

CITY OF CORRY

Ordinance

Ordinance No. 1624

Council Bill No. 22-04

Introduced by Mayor Baker

An Ordinance amending and restating in their entirety Ordinance Nos. 768, 1074, 1137, 1139, 1288, 1371, 1477, and 1619 to bring the Police Pension into compliance with the Pennsylvania Third Class City Code and the Collective Bargaining Agreement between the City of Corry Police Force and the City of Corry;

BE IT ORDAINED by the Council of the City of Corry, Erie County, Pennsylvania and it is hereby enacted by authority of the same that Ordinance Nos. 768, 1074, 1137, 1139, 1288, 1371, 1477 and 1619, shall be amended and restated to read as follows:

Section 1. That a Police Pension Fund be, and the same is hereby created and established by the City of Corry, which shall be hereafter referred to in this Ordinance as the Fund.

Section 2. That a Police Pension Board be, and the same is hereby created and established by the City of Corry, which shall hereafter be referred to in this Ordinance as the Board.

Section 3. That the Board shall direct and administer said Fund, subject, however, to the supervision of the City Council of the City of Corry at all times.

Section 4. That the members of the Board shall serve without any compensation and shall be five in number, and shall consist of the following city officials while they are in office as such:

1. The Mayor who shall be Chairman of the Board.
2. The Director of Accounts and Finance, who shall be Treasurer of the Board, and who shall also act as Vice-Chairman of the Board.
3. The City Clerk, who shall be Secretary of the Board.
4. The Chief of Police.

5. The Assistant Chief of Police, or the second highest ranking Police Officer if there is no Assistant Chief of Police.

Section 5. The Board shall meet for organization and to receive written reports from its pension custodian and investment manager quarterly each year at the call of the Chairman, or upon the written request of any two members of the Board presented to the Secretary.

Section 6. The Board shall make a written report to the City Council at any time during the year when requested to do so by the City Council.

Section 7. The depository designated by the City Council of the City of Corry for city funds shall ipso facto become the depository for the Fund.

Section 8. The Fund shall be maintained entirely separate from all other funds of the City of Corry, and payments for allowances or return of contributions as provided by this Ordinance shall be a charge only on this Fund and not on other fund in the treasury of the City of Corry or under its control.

Section 9. The Board, or its lawfully designated agent, shall have the authority at all times by majority action to invest the moneys in the Fund in any investments authorized as legal investments for Trustees by the laws of the Commonwealth of Pennsylvania.

Section 10. All expenses incidental to the creation and operating both of the Board and of the Fund shall be paid by bill presented and approved by the City Council of Corry from the general funds of the City of Corry.

Section 11. All employees or assistants to the officers of the Board shall be appointed and discharged by the majority action of the Board.

Section 12. All disbursements from the Fund shall be by check or order drawn upon the Fund and signed by any two (2) members of the Board.

Section 13. The Fund shall be applied solely for the benefit of the members of the Police Force of the City of Corry, who shall hereafter be referred to in this Ordinance as Police Officers,

and their widows and dependent children as prescribed by the laws of the Commonwealth of Pennsylvania for the Cities of the Third Class.

Section 14. The Fund shall receive and consists of the following contributions and appropriations:

A. The initial appropriation of Seven Hundred Forty-one and 64/100 (\$741.64) Dollars which has this year (1948) been allocated by the State of the City of Corry for Police Pension or Pension Annuity Contracts, and which is hereby appropriated by the City Council of the City of Corry to the Fund, to take effect at the effective date hereof. (December 31, 1948).

B. All funds presently held by the Police Pension Fund of the City of Corry, Pennsylvania.

C. All funds or allocations received by the City of Corry from the State which are allocated for the benefit of the Police or the Fund by the State, which funds or allocations shall hereafter be paid directly into the Fund without any further action by the City Council of the City of Corry.

D. All gifts, grants, or bequests of any nature or kind given or made to the Fund.

E. An annual payment to the Fund of a sum of money sufficient to meet the requirements of and to maintain said Police Pension Fund as calculated by the Fund's actuary.

F. Three percent (3%) of the pay of each Police Officer effective January 1, 2022, three and one-half percent (3.5%) effective January 1, 2023, and four percent (4%) effective January 1, 2024, and an additional one per centum of the pay of each Police Officer for the benefit of surviving spouse, or if no surviving spouse, or if the surviving spouse survives and subsequently dies or remarries, then to the child or children under the age of 18 years of a member of the Police Force or of members retired on pension; which percentage shall be deducted from each installment of pay of each Police Officer by the Treasurer of the City of Corry who shall pay the monthly total

of said contributions to the Treasurer of the Board at the end of each calendar month after the effective date hereof.

