BILL NO. 50 - 2017

ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM, COMMONWEALTH OF PENNSYLVANIA, AMENDING VARIOUS PORTIONS OF ARTICLE 151 ENTITLED FIREMEN’S PENSION FUND TO CONFORM TO THE PLAN

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF BETHLEHEM OF NORTHAMPTON AND LEHIGH COUNTIES, PENNSYLVANIA, AS FOLLOWS:

SECTION 1. That Article 151.02 relating to Maintenance of the Firemen’s Pension Fund, of the Codified Ordinances of the City of Bethlehem, which reads as follows:

The Firemen's Pension Fund shall be invested and merged in joint Funds for investment purposes under the provisions of Article l56 of the Codified Ordinances of the City of Bethlehem. The Fund shall charge against each paid member of the Fire Department of the City an amount of seven percent (7%) of the pay of such member, and an additional one percent (1%) to pay benefits to surviving spouses of members retired on pension or killed or who die in service. Annual appropriations to the Firemen's Pension Fund by the City shall be made in accordance with Act 205 of 1984, Municipal Pension Plan Funding Standard and Recovery Act.

shall be amended to read as follows:

The Firemen's Pension Fund shall be invested and merged in joint Funds for investment purposes under the provisions of Article l56 of the Codified Ordinances of the City of Bethlehem. The Fund shall charge against each paid member of the Fire Department of the City an amount of seven percent (7%) of the pay of such member, and an additional one percent (1%) to pay benefits to surviving spouses, or if no spouse survives or if he/she survives and subsequently dies, then to the child or children under the age of eighteen years, of members retired on pension or killed or who die in service. Annual appropriations to the Firemen's Pension Fund by the City shall be made in accordance with Act 205 of 1984, Municipal Pension Plan Funding Standard and Recovery Act.

SECTION 2. That Article 151.05(d) relating to computation of payments from the Firemen’s Pension Fund, of the Codified Ordinances of the City of Bethlehem, which reads as follows:

(d) In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who die in service, the amount and commencement of the payments of pensions shall be fixed by regulations of the Board. Such regulations shall not

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take into consideration the amount and duration of workmen's compensation allowed by law. Payments to surviving spouses of members retired on pension or killed in the service on or after January 1, 1969, or who die in the service on or after January 1, 1969, shall be equal to the amount payable to the member or which would have been payable had he/she been retired at the time of his/her death.

shall be amended to read as follows:

(d) In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who die in service, the amount and commencement of the payments of pensions shall be fixed ~~by regulations of the Board~~ as follows. Such ~~regulations~~ payment shall not take into consideration the amount and duration of workmen's compensation allowed by law. Whenever any paid member of the fire department becomes physically or mentally incapacitated from circumstances or causes arising from the actual performance of his duties and without fault or misconduct on his part, the Pension shall be computed pursuant to this Ordinance based upon 20 years of service. However, in cases where the member has completed 21 or more years of benefit service at the time of such physical or mental incapacity, then pension shall be computed based upon the member’s actual years of service. In cases of members killed or who die in service, ~~Payments~~ payments to surviving spouses, or if no spouse survives or if he/she survives and subsequently dies, then to the child or children under the age of eighteen years, of members retired on pension or killed in the service on or after January 1, 1969, or who die in the service on or after January 1, 1969, shall be equal to the amount payable to the member or which would have been payable had he/she been retired at the time of his/her death.

SECTION 3. Article 151.05(f) is hereby added and shall read as follows:

(f) Non-Work-related disability. Whenever any paid member of the fire department becomes physically or mentally incapacitated from circumstances or causes not arising from the actual performance of his duties and without fault or misconduct on his part, then for members who shall have served at least

(1) ten (10) but less than fifteen (15) years of continuous service, the Pension payable to such member shall be equal to thirty percent (30%) of his “annual salary” as defined by this Ordinance; or

(2) fifteen (15) years or more of continuous service, the Pension shall be computed pursuant to this Ordinance based upon 20 years of service.

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SECTION 4. That Article 151.10 relating to Board rules for service, age and disability computation of payments from the Firemen’s Pension Fund, of the Codified Ordinances of the City of Bethlehem, which reads as follows:

The Board of Managers shall compile such rules and regulations of the Firemen's Pension Fund deemed necessary for the benefit of such members of the paid Fire Bureau as shall receive honorable discharge therefrom by reason of service, and age or disability, and the families of such as may be killed in the service or retired on pension or who die in service, subject to the provisions of the ordinances of the City and the acts of assembly applicable thereto. Such rules and regulations and all amendments thereto shall be presented to Council for approval. Council may accept or reject such rules and regulations, or if no action is taken within thirty days from the date of presentation, such rules and regulations shall be deemed approved. Such rules and regulations shall then be printed and made available to all interested parties. All pensions as shall be allowed by rules and regulations to those who are retired by reason of disability or of service and age shall conform to a uniform scale. Benefits allowed from the Firemen's Pension Fund to families of members killed in service or retired on pension or who die in service shall take into consideration the member's surviving spouse and his/her minor children under eighteen years of age, if any survive.

shall be amended to read as follows:

The Board of Managers shall compile such rules and regulations of the Firemen's Pension Fund deemed necessary for the benefit of such members of the paid Fire Bureau as shall receive honorable discharge therefrom by reason of service, and age or disability, and the families of such as may be killed in the service or retired on pension or who die in service, subject to the provisions of the ordinances of the City and the acts of assembly applicable thereto. Such rules and regulations and all amendments thereto shall be presented to Council for approval. Council may accept or reject such rules and regulations, or if no action is taken within thirty days from the date of presentation, such rules and regulations shall be deemed approved. Such rules and regulations shall then be printed and made available to all interested parties. All pensions as shall be allowed by rules and regulations to those who are retired by reason of disability or of service and age shall conform to a uniform scale. Benefits allowed from the Firemen's Pension Fund to families of members killed in service or retired on pension or who die in service shall take into consideration the member's surviving spouse and his/her minor children under eighteen years of age, if any survive. In case of an application for disability pension benefits, proof of such physical disability or mental incapacity shall consist of the sworn statement of

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three (3) practicing physicians, selected by the Association, after examination had by them of the paid fireman, that such paid fireman is in a condition of health which permanently disables him from performing the duties of his position. Such member shall thereafter be subject to physical or mental examinations, at any reasonable time or times, upon order of the Association. The fees of the three (3) physicians designated by the Association to examine the paid fireman shall be paid by the Fund.

SECTION 5. A duly certified copy of this Ordinance, as enacted, shall be filed with the System.

SECTION 6. That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

Sponsored by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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President of Council

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

This Ordinance approved this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor