hundred dollars per month or more but less than two hundred 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. Any employe who had been a member of the pension fund prior to the first day of June, one thousand nine hundred fifty-one, and who had retired or was pensioned prior thereto, whose average salary during the last five years of his or her employment with the city was two hundred fifty dollars per month or more, shall receive a pension of not more than one hundred thirty-seven dollars fifty cents per month.

Further provisions made for certain minimum and maximum pensions.

(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 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] *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 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. Any employe who is a member of the pension fund on the first day of July, one

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

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

Persons entitled to receive payments upon death of pensioner.

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] *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 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.

[(d) The pension board of any city of the second class is hereby authorized to establish a program whereby any beneficiary under the pension fund, upon payment into the fund of the sum of two hundred dollars (\$200.00), with accrued simple interest at three per centum (3%) per annum from August 1, 1953, until the date it is paid, if paid after August 15, 1953, but with no interest if paid on or before August 15, 1953, shall be entitled to receive from the fund, annually and for life, in addition to his regular pension as determined as of the date of his retirement from service in the city, an additional annuity, pro-rated on a monthly basis, as a one-twelfth addition to the monthly payments due on his regular pension, sufficient in amount so that the total monthly payments received by him for regular pension and additional annuity combined shall equal

the amount of the regular pension which he would have been entitled to receive if he had retired from service in the city and as of August 1, 1953, and having earned for the past five (5) years the average rate of pay received during the last five (5) years of his actual employment. Such additional annuity payments shall begin on the date on which the regular monthly pension payment is next due after such contribution and interest have been paid.]

APPROVED—The 1st day of February, A. D. 1956.

GEORGE M. LEADER

No. 308

AN ACT

Amending the act of July twenty-eight, one thousand nine hundred fifty-three (Pamphlet Laws 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," further providing for and changing the provisions of the act relating to employes' retirement system and the powers, duties and liabilities of the county, the county institution district and the retirement board relative thereto, and the rights, privileges and limitations of employes and beneficiaries under the retirement system.

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

Second Class
County Code.

Section 1. Subsection (c) of section one thousand seven hundred ten and subsections (a) and (d) of section one thousand seven hundred twelve, act of July twenty-eight, one thousand nine hundred fifty-three (Pamphlet Laws 723), known as the "Second Class County Code," amended May thirty-one, one thousand nine hundred fifty-five (Pamphlet Laws 111), are amended to read:

Subsection (c),
section 1710, and
subsections (a)
and (d), section
1712, act of July
28, 1953, P. L.
723, amended
May 31, 1955,
P. L. 111, further
amended.

Section 1710. Employes Eligible for Retirement Allowances.—

* * * * *

(c) A person who became a county employe through the consolidation of a city institution district with a county institution district may have the period of his or her city employment credited as a county employe for all purposes under this article: Provided, That said person, between the twenty-second day of May, one thousand nine hundred forty-five, and the twenty-second day of May, one thousand nine hundred forty-