G. Each Police Officer who shall be eligible to receive service increments shall have deducted from each installment of pay by the Treasurer of the City of Corry an amount sufficient to pay retroactive service increment contributions to the date of the Police Officer's employment to the Police Force or to the effective date of the State Statute dated January 18, 1952, whichever is the latest.

Section 15. Retirement pensions shall be paid from the Fund to eligible Police Officer according to the following regulations:

A. Each eligible Police Officer may retire from active duty upon having served as a member of the Police Department for a minimum period of continuous service of twenty (20) years and having attained the minimum age of fifty (50) years for Police Officers hired after January 1, 2012.

B. Each eligible Police Officer who shall have served for twelve (12) years or more and shall have attained the age of sixty (60) years and whose office or employment shall be terminated with or without his/her voluntary action before the expiration of twenty (20) years of service shall, in such event, during the remainder of his/her life, be entitled to receive such portion of the annual pension benefit as the period of his/her service up to the date of termination bears to the full twenty (20) year period of service.

C. Each eligible Police Officer who shall have served for twelve (12) years or more, and shall not have attained the age of sixty (60) years, and whose office or employment shall be terminated with or without his or her voluntary action before the expiration of twenty (20) years of service, shall, in such event, during the remainder of his/her life, after attaining the age of sixty (60) years, be entitled to receive such portion of the annual pension benefit as the period of his/her service up to the date of termination bears to the full twenty (20) year period of service.

D. If a Police Officer has served for twelve (12) years or more of service, but less than twenty (20) years of service, and his or her employment is terminated for any reason, then in that event, he or she shall have the option of having the total amount of the contributions paid into the pension fund by such employee refunded to him or her in full, without interest, or receiving a portion of the annual pension set forth above.

E. If for any cause any Police Officer contributing to the pension fund shall cease to be a member of the Police Department before the Police Officer becomes entitled to a pension, the total amount of the member's contribution into the pension fund shall be refunded to the member in full without interest. If subsequent to receiving the full refund of the member's contributions, the member shall again become employed as a member of the Police Department, the member shall not be entitled to a pension designated until twenty (20) years after the member's re-employment, unless the member shall return to the pension fund the amount withdrawn, in which event the period of twenty (20) years shall be computed from the time the member first became a member of the Police Department, excluding therefrom the period during which the member was not employed by the Police Department.

Section 16. Disability pensions shall be paid from the Fund to any Police Officer who shall become permanently disabled before the Police Officer reaches retirement age, according to the following regulations:

A. A Police Officer who becomes totally disabled due to an injury sustained in the line of duty shall be deemed to be fully vested in the Police Pension Fund regardless of the number of actual years of accredited service and shall be eligible for immediate retirement benefits in accordance with Section 18.

B. A Police Officer who has less than ten (10) years of service and who dies or is totally disabled due to injuries or mental incapacities not in the line of duty and is unable to perform

the duties of a Police Officer may be entitled to a pension of twenty-five percent (25%) of the Police Officer's annual compensation.

C. A Police Officer who has more than ten (10) years of service and who dies or is totally disabled due to injuries or mental incapacities not in the line of the duty and is unable to perform the duties of a Police Officer may be entitled to a pension of fifty percent (50%) of the Police Officer's annual compensation.

D. Such total disability shall have existed thirty (30) days before any disability pension payment shall have been made to the Police Officer.

E. Proof of disability shall be by competent medical evidence provided by the Police Officer. The proof of disability shall be filed with the Board certifying that a total disability exists, what its cause may be, and that it will last for an indefinite period of over at least one (1) year in duration. The Board of the City may, at any time, have the Police Officer examined by its own physician.

F. The Board shall have the right, at any 30-day interval, to have the disabled Police Officer examined by a practicing doctor appointed by the Board, and the refusal of the disabled Police Officer to permit such examination if persisted by the Police Officer for a period of thirty (30) days, shall at the end of that time automatically terminate the total disability pension and permanently end all disability pension payments from the Police Pension Fund to the Police Officer.

G. If a physician shall certify in writing to the Board, whether or not the doctor shall be appointed by the Board, that any theretofore disabled Police Officer shall have recovered so that the Police Officer is able to work as a Police Officer, then the Police Officer's disability pension shall automatically terminate and all disability pension payments from the Fund to the Police Officer shall be permanently ended; subject, however, to an appeal from the disabled Police Officer to the Board, if made in writing by the Police Officer within thirty (30) days after the Police

Officer shall have received notice of the termination of the disability pension, in which case the Board, or a majority thereof, shall hold a public hearing and give such disabled Police Officer an opportunity to produce evidence and testimony as to the continuance of a Police Officer's disability, and any opportunity for the Police Officer to cross-examine opposing witnesses, and such disabled Police Officer shall have the right to be represented by an attorney at law at such a hearing; and the Board shall have thirty (30) days after such hearing, to render a decision as to the cessation or continuance of such Police Officer's disability, which decision shall be final and not subject to appeal.

