
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2549 Session of
1992

INTRODUCED BY CALTAGIRONE, TRELLO, PETRONE, McNALLY, DeLUCA AND
GIGLIOTTI, MARCH 25, 1992

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 25, 1992

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 permitting interests in firefighter pension funds to vest
5 after 12 years under certain conditions; and providing for
6 the amount of the retirement allowance benefit vested.

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

9 Section 1. Sections 4302.1 and 4303(a) of the act of June
10 23, 1931 (P.L.932, No.317), known as The Third Class City Code,
11 reenacted and amended June 28, 1951 (P.L.662, No.164) and
12 amended December 17, 1990 (P.L.715, No.178), are amended to
13 read:

14 Section 4302.1. Limited Vested Benefit.--(a) The ordinance
15 may provide for a limited vested benefit if such would conform
16 to section 305 of the act of December 18, 1984 (P.L.1005,
17 No.205), known as the "Municipal Pension Plan Funding Standard
18 and Recovery Act." Under the provisions of the benefit, should a
19 member of the police pension fund or firefighter pension fund,

1 before completing the minimum age and minimum period of
2 continuous service requirements but after having completed
3 twelve years of full-time service, the member shall be entitled
4 to vest his or her retirement benefits subject to the following
5 conditions:

6 (1) the member must file with the management board of the
7 police pension fund or firefighter pension fund a written notice
8 of his or her intention to vest;

9 (2) the member must include in the notice, the date the
10 member intends to terminate his or her service as a full-time
11 police officer or as a full-time firefighter;

12 (3) the termination date shall be at least thirty days later
13 than the date of notice to vest;

14 (4) the member must be in good standing with the police
15 department or fire department on the date of notice to vest; and

16 (5) the board shall indicate on the notice to vest the rate
17 of the monthly pay of the member as of the date of said notice
18 to vest or the highest average annual salary which the member
19 received during any five years of service preceding said date,
20 whichever is the higher.

21 (b) Upon reaching the date which would have been the
22 member's retirement date had the member continued his or her
23 full-time employment with the police department or fire
24 department, the member shall notify the board, in writing, that
25 the member desires to collect his or her pension. The amount of
26 retirement benefits the member is entitled to receive under this
27 section shall be computed as follows:

28 (1) the initial determination of the member's base
29 retirement benefits shall be computed on the salary indicated on
30 the notice to vest; and

1 (2) the portion of the base retirement benefits due the
2 member shall be determined by applying to the base amount the
3 percentage that his or her years of service actually rendered
4 bears to the years of service which would have been rendered had
5 the member continued to be employed by the department until his
6 or her minimum retirement date.

7 Section 4303. Allowances and Service Increments.--(a)
8 Payments for allowances shall not be a charge on any other fund
9 in the treasury of the city or under its control save the police
10 pension fund and firefighter pension fund herein provided for.
11 The basis of the apportionment of the pension shall be
12 determined by the rate of the monthly pay of the member at the
13 date of injury, death, honorable discharge, vesting under
14 section 4302.1 or retirement, or the highest average annual
15 salary which the member received during any five years of
16 service preceding injury, death, honorable discharge, vesting
17 under section 4302.1 or retirement, whichever is the higher, and
18 except as to service increments provided for in subsection (b)
19 of this section, shall not in any case exceed in any year one-
20 half the annual pay of such member computed at such monthly or
21 average annual rate, whichever is the higher.

22 * * *

23 Section 2. This act shall take effect in 60 days.