

ORDINANCE
CITY OF CORRY

ORDINANCE NO. 1638

COUNCIL BILL NO. 23-07

PRESENTED BY MR. ROCHE

An Ordinance amending and restating in their entirety Ordinance Nos. 1144, 1181, 1240, and 1617 establishing an Employees Pension Fund under the Act of 1945, May 23, P.L. 903 which permits Cities of the Third Class to establish an Optional Retirement System for Officers and Employees (commonly known as Non-Uniform Employees); providing for the creation, membership and duties of a Pension Board; imposing duties on certain officers and officials; defining the manner in which money shall be paid into and be disbursed from the Pension Fund; defining the rights and duties of the members of the Retirement System and repealing all Ordinances inconsistent herewith.

BE IT ORDAINED by the Council of the City of Corry and it is hereby ordained by authority of the same.

Section 1. DEFINITIONS.

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Person", an officer or employee of the City.

"Employee", a person in the service of the City, except policemen, firemen and part-time or occasional workers, who is either or who is not now adequately protected under all circumstances by pensions authorized by the laws of the Commonwealth and in force at the time of the passage of this Ordinance.

"Officer", a person elected or appointed to City Service.

"Board", Officers and Employees Pension Board.

"City", City of Corry, Pennsylvania.

"Fund", Officers and Employees' Pension Fund.

"Pension Benefits", shall be that retirement allowance fixed by the Act of 1945, May 23, P. L 903, as amended, and this Ordinance.

"He", the masculine and feminine pronouns.

"Member", a person who is a member of the Retirement System.

Section 2. CREATION OF RETIREMENT SYSTEM.

There is hereby created a Retirement System for officers and employees in active service of the City of Corry, Pennsylvania, except policemen, firemen, and part-time or occasional employees.

Section 3. CREATION, MEMBERSHIP AND DUTIES OF PENSION BOARD.

A. There is hereby created a Board to be known as the "Non-Uniform Employees' Pension Board", consisting of the Mayor, the City Controller, the Director of Finance and two (2) employees to be chosen by the employees contributing to the Pension Fund.

B. The representative chosen by the employees shall not serve for a term of more than four (4) years. Said term to run concurrently with the term of the Mayor.

C. A vacancy occurring during the term of the person or persons chosen by the employees shall be filled for the unexpired term by an employee or employees chosen by the employees contributing to the Pension Fund.

D. The members of the Non-Uniform Employees' Pension Board shall serve without compensation.

E. It shall be the duty of said Board to register all persons employed by the City, except policemen, firemen, and part-time or occasional employees, and to administer the collection and distribution of the Fund herein provided for, and make such reasonable rules as the Board may deem necessary to carry into effect the provisions of this Ordinance.

Section 4. CONTRIBUTION TO FUND.

A. All officers and employees of the City, who are members of the Fund shall contribute to the Board an amount equal to six (6) per centum of each member's gross earnings. Gross earnings shall include all earnings paid by the City directly and earnings paid by the City but reimbursed to the City by other entities.

B. Such contributions shall be regularly deducted by the City from each member's compensation and shall be paid over to the Fund.

Section 5. RIGHT TO RETIRE AND PENSION UPON RETIREMENT.

A. (1) Every member who attains the age of fifty-five (55) years and upwards who shall have so served as an officer or employee of City for a period of twenty (20) years, or more, shall, upon application to the Board, be retired from service, and shall during the remainder of his life receive the pension benefits prescribed.

(2) Any member who shall have served twenty (20) years and voluntarily retires shall be immediately entitled to the pension benefits prescribed, subject to the continuing his contributions until the age of fifty-five (55) years.

(3) Any member who shall have served twenty (20) years and shall be terminated without his voluntary action, shall, by continuing his contributions until the age of fifty-five (55) years, be entitled to begin receipt, at the age of fifty-five (55) of pension benefits prescribed.

B. During the lifetime of any retired member he shall be entitled to receive annually from the Fund as pension benefits a sum equal to fifty per centum (50%) of the amount which would constitute the highest average annual salary or wages which he earned during any five (5) years of his service for the City, or which would be determined by the rate of the monthly pay of such person at the date of retirement, whichever is the higher. The pension benefits are to be paid in monthly payments.

