

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 784

Session of
1975

INTRODUCED BY MESSRS. CAPUTO, FLAHERTY, M. M. MULLEN, GEISLER,
ITKIN, ROMANELLI, IRVIS, SWEENEY, ABRAHAM, MISCEVICH,
KNEPPER, CESSAR, ZORD AND FISHER, MARCH 18, 1975

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 23, 1975

AN ACT

1 Amending the act of May 22, 1935 (P.L.233, No.99), entitled "An
2 act creating and establishing a fund for the care,
3 maintenance, and relief of aged, retired, and disabled
4 employees of the Bureau of Police in cities of the second
5 class; providing a pension fund for said employees; and
6 providing for the payment of certain dues, fees, assessments,
7 fines, and appropriations thereto; regulating membership
8 therein; creating a board for the management thereof;
9 providing the amount, mode, and manner of payment to
10 beneficiaries thereof, and for the care and disposition of
11 said fund; providing for the payment into this fund by cities
12 of the second class of all monies heretofore payable into any
13 other funds, organizations, corporations, or associations
14 having the same or similar purposes, and of such additional
15 monies as may be necessary to carry out the provisions of
16 this act," defining "salary" and "wages," providing that
17 contributions be based on wages, providing for the
18 computation of benefits on the basis of wages, removing the
19 age requirement for retirement, further providing for cost-
20 of-living allowances and changing the time basis on which the
21 pension allowance is computed.

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

24 Section 1. The act of May 22, 1935 (P.L.233, No.99),
25 entitled "An act creating and establishing a fund for the care,
26 maintenance, and relief of aged, retired, and disabled employees

1 of the Bureau of Police in cities of the second class; providing
2 a pension fund for said employees; and providing for the payment
3 of certain dues, fees, assessments, fines, and appropriations
4 thereto; regulating membership therein; creating a board for the
5 management thereof; providing the amount, mode, and manner of
6 payment to beneficiaries thereof, and for the care and
7 disposition of said fund; providing for the payment into this
8 fund by cities of the second class of all monies heretofore
9 payable into any other funds, organizations, corporations, or
10 associations having the same or similar purposes, and of such
11 additional monies as may be necessary to carry out the
12 provisions of this act," is amended by adding a section to read:

13 Section 1.1. As used in this act:

14 "Salary" means the basic compensation paid to policemen.

15 "Wages" means salary, overtime pay, witness fees, court fees
16 and similar additional payments.

17 Section 2. Clause (1) of section 10, sections 10.1, and 11
18 of the act, amended November 9, 1965 (P.L.687, No.334), are
19 amended to read:

20 Section 10. Each member in active service shall be
21 required--

22 (1) To contribute to said fund six per centum of his rated
23 monthly [salary or] wages, which shall be deducted from his
24 [salary or] wages, by the city controller from the payroll for
25 the last half of each month, and paid into the fund.

26 * * *

27 Section 10.1. Each person who shall become an employee of
28 the Bureau of Police, after having been employed by the city
29 other than in the Bureau of Police, and who shall desire to have
30 such previous service counted for eligibility to receive a

1 pension under the provisions of section 13 of this act, shall be
2 required to pay to the fund an amount equal to five per centum
3 (5%) of his or her total [salary or] wages theretofore received
4 by him or her, for each previous month of service for which he
5 receives credit as an employee of the city, with interest at the
6 rate earned by the fund during the period of such prior
7 employment: Provided, That service to be credited which was
8 performed after the effective date of this act shall be paid for
9 at the new rate of contribution. Full payment of such amount
10 shall be a condition precedent to the member receiving credit
11 for all or any part of said period of previous service for
12 eligibility to receive a pension. Such amount shall be collected
13 from the monthly [salary or] wages of the member over the period
14 of two years in the manner provided in clause (1) of section 10
15 of this act, or in such manner and period as the Board of
16 Managers may determine. If, however, any such member shall be
17 injured in the line of duty before he shall have made such full
18 contribution for past service, so long as the disability
19 continues he or she shall be eligible to pension under this act,
20 but any amount which he or she shall not yet have paid to the
21 fund as a contribution for past services under this section at
22 the date of his or her injury, shall be paid, if the board, in
23 its discretion, shall so determine, in such monthly payments as
24 the board may determine, which amounts shall be deducted from
25 his or her pension as and when monthly payments thereof shall be
26 made.

