

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of  
2007

INTRODUCED BY WOJNAROSKI, BELFANTI, DALEY, GALLOWAY, GOODMAN,  
GRUCELA, JAMES, KIRKLAND, KOTIK, LEACH, PALLONE, PETRARCA,  
PHILLIPS AND READSHAW, FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 13, 2007

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 further providing for retirement and final discharge and for  
5 limited vested benefit.

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

8 Section 1. Section 4302 of the act of June 23, 1931  
9 (P.L.932, No.317), known as The Third Class City Code, reenacted  
10 and amended June 28, 1951 (P.L.662, No.164) and amended November  
11 25, 1970 (P.L.754, No.246), is amended to read:

12 Section 4302. Retirement; Final Discharge.--Such ordinance  
13 shall prescribe a [minimum] period of continuous service[, not  
14 less than] of twenty years[, and, when any minimum age is  
15 prescribed, a minimum age of fifty years,] after which members  
16 of the force may retire from active duty, and such members as  
17 are retired shall be subject to service, from time to time, as a  
18 police reserve until unfitted for such service, when they may be  
19 finally retired by reason of age or disability.

1 With the approval of council, any member of the police  
2 pension fund who is a contributor and who served in the armed  
3 forces of the United States subsequent to September 1, 1940, and  
4 who was not a member of the police pension fund prior to such  
5 military service, shall be entitled to have full credit for each  
6 year or fraction thereof, not to exceed five years of such  
7 service upon his payment to the police pension fund of an amount  
8 equal to that which he would have paid had he been a member  
9 during the period for which he desires credit, and his payment  
10 to such fund of an additional amount as the equivalent of the  
11 contributions of the city on account of such military service.

12 Section 2. Section 4302.1 of the act, added December 17,  
13 1990 (P.L.715, No.178), is amended to 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, before completing the  
20 [minimum age and] minimum period of continuous service  
21 requirements but after having completed twelve years of full-  
22 time service, the member shall be entitled to vest his or her  
23 retirement benefits subject to the following conditions:

24 (1) the member must file with the management board of the  
25 police pension fund a written notice of his or her intention to  
26 vest;

27 (2) the member must include in the notice, the date the  
28 member intends to terminate his or her service as a full-time  
29 police officer;

30 (3) the termination date shall be at least thirty days later

1 than the date of notice to vest;

2 (4) the member must be in good standing with the police  
3 department on the date of notice to vest; and

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

9 (b) Upon reaching the date which would have been the  
10 member's retirement date had the member continued his or her  
11 full-time employment with the police department, the member  
12 shall notify the board, in writing, that the member desires to  
13 collect his or her pension. The amount of retirement benefits  
14 the member is entitled to receive under this section shall be  
15 computed as follows:

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

19 (2) the portion of the base retirement benefits due the  
20 member shall be determined by applying to the base amount the  
21 percentage that his or her years of service actually rendered  
22 bears to the years of service which would have been rendered had  
23 the member continued to be employed by the department until his  
24 or her minimum retirement date.

25 Section 3. This act shall take effect immediately.