

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 895 Session of 1989

INTRODUCED BY MAYERNIK, BURD, KOSINSKI, TIGUE, MRKONIC, TRELLO, FOX, GODSHALL, BILLOW, JOHNSON, MORRIS, CESSAR, STABACK, McCALL, JAROLIN, LEVDANSKY, RAYMOND, LAUGHLIN, SCHULER, REBER, CAWLEY, PISTELLA, E. Z. TAYLOR, CORNELL, MARSICO, LASHINGER, MICOZZIE, McVERRY AND GIGLIOTTI, APRIL 3, 1989

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 17, 1989

AN ACT

1 Amending the act of May 29, 1956 (1955 P.L.1804, No.600),
2 entitled "An act providing for the establishment of police
3 pension funds or pension annuities in certain boroughs, towns
4 and townships, and the regulation and maintenance thereof;
5 providing for an actuary; continuance of existing funds or
6 transfer thereof to funds herein established; prescribing
7 rights of beneficiaries; contributions by members; providing
8 for expenses of administration; continuation of existing
9 authority to provide annuity contracts; credit for military
10 service; refunds; exempting allowances from judicial process;
11 and repealing certain acts," FURTHER providing for credit for <—
12 military service.

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

15 Section 1. Section 3 4 of the act of May 29, 1956 (1955 <—
16 P.L.1804, No.600), referred to as the Municipal Police Pension
17 Law, amended October 21, 1965 (P.L.643, No.317), is amended to <—
18 read:

19 Section 3. Each ordinance or resolution establishing a <—
20 police pension fund shall prescribe a minimum period of total
21 service in the aggregate of twenty five years in the same

1 ~~borough, town or township and shall fix the age of the members~~
2 ~~of the force at fifty five years, or, if an actuarial study of~~
3 ~~the cost shows that such reduction in age is feasible, may fix~~
4 ~~the age of the members of the force at fifty years, after which~~
5 ~~they may retire from active duty, and such members as are~~
6 ~~retired shall be subject to service, from time to time, as a~~
7 ~~police reserve, in cases of riot, tumult or preservation of the~~
8 ~~public peace until unfitted for such service, when they may be~~
9 ~~finally discharged by reason of age or disability. Such service~~
10 ~~and any service required to be eligible for disability pension~~
11 ~~shall include service, not to exceed three years, in the armed~~
12 ~~forces of the United States or active service in the~~
13 ~~Pennsylvania National Guard or the Pennsylvania State Militia~~
14 ~~when the national guard or militia has been mobilized for~~
15 ~~internal police duty, whether such armed forces, national guard~~
16 ~~or militia service occurs prior to or during such police~~
17 ~~service. Each member desiring such credit shall be required to~~
18 ~~pay to the fund an amount equal to five per centum of the salary~~
19 ~~or wages he would have earned had he been a member of the police~~
20 ~~force during the period of military service, with interest at~~
21 ~~the rate of five per centum of the amount paid into the fund.~~

22 SECTION 4. (A) ANY MEMBER OF THE POLICE FORCE EMPLOYED BY A <—
23 BOROUGH, TOWN OR TOWNSHIP, WHO HAS BEEN A REGULARLY APPOINTED
24 EMPLOYE OF ANY SUCH POLITICAL SUBDIVISION FOR A PERIOD OF AT
25 LEAST SIX MONTHS AND WHO THEREAFTER SHALL ENTER INTO THE
26 MILITARY SERVICE OF THE UNITED STATES, SHALL HAVE CREDITED TO
27 HIS EMPLOYMENT RECORD FOR PENSION OR RETIREMENT BENEFITS ALL OF
28 THE TIME SPENT BY HIM IN SUCH MILITARY SERVICE, IF SUCH PERSON
29 RETURNS OR HAS HERETOFORE RETURNED TO HIS EMPLOYMENT WITHIN SIX
30 MONTHS AFTER HIS SEPARATION FROM THE SERVICE.

1 (B) ANY MEMBER OF THE POLICE FORCE WHO WAS NOT EMPLOYED BY
2 THE POLITICAL SUBDIVISION PRIOR TO SUCH MILITARY SERVICE SHALL
3 BE ENTITLED TO HAVE FULL SERVICE CREDIT FOR EACH YEAR OR
4 FRACTION THEREOF, NOT TO EXCEED FIVE YEARS WITH THE EXCEPTION OF
5 MEMBERS ELIGIBLE TO RECEIVE OR RECEIVING MILITARY RETIREMENT PAY
6 EARNED BY A COMBINATION OF ACTIVE DUTY AND NONACTIVE DUTY WITH A
7 RESERVE OR NATIONAL GUARD COMPONENT OF THE ARMED FORCES WHICH
8 RETIREMENT PAY IS PAYABLE ONLY UPON THE ATTAINMENT OF A
9 SPECIFIED AGE AND PERIOD OF SERVICE UNDER 10 U.S.C. CH. 67
10 (RELATING TO RETIRED PAY FOR NON-REGULAR SERVICE). THE AMOUNT
11 DUE FOR THE PURCHASE OF CREDIT FOR MILITARY SERVICE OTHER THAN
12 INTERVENING MILITARY SERVICE SHALL BE COMPUTED BY APPLYING THE
13 AVERAGE NORMAL COST RATE FOR BOROUGH AND TOWNSHIP POLICE PENSION
14 PLANS AS CERTIFIED BY THE PUBLIC EMPLOYEE RETIREMENT STUDY
15 COMMISSION, BUT NOT TO EXCEED TEN PER CENTUM, TO THE MEMBER'S
16 AVERAGE ANNUAL RATE OF COMPENSATION OVER THE FIRST THREE YEARS
17 OF MUNICIPAL SERVICE AND MULTIPLYING THE RESULT BY THE NUMBER OF
18 YEARS AND FRACTIONAL PART OF A YEAR OF CREDITABLE NONINTERVENING
19 MILITARY SERVICE BEING PURCHASED TOGETHER WITH INTEREST AT THE
20 RATE OF FOUR AND THREE-QUARTERS PER CENTUM COMPOUNDED ANNUALLY
21 FROM THE DATE OF INITIAL ENTRY INTO MUNICIPAL SERVICE TO THE
22 DATE OF PAYMENT.

23 (C) ANY MEMBER OF THE POLICE FORCE SHALL BE ELIGIBLE TO
24 RECEIVE SERVICE CREDIT FOR INTERVENING OR NONINTERVENING
25 MILITARY SERVICE AS PROVIDED IN SUBSECTIONS (A) AND (B) PROVIDED
26 THAT HE IS NOT ENTITLED TO RECEIVE, ELIGIBLE TO RECEIVE NOW OR
27 IN THE FUTURE, OR IS RECEIVING RETIREMENT BENEFITS FOR SUCH
28 SERVICE UNDER A RETIREMENT SYSTEM ADMINISTERED AND WHOLLY OR
29 PARTIALLY PAID FOR BY ANY OTHER GOVERNMENTAL AGENCY WITH THE
30 EXCEPTION OF A MEMBER ELIGIBLE TO RECEIVE OR RECEIVING MILITARY

1 RETIREMENT PAY EARNED BY A COMBINATION OF ACTIVE DUTY AND
2 NONACTIVE DUTY WITH A RESERVE OR NATIONAL GUARD COMPONENT OF THE
3 ARMED FORCES WHICH RETIREMENT PAY IS PAYABLE ONLY UPON THE
4 ATTAINMENT OF A SPECIFIED AGE AND PERIOD OF SERVICE UNDER 10
5 U.S.C. CH. 67 (RELATING TO RETIRED PAY FOR NON-REGULAR SERVICE).

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