

ORDINANCE NO. 14883

FILE OF CITY COUNCIL

BILL NO. 16 - 2011

INTRODUCED BY

MARCH 16, 2011

AN ORDINANCE

Amends Article 143, Police Pension Fund by amending Section 143.22, Retirement for Disability, Section 143.23, Reinstatement After Disability, Section 143.24, Pension for Disability Retirement and Section 143.25, Pension for Disability Retirement for Over Twenty Years Services; Minimum Amount.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Section 143.22 of the Police Pension Fund be amended as follows:

143.22 RETIREMENT FOR DISABILITY

A. The Police Pension Fund Association shall have the right, on application received, to retire on pension any officer or employee accepting the provisions of this Ordinance, ~~who has served continuously for a period of five (5) years and over,~~ if in its opinion and in the opinion of two (2) reputable physicians who have been selected by the Association, who shall make a physical examination and file their opinion in writing with the Association (whose fees shall be paid by the officer or employee asking to be retired) that such officer is totally disabled physically or mentally incapacitated, through injury received or disease contracted in the actual performance of duty and by reason of the performance of such duty and without fault of misconduct on their part, ~~from performing~~ rendering the officer unable to perform his duty duties in the Bureau of Police. However, the Association shall have the authority to order another examination at the expiration of six (6) months from the date of retirement or thereafter, and if the disability of the pensioner is found to have been removed, the Association shall terminate the pension and they shall be reinstated as an active member of the Bureau. (12388 §1 11/7/79)

B. As used in the section, "totally disabled" shall mean permanent mental or physical impairment which renders the police officer unable to perform his duties.

SECTION TWO: That Section 143.23 of the Police Pension Fund be amended as follows:

143.23 REINSTATEMENT AFTER DISABILITY

Any officer or employee who is retired under the provisions of Section 143.19 22 on account of physical or mental incapacity may (upon his application) be reinstated by the Association as an active member of the Police Bureau with the same rank and rating which they had upon retirement, if upon satisfactory proof presented to the Association, it shall determine that such incapacity has been removed and the applicant is physically and mentally fit for duty in such position and rank, provided, however, that

the applicant shall, if reinstated, file with the Association a release, duly executed and acknowledged, of any right or claim to the pension during the period which they shall serve after such retirement. (11857 §5.01 1/5/71)

SECTION THREE: That Section 143.24 of the Police Pension Fund be amended as follows:

143.24 PENSION FOR DISABILITY RETIREMENT

~~A. Every employee or officer of the Bureau of Police retired under the provisions of Section 143.19 who has less than ten (10) years service shall be entitled to a pension of twenty five (25%) percent of his annual compensation.~~

~~A. B. Every officer or employee of the Bureau of Police retired under the provisions of Section 143.19 22 and who has been in continuous service for ten (10) years or more, shall be deemed to be fully vested in the police pension fund, regardless of the actual number of years of credited service and shall be entitled to a pension of fifty (50%) percent of his salary at the time of his retirement. If such retirement occurs on or after January 1, 1995, such pension shall be equivalent to fifty and one-half (50-1/2%) 50.5 percent of such salary as set forth in Section 143.16 herein and any service increment in effect on that date which the officer may have been entitled to as set forth in Section 143.18 herein at the time of retirement total disability, which shall be calculated in accordance with Section 143.14.5 herein. (11963 §1, §2 10/18/72; 13312 §1 12/22/94)~~

~~B. The police pension fund shall be subrogated to the right of the claimant to the extent of any payments made under the act of June 2, 1915 (P.L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," or the act of June 28, 1935 (P.L. 477, No. 193), referred to as the Enforcement Officer Disability Benefits Law.~~

SECTION FOUR: That Section 143.25 of the Police Pension Fund be stricken as follows:

143.25 PENSION FOR DISABILITY RETIREMENT FOR OVER TWENTY YEARS SERVICES; MINIMUM AMOUNT

~~Every officer or employee of the Bureau of Police retired under the provisions of Section 143.19 and who has been in continuous service for over twenty (20) years shall receive a pension equal to fifty (50%) percent of his salary at the time of his retirement and any service increment he may be entitled to under the provisions of this Article. However, from and after January 1, 1969, the minimum annual pension which shall be paid to officers and employees receiving pensions on that date and to those thereafter becoming eligible therefore, shall be Three Thousand (\$3,000) Dollars.~~

~~———— If such disability pension begins on or after January 1, 1995, such pension shall be equivalent to fifty and one half (50-1/2%) percent of such salary and any service increment in effect on that date which the officer may have been entitled to at the time the pension begins. (13312 §1 12/22/94)~~

SECTION FIVE: That this Ordinance will take effect ten (10) days after final passage.

SECTION SIX: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer, Vice President	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on April 6th and signed by the Mayor on April 8, 2011.

Michael P. Hall

CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Office of the Mayor

- **Summary and Facts of the Bill**

This Bill will change the amount of time a police officer must be on the job before being permitted to apply for disability pension due to a work related injury.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

Previously a police officer needed to work continuously for five (5) or more years before being permitted to apply for disability pension due to a work related injury. Once this ordinance goes into effect, an officer can apply immediately if injured on the job.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no actuarial liability impact. Please see attached letter from Cheiron.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

Needs to be introduced at the January 19, 2011 meeting with final passage at the February 2, 2011 meeting.

- **Why should Council unanimously support this bill?**

Passage of the Bill will make Sections 143.22, 143.23, 143.24 and 143.25 of the Police Pension Fund ordinance consistent with the Third Class City Code.