

No. 1984-61

AN ACT

SB 899

Amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," eliminating certain mandatory retirement.

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

Section 1. Section 1519 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, amended December 30, 1974 (P.L.1154, No.367), is amended to read:

Section 1519. Reduction in Number of Policemen, Firemen or Fire Inspectors; Reinstatement.—If, for reasons of economy or other reasons, it shall be deemed necessary by the board of county commissioners to reduce the number of policemen in the police force or firemen or fire inspectors, then such reduction in numbers shall be made in the following manner: (1) if there are any policemen, firemen or fire inspectors eligible for retirement under the terms of any retirement or pension system or law, then such reduction in numbers shall be made by retirement, if the party to be retired has served in the police force or as a fireman or fire inspector for a period of at least twenty-five years and **[reached the age of fifty-five years or over] his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"**; (2) if the number of policemen, firemen or fire inspectors eligible for retirement is insufficient to effect the reduction in numbers decided upon by the board of county commissioners, or if no retirement or pension system or law exists, or if there are no policemen, firemen or fire inspectors eligible for retirement or pension, then the reduction shall be made by furloughing the last policeman, fireman or fire inspector, including the probationers, that have been appointed to the police force or as fireman or fire inspector, and continue in numerical order until the reduction decided upon by the board of county commissioners has been effected. In any case where there has been more than one employe appointed at the same time, then such furloughing shall be determined by the standing on the civil service list as hired, the individual having the lowest civil service score to be furloughed first. In the event the said police force, firemen or fire inspectors shall again be increased in numbers, then the employes furloughed shall be reinstated, in the inverse order of that in which they were furloughed, before any new appointments shall be made to the police force or as firemen or fire inspectors.

Section 2. Section 1710(a) and (b) of the act, (a) amended June 1, 1973 (P.L.37, No.19) and (b) amended December 30, 1974 (P.L.1154, No.367), are amended to read:

Section 1710. *Employes Eligible for Retirement Allowances.*—
(a) Every present or future county employe who has reached the age of sixty years or upwards and who has to his or her credit a period of service of eight years but less than twenty years shall, upon application to the board, be **[retired] eligible for retirement** from service, and shall thereafter receive, during life, except as hereinafter provided, a retirement allowance computed on a service period of twenty (20) years which shall equal one twentieth (1/20) of such amount as he or she may be eligible to receive in accordance with the provisions of subsection (a) of section 1712, for each year's service which such county employe may have to his or her credit during the aforesaid period of time. The time spent in the employ of the county or county institution district need not necessarily have been continuous. The aforesaid retirement allowance shall be subject to a suspension thereof in accordance with the provisions of subsection (h) of this section 1710 and subsection (c) of section 1712.

(b) Every present or future county employe, other than a member of the police force or the fire department or a fire inspector, who has reached the age of sixty years or upwards and who shall have been a county employe during a period of twenty or more years, and every county employe who is a member of the police force or the fire department or a fire inspector, and who shall have been a county employe during a period of twenty or more years and has reached the age of fifty years or upward, shall, upon application to the board, be **[retired] eligible for retirement** from service, and shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. The time spent in the employ of the county or county institution district need not necessarily have been continuous: Provided, That when any county employe has twenty or more years service, not necessarily continuous, and has reached the age of fifty years or upwards, and shall be separated from the service of the county or county institution district by reason of no cause or act of his or her own, upon application to the board he or she shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. The aforesaid retirement allowance plus a service increment if any, shall be subject to a suspension thereof in accordance with the provisions of subsection (h) of this section 1710 and subsection (c) of section 1712.

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Section 3. This act shall take effect in 60 days.

APPROVED—The 9th day of May, A. D. 1984.

DICK THORNBURGH