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

D. A member 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 voluntary action before the expiration of twenty (20) years of service, he shall, in such event, during the remainder of his life, be entitled to immediately receive such portion of the annual pension benefit as the period of his service up to date of termination bears to the full twenty (20) year period of service.

E. A member 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 voluntary action before the expiration of twenty (20) years of service, he shall, in such event, during the remainder of his 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 service up to the date of termination bears to the full twenty (20) year period of service.

Section 6. PERMANENT DISABILITY.

A member who becomes permanently disabled to an extent as to render him unable to perform the duties of his position or office, which member has completed fifteen (15) years of service, and has not attained the age of fifty-five (55) years, shall be entitled to full pension benefits during such disability. Proof of such disability shall consist of the sworn statement of a practicing physician, designated by the Board that the employee is in a condition of health which permanently disables him from performing the duties of his position or office. Members receiving disability benefits shall thereafter be subject to physical examination at any reasonable time or times, upon order of the Board, and upon his refusal to submit to any such examination, his compensation shall cease.

Section 7 COMPUTATION OF TIME OF SERVICE.

The time of service herein specified shall be computed from the time of the first or original service to the City, and need not be continuous.

Section 8. PERSONS ENTITLED TO BENEFITS OF ORDINANCE.

The benefits conferred by this Ordinance shall apply to all persons regularly employed on or after the effective date of this Ordinance, in any paid capacity by the City, except policemen, firemen and part-time or seasonal workers.

Section 9. RECEIPT AND INVESTMENT OF FUNDS; PAYMENTS.

It shall be the duty of the Board to receive, retain, invest and reinvest the fund created by virtue of this Ordinance and the Statutes of the Commonwealth of Pennsylvania and to pay over by warrant or check, signed by two (2) Board members, the amounts due to members or their beneficiaries.

Section 10. EXEMPTION FROM ATTACHMENT OR EXECUTION; NON-ASSIGNABILITY.

The compensation herein provided for shall not be subject to attachment or execution, and shall be payable only to the beneficiary designated by this Ordinance, and shall not be the subject of assignment or transfer.

Section 11. TERMINATION OF EMPLOYMENT.

If for any cause any member contributing to the pension fund shall cease to be an employee of the City before the said employe becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him in full, without interest.

Section 12. RE-ENTRY INTO SERVICE OF THE CITY.

If any member shall have returned to him the amount contributed as aforesaid, and shall afterward reenter the employ of the City, said member shall not be entitled to the previous pension service designated, unless he shall return to the pension fund the amount withdrawn, in which event pension service shall be computed from the time the employee first enters the service of the city.

Section 13. DEATH OF MEMBER.

A. In the event of the death of any person (except as noted in Section 13-B) before he becomes entitled to any pension benefit, the total amount of contributions paid into the fund by him shall be paid over to his estate without interest.

B. The widow or widower of a member of the fund who is killed in the performance of his duties as a City employee, or who retires on pension and then dies, or if no widow or widower survives, or if such person survives and subsequently dies or remarries, then the child or children under the age of 18 years of said City officer or employee, after the effective date of this Ordinance,

shall, during his or her lifetime, or so long as such person does not remarry in the case of the widow or widower, 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 rate of 50% of the pension the member was receiving or would have received had such member been retired at the time of his death.

Section 14. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

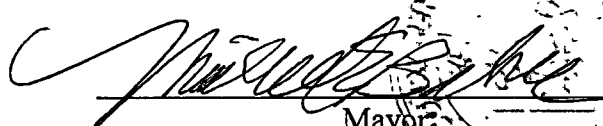
Section 15. EFFECTIVE DATE.

This Ordinance shall be effective upon its final passage.

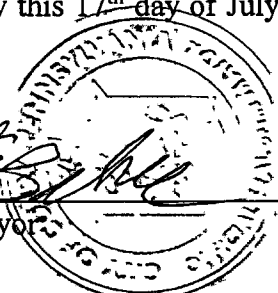
Section 16. REPEAL.


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 17th day of July, 2023, in lawful session regularly assembled.



Mayor



ATTEST


City Clerk

