

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 808

Session of
1983

INTRODUCED BY ZEMPRELLI, ROMANELLI AND SCANLON, JUNE 6, 1983

REFERRED TO FINANCE, JUNE 6, 1983

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," further providing for
5 the definition of "early retirement"; further providing for
6 eligibility for retirement allowances; and further providing
7 for survivorship option benefits.

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

10 Section 1. The definition of "early retirement" in section
11 1701 of the act of July 28, 1953 (P.L.723, No.230), known as the
12 Second Class County Code, amended June 1, 1973 (P.L.37, No.19),
13 is amended to read:

14 Section 1701. Definitions.--The following words and phrases
15 as used in this article shall be construed to have the following
16 meaning:

17 * * *

18 "Early Retirement," reduced retirement benefits at age fifty-
19 five with completion of [eight] the minimum number of years of
20 service specified in subsection (a) of section 1710 depending

1 upon the service requirements for normal retirement.

2 * * *

3 Section 2. Section 1710(a), (h) and (i) of the act, (a) and
4 (h) amended June 1, 1973 (P.L.37, No.19) and (i) added December
5 11, 1979 (P.L.494, No.105), are amended to read:

6 Section 1710. Employees Eligible for Retirement Allowances.--

7 (a) Every present or future county employee who has reached the
8 age of sixty years or upwards and who has to his or her credit a
9 period of service of [eight] fifteen years but less than twenty
10 years shall, upon application to the board, be retired from
11 service, and shall thereafter receive, during life, except as
12 hereinafter provided, a retirement allowance computed on a
13 service period of twenty (20) years which shall equal one
14 twentieth (1/20) of such amount as he or she may be eligible to
15 receive in accordance with the provisions of subsection (a) of
16 section 1712, for each year's service which such county employee
17 may have to his or her credit during the aforesaid period of
18 time. The time spent in the employ of the county or county
19 institution district need not necessarily have been continuous.
20 The aforesaid retirement allowance shall be subject to a
21 suspension thereof in accordance with the provisions of
22 subsection (h) of this section 1710 and subsection (c) of
23 section 1712.

24 * * *

25 (h) Option I. Any present or future county employee who has
26 reached fifty years of age but less than sixty and who has to
27 his or her credit a period of [eight years] at least the minimum
28 number of years of service specified in subsection (a) of this
29 section but less than twenty years of service, shall upon
30 application to the board be eligible to receive at age sixty

1 years, a retirement allowance computed on a service period of
2 twenty years, which shall equal one-twentieth of such amount as
3 he or she may be eligible to receive in accordance with the
4 provisions of subsection (a) of section 1712 for each year's
5 service which such county employe may have to his or her credit
6 during the aforesaid period of time. The time spent in the
7 employ of the county or county institution district need not
8 necessarily have been continuous.

9 Option II. Any present or future county employe who has
10 reached fifty years of age but less than sixty and who has to
11 his or her credit a period of [eight years] the minimum number
12 of years of service specified in subsection (a) of this section
13 but less than twenty years of service, shall upon application to
14 the board be eligible to receive thereafter, a retirement
15 computed on a service period of twenty years, which shall equal
16 one-twentieth of such amount as he or she may be eligible to
17 receive in accordance with the provisions of subsection (a) of
18 section 1712 for each year's service which such county employe
19 may have to his or her credit during the aforesaid period of
20 time. Further, the above retirement allowance shall be subject
21 to a reduction of one-half of one per centum for each month
22 under the age of sixty years. In no event shall a retirement
23 allowance be paid until the age of fifty-five years is attained.
24 The time spent in the employ of the county or county institution
25 district need not necessarily have been continuous. The
26 aforesaid retirement allowance elected under Option I shall
27 become null and void if said county or county institution
28 district employe is reemployed prior to age sixty in accordance
29 with the provisions of subsection (c) of section 1712.

