

TOWNSHIP OF OHIO

ORDINANCE NO. 98

AN ORDINANCE OF THE TOWNSHIP OF OHIO APPROVING THE OPTIONAL RETIREMENT PLAN CONTRACT NEGOTIATED BY THE SOLICITOR WITH THE PENNSYLVANIA MUNICIPAL RETIREMENT BOARD FOR THE POLICE DEPARTMENT OF THE TOWNSHIP IN ACCORDANCE WITH THE RESOLUTION OF THE BOARD OF SUPERVISORS ADOPTED MAY 24, 1976.

WHEREAS, on May 24, 1976, the Board of Supervisors of the Township of Ohio adopted Resolution No. 6-76 authorizing and directing the Township Solicitor to negotiate an optional retirement plan contract with the Pennsylvania Municipal Retirement Board for the Police Department of the Township pursuant to the provisions of the Act of February 1, 1974, No. 15 known as the "Pennsylvania Municipal Retirement Law"; and,

WHEREAS, the following Agreement has been prepared:

THIS AGREEMENT, dated this 28th day of June, 1976, by and between the Township of Ohio and the Pennsylvania Municipal Retirement Board;

WHEREAS, Article IV, Section 401 and 402, respectively, of the Act of February 1, 1974, No. 15, provide:

"