27 Section 11. When any member of the fund shall resign or be
28 dismissed from service, or shall die while in active service,
29 there shall be paid to him or to his widow, and if no widow
30 survive, to his executor or administrator, if his service has

1 been terminated by death, from the fund, all dues paid by him
2 into the fund without interest, and all monies which the fund
3 may have received under any assignment made by the said member
4 to the fund at the time of his admission to membership, under
5 the provisions of subsection (3) of section 8 hereof.

6 In addition, when any member of the fund shall die as a
7 result of injuries received while in the performance of his
8 duties, there shall be paid to his widow from the fund, monthly
9 sums in amounts which together with any payments received under
10 "The Pennsylvania Workmen's Compensation Act" or "The
11 Pennsylvania Occupational Disease Act," will be equal to fifty
12 per centum (50%) of his [salary] wages at the time of his death.

13 Such monthly payments shall continue [for five hundred (500) <—
14 weeks, or] until the widow shall remarry, or until her death, <—
15 whichever shall first occur.

16 In the event there are surviving children but no widow, or
17 after the payments herein provided for the widow have been
18 discontinued by reason of [the end of the five hundred (500) <—
19 week period of] her remarriage or death, each unmarried child of <—
20 the deceased member under eighteen (18) years of age shall
21 thereafter receive payments equal to twenty-five per centum
22 (25%) of the payments above provided for the widow, but in no
23 case shall total payments to one family be more than fifty per
24 centum of his [salary] wages at the time of his death. Where
25 there is only one child, the minimum monthly payments shall be
26 sixty dollars (\$60). Where the maximum amount is payable it
27 shall be divided equally among the children entitled thereto.
28 The payments for each child shall terminate upon his reaching
29 the age of eighteen (18) years, or his marriage or death:

30 Provided, That the board may continue indefinitely payments to a

1 dependent incompetent child. The payments shall consist of any
2 payments received under "The Pennsylvania Workmen's Compensation
3 Act" or "The Pennsylvania Occupational Disease Act,"
4 supplemented by the necessary amount from the pension fund.

5 Payments to the widows and children of members killed while
6 on duty shall be made on and after July 1, 1959.

7 In the event there are no surviving children or no widow
8 entitled to receive the payments provided for in this act, any
9 dependent parents of the member shall receive the payments the
10 widow would have received had she survived and not remarried.

11 Section 3. Section 11.4 of the act, added August 27, 1963
12 (P.L.1299, No.527), is amended to read:

13 Section 11.4. Each member who elects to be governed under
14 the provisions of this amendment shall agree to contribute one-
15 half of one per cent of his [earned compensation] wages in
16 addition to all other required contributions as set forth in
17 this act.

18 Section 4. Section 12 of the act, amended September 17, 1959
19 (P.L.909, No.360), is amended to read:

20 Section 12. A member of the fund, who has severed his
21 connection therewith and has subsequently again become a member
22 thereof, shall be required to pay a re-admission fee of \$5.00
23 and to return to the fund, such monies as were paid to him from
24 the fund when his membership in the fund was terminated with
25 interest at the rate earned by the fund during the period.

26 Such re-admission fee and refund shall be collected from the
27 monthly [salary or] wages of the reinstated member over the
28 period of a year, in the manner provided for in sub-section (1)
29 of section 10 hereof, or in such manner and period as the board
30 of managers may determine. Full payment thereof shall be a

1 condition precedent to the member being eligible to receive the
2 benefits of the fund.

3 If, however, any such reinstated member shall be totally and
4 permanently disabled in the line of duty before he shall have
5 made such full restitution, he shall be eligible to pension
6 under this act; but any amount, in which he shall have been
7 indebted to the fund at the date of his injury, shall be repaid,
8 if the board, in its discretion, shall so require, in such
9 monthly payments as said board may determine, which amounts
10 shall be deducted from his pension, as and when monthly payments
11 thereof shall be made.

