

City of Philadelphia



(Bill No. 210137)

AN ORDINANCE

Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by creating an early retirement program for certain employees working in or with the Department of Commerce, Aviation Division, and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code” is amended as follows:

TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE

* * *

CHAPTER 22-300. RETIREMENT BENEFITS

* * *

§22-303. Optional Early Retirement Benefits

(1) Eligibility. The following members are eligible for optional early retirement benefits:

* * *

(f) Any member who has irrevocably elected to participate in the 2021 Aviation Division Early Retirement Window Program as provided in Section 22-313.

(2) Effective date. Optional early retirement benefits may go into effect any time between the end of active City service and the month in which the member reaches minimum retirement age.

(3) Calculation of amount of benefits. The yearly amount of optional early retirement benefits is the amount of the regular yearly service retirement benefit (calculated in accordance with § 22-301) reduced by one-half of one percent (1/2%) of the service retirement benefit for each month the member is younger than the minimum retirement age. This reduction does not apply to members who retire under the provisions of [§ 22-303 (1)(d) and (e).] § 22-303 (1)(d), (e), and (f).

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§ 22-313. 2021 Aviation Division Early Retirement Window Program.

(1) *Basic Concept of the 2021 Aviation Division Early Retirement Window Program.* Eligible employees, as provided in subsection (3), who irrevocably elect to participate in the 2021 Aviation Division Early Retirement Window Program must retire from service with the City and may receive optional early retirement benefits prior to the applicable minimum retirement age, without reduction, as provided in Section 22-303.

(2) *Timing of 2021 Aviation Division Early Retirement Window Program Election and Expiration Date.*

(a) *Initial Election.* The option to elect to participate in the 2021 Aviation Division Early Retirement Window Program shall be offered to all eligible employees. An eligible employee shall have thirty (30) calendar days to elect to participate in the program, beginning on the date the notice of eligibility is sent by overnight delivery service to such employee. No employee may elect to participate in the program after this 30-day period.

(b) *Agreement and Consideration Period.* All eligible employees who elect to volunteer for the 2021 Aviation Division Early Retirement Window Program shall be provided with a severance agreement and general release. An eligible employee shall have forty-five (45) calendar days to consider, execute, and return the agreement to such eligible employee's hiring authority, and seven (7) calendar days after execution to revoke such eligible employee's acceptance of the agreement. The severance agreement and general release will provide each eligible employee's separation date that will be agreed to by the City and each eligible employee.

(c) *Irrevocability of Election.* The election to participate in the 2021 Aviation Division Early Retirement Window Program cannot be revoked after the 7-day post-acceptance period has passed.

(d) *2021 Aviation Division Early Retirement Window Expiration Date.* The 2021 Aviation Division Early Retirement Window Program described in this Section 22-313 is enacted for a limited duration and shall not be continued thereafter. Notwithstanding any other provision in this Section, no eligible employee may elect to participate in the 2021 Aviation Division Early Retirement Window after the earlier of (.1) the time period provided in subsection (2)(a) ("Initial Election"), or (.2) ninety (90) days from the date the ordinance adding this Section 22-313 becomes law.

(3) *Eligibility.*

(a) *Eligible Employees.* In order to be eligible to elect to participate in the 2021 Aviation Division Early Retirement Window Program, an employee must, as of March 31, 2021, be a vested member and within five (5) years of such member's minimum retirement age with respect to the member's plan; and must be actively employed either:

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(.1) as an employee in the City Department of Commerce, Aviation Division; or

(.2) as an employee in one of the following offices or departments, who reports primarily and on a daily basis to the Chief Executive Officer of the Philadelphia International Airport, whether directly or through a chain of command within the Aviation Division: Managing Director's Office, Personnel Department, Procurement Department, or Office of Innovation and Technology.

(b) Ineligible Employees. For the avoidance of doubt, active employees not identified in paragraph (a) above, who perform services at, or for, the Philadelphia International Airport, are not eligible for the 2021 Aviation Division Early Retirement Window Program whether or not the employee is compensated, in whole or in part, by City funds appropriated to the Philadelphia International Airport. Such ineligible employees include, but are not limited to, active employees in the Law Department, Police Department, Fire Department, Office of Fleet Management, Office of Sustainability, Department of Labor, or Department of Commerce who are not assigned to the Aviation Division.

SECTION 2. Effective Date. This Ordinance shall be effective immediately with respect to employees not subject to the terms of a collective bargaining agreement. With respect to represented employees subject to a collective bargaining agreement, this Ordinance shall be effective on the date the Director of Finance certifies to the Clerk of Council that the employee's union has agreed to the terms of this Ordinance.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 8, 2021. The Bill was Signed by the Mayor on April 14, 2021.



Michael A. Decker
Chief Clerk of the City Council