30 (i) Upon application to the board, all members of the fund

1 who are contributors and who served in the Armed Forces of the
2 United States subsequent to September 1, 1940, shall be entitled
3 to have full military service credit for each of the most recent
4 years of military service or fraction thereof, not to exceed
5 three full years of such service; provided, they have a
6 retirement credit of [eight years] the minimum number of years
7 specified in subsection (a) of this section or more and have
8 reached the age of fifty years while employed or have
9 accumulated a period of twenty years of retirement credit and
10 under the age of fifty years. The formula to be followed for
11 payment to the fund shall be in an amount equal to the maximum
12 rate of contribution had they been members of the fund plus an
13 additional amount as the equivalent of the county matching
14 appropriation, plus interest at the rate of six per centum per
15 year from the date of each year of credited military service to
16 date of repayment or by applying the employe's basic
17 contribution rate plus the county's normal contribution rate for
18 active members at the time of entry, subsequent to such military
19 service, of the employe into county service to his average
20 annual rate of compensation over the first three years of such
21 subsequent county service and multiplying the result by the
22 number of years and fractional part of a year of creditable
23 nonintervening military service being purchased, together with
24 interest during all periods of subsequent county service to date
25 of purchase. Should it be determined by the retirement board
26 that verifiable compensation data is not available it shall have
27 the discretion to determine which formula shall be used:
28 Provided, That said member is not entitled to receive, eligible
29 to receive now or in the future, or is receiving retirement
30 benefits for such service under a retirement system administered

1 and wholly or partially paid for by any other governmental
2 agency or private industry. Both principal and interest shall be
3 consolidated into one amount and paid in twelve or less equal
4 monthly installments. Full payment thereof shall be a condition
5 precedent to receive the benefits of the retirement allowance.
6 Only those employees who are active members of the retirement
7 fund on the effective date of this act shall be permitted to
8 avail themselves of either of these programs.

9 Those employees who became members of the retirement fund
10 after the effective date of this act, upon application to the
11 board, shall be entitled to have full military service credit
12 for each of the most recent years of military service or
13 fraction thereof, not to exceed three full years of such
14 service: Provided, They have a retirement credit of [eight
15 years] the minimum number of years specified in subsection (a)
16 of this section or more and have reached the age of fifty years
17 while employed or have accumulated a period of twenty years of
18 retirement credit and under the age of fifty years. Payment to
19 the fund shall be in an amount equal to the maximum rate of
20 contribution had they been members of the fund plus an
21 additional amount as the equivalent of the county matching
22 appropriation, plus interest at the rate of six per centum per
23 year from the date of each year of credited military service to
24 date of repayment: Provided, That said member is not entitled to
25 receive, eligible to receive now or in the future, or is
26 receiving retirement benefits for such service under a
27 retirement system administered and wholly or partially paid for
28 by any other governmental agency or private industry. Both
29 principal and interest shall be consolidated into one amount and
30 paid in twelve or less equal monthly installments. Full payment

1 thereof shall be a condition precedent to receive the benefits
2 of the retirement allowance.

3 Section 3. Section 1712(f) of the act, amended June 29, 1976
4 (P.L.461, No.116), is amended to read:

5 Section 1712. Amount of Retirement Allowances.--* * *

6 (f) The election by said county employe of the option as
7 provided in subsection (e) of this section shall be final on
8 attainment of age fifty or on later election prior to
9 retirement, and no further election shall be permitted:

10 Provided, That the election shall automatically be cancelled if
11 the county employe shall either be divorced or if his or her
12 spouse shall die, in each case before retirement benefits under
13 the option shall commence. In the event the designated spouse
14 shall predecease, or if a legal separation occurs, while on
15 retirement, the reduced retirement option benefit shall be
16 reinstated to the full amount had there been no option
17 exercised. Said reinstated amount to commence immediately upon
18 the death of the spouse so designated or upon satisfactory proof
19 of legal separation.

20 All present and future employes may elect to provide
21 survivorship option benefits for a spouse in the following
22 classifications if the following conditions are satisfied:

23 Class I. The deceased employe shall have attained the age of
24 fifty years and had completed [eight to] between the minimum
25 number of years of service specified in subsection (a) of
26 section 1710 and nineteen years of service and dies before
27 reaching the age of fifty-five years. The reduced retirement
28 option benefit to commence to the survivor at the time the
29 deceased employe would have attained the age of fifty-five
30 years. Said benefits to be paid in accordance with the

1 provisions set forth under subsection (d), Option II, of section
2 1713.

3 Class II. All present and future employees, who after
4 completion of twenty or more years of service and shall die
5 before reaching the age of fifty years, his or her spouse shall
6 be eligible to receive the reduced retirement option
7 immediately, in accordance with the provisions set forth under
8 subsection (d), Option II of section 1713.

9 * * *

10 Section 4. This act shall apply only to employees hired
11 after the effective date of this act.

12 Section 5. This act shall take effect in 60 days.