Section 17. In the event of the cessation of any disability pension theretofore paid to any disabled Police Officer, then one-third of the total disability pension payment paid from the Fund to the Police Officer shall be deducted from the total amount of his contributions or deductions paid to the Fund and the balance, if any, shall be paid such Policeman from the Fund.

Section 18. The amounts of the retirement pension or disability pension that shall be paid to any eligible Police Officer from the Fund shall be determined on a uniform scale as follows:

A. Payments for allowance shall not be a charge on any other Fund in the Treasury of the City or under its control save the Police Pension Fund herein provided for. The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of injury, death, honorable discharge, or retirement, or the highest average annual salary which the member received during any five years or service preceding injury, death, honorable discharge, or retirement, whichever is the higher, and except as to service increments provided for in Section 18B, shall be calculated at the rate of one-half the annual pay of such member computed at such monthly or average annual rate, whichever is the higher.

B. In addition to the retirement allowance, which is authorized to be paid from the Police Pension Fund by this Ordinance, and notwithstanding the limitations therein placed upon such retirement allowances and upon the contributions every contributor who shall become entitled

to the retirement allowances shall also be entitled to the payment of "service increments" in accordance with and subject to the conditions hereinafter set forth. Service increments shall be the sum obtained by computing the number of whole years after having served the minimum by this Ordinance during which a contributor has been employed by the City of Corry and paid out of the City Treasury and multiplying the said number of years so computed by an amount equal to .025% of the retirement allowance which has become payable to such contributor in accordance with the provisions of this ordinance. In computing the service increments, no employment after the contributor has reached the age of 65 years shall be included and no service increment shall be paid in excess off \$200.00 per month.

C. (1) For Police Officers who retired prior to January 1, 2002, their surviving spouse or if no spouse survives or if the spouse survives and subsequently dies, then the child or children under the age of 18 years of a member of the Police Department or a member who retires on pension who dies, shall during the remainder of the surviving spouse's lifetime in the case of the surviving spouse or until reaching the age of 18 years in the case of the child or children, be entitled to receive a pension calculated at the rate of 50% of the pension rate the member was receiving or would have been receiving had the member been retired at the time of the member's death.

(2) For Police Officers who retired on or after January 1, 2002, their surviving spouse or if no surviving spouse survives or if the spouse survives and subsequently dies, then the child or children under the age of 18 years of a member of the Police Department or a member who retires on pension who dies, shall during the remainder of the surviving spouse's lifetime in the case of the spouse or until reaching the age of 18 years in the case of the child or children, be entitled to receive a pension calculated at the same rate the member was receiving or would have been receiving had the member been retired at the time of the member's death.

Section 19. In the event of the death of any Police Officer resulting directly from the performance of the Police Officer's duties as a Police Officer for the City of Corry, on or after January 1, 2002, the surviving spouse, or if no spouse survives or if the spouse survives and subsequently dies, then the member's child or children under the age of 18 years shall, during the surviving spouses lifetime, or until reaching the age of 18 years in the case of a child or children, be entitled to receive a pension calculated at the same rate the member was receiving or would have been receiving had the member been retired at the time of the member's death.

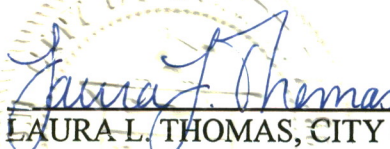
Section 20. Any member of the Police Force who has been a regularly appointed employee of the City of Corry for a period of at least six months and who thereafter shall heretofore or hereafter be inducted into the Military Service of the United States in time of war, armed conflict or national emergency as proclaimed by the President of the United States, shall have credited to his employment record, for pension or retirement benefits all of the time spent by him in such Military Service during the continuance of such war, armed conflict, or national emergency if such person returns or has heretofore returned to his employment within six months after his separation from the service.

Section 21. This Ordinance shall take effect as of midnight, October 31st, 2022.

Section 22. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Ordained and enacted into law by the Council of the City of Corry this 21st day of October, 2022, in lawful session regularly assembled.

Attest:


LAURA L. THOMAS, CITY CLERK


MICHAEL E. BAKER, MAYOR