12 Section 5. Clause (3) of section 13 of the act, amended
13 October 10, 1974 (No.248), is amended to read:

14 Section 13. Members of the fund shall be eligible to receive
15 pensions from said fund as follows--

16 * * *

17 (3) Any member, who has become a member of this fund, under
18 the provisions of sub-section (1) of section 8 hereof, or who
19 has been admitted to membership under the provisions of sub-
20 section (2) or sub-section (3) of section 8 hereof, more than
21 sixty days after the effective date of this act, shall be
22 entitled to receive a pension from said fund upon written
23 application of such member, stating his desire to withdraw from
24 service in said city or that his employment by the said city has
25 been terminated, and showing that such member has [attained the
26 age of fifty years and has] rendered at least twenty years'
27 service whether or not continuous to the said city and shall
28 include service in the armed forces of the United States or
29 active service in the Pennsylvania State Militia when said
30 militia has been mobilized for internal police duty whether such

1 armed forces or militia service occurs prior to or during such
2 city service not to exceed three years. Each member desiring
3 such credit shall be required to pay to the fund an amount equal
4 to five per centum of the [salary or] wages he or she would have
5 earned had he or she been a member of the Bureau of Police
6 during the period of military service, with interest at the rate
7 of five per centum of the amount paid into the fund.

8 * * *

9 Section 6. The next to last paragraph of section 13.1 of the
10 act, added October 10, 1974 (No.248), is amended to read:

11 Section 13.1. Beneficiaries under the fund retired prior to
12 January one, one thousand nine hundred fifty-six, shall be
13 entitled to receive from the fund per month the amounts
14 indicated in the following table:

15 * * *

16 The governing body of a city of the second class [may] shall
17 grant to beneficiaries under the fund, regardless of the date of
18 retirement whether prior to or after the effective date of this
19 act, and the beneficiaries shall receive an annual cost-of-
20 living allowance [not to exceed] equal to the per centum change
21 in the price index from November of the year preceding the most
22 recent cost-of-living adjustment as taken on November one in
23 each year times the beneficiaries pension allowance, excluding
24 cost-of-living adjustments. No pension shall be paid at a lower
25 rate than that which the beneficiary would be entitled to
26 receive excluding the cost-of-living allowance.

27 * * *

28 Section 7. Section 14 of the act, amended December 12, 1968
29 (P.L.1205, No.378), is amended to read:

30 Section 14. Beneficiaries under the fund, who retire or who

1 become eligible to receive a pension allowance on or after
2 November 9, 1965 and before [the effective date of this amending
3 act] February 10, 1969, shall be entitled to receive from the
4 fund, per month, an amount equalling fifty per centum of the
5 average monthly salary earned by the contributor as an employe
6 of the Bureau of Police of the city during any five calendar
7 years of service or the last sixty months immediately preceding
8 retirement. Beneficiaries under the fund, who retire or who
9 become eligible to receive a pension allowance on or after [the
10 effective date of this amending act] February 10, 1969 and
11 before the effective date of this amending act, shall be
12 entitled to receive from the fund, per month, an amount
13 equalling fifty per centum of the average monthly salary ~~or~~ <—
14 ~~wages~~ earned by the contributor as an employe of the Bureau of
15 Police of the city during any three calendar years of service or
16 the last thirty-six months immediately preceding retirement.

17 Beneficiaries under the fund, who retire or who become
18 eligible to receive a pension allowance on or after the
19 effective date of this amendatory act, shall be entitled to
20 receive from the fund, per month, an amount equalling fifty per
21 centum of the average monthly wages earned by the contributor as
22 an employe of the Bureau of Police of the city during any
23 calendar year of service or the last twelve months immediately
24 preceding retirement.

25 If any employe has not been employed in the Bureau of Police
26 at least five years, but is otherwise entitled to a pension,
27 such employe's pension shall equal not less than fifty per
28 centum of the amount which would constitute the average monthly
29 [salary or] wages received by the beneficiary as an employe of <—
30 the Bureau of Police. Pension payments shall always be payable

1 on the third working day of each month and shall be for the
2 preceding month.

3 Section 8. Sections 14.2 and 14.3 of the act are repealed.

4 Section 9. The introductory paragraph of section 14.4 of the
5 act, amended October 10, 1974 (No.248), is amended to read:

6 Section 14.4. In every city of the second class, in addition
7 to the pension which is authorized by law and notwithstanding
8 the limitations therein placed upon pensions and upon
9 contributions, every contributor who shall have [otherwise]
10 become entitled to the pension [and who has reached the age of
11 fifty years] shall also be entitled to the payment of a service
12 increment in accordance with and subject to the conditions
13 hereinafter set forth.

14 * * *

15 Section 10. This act shall take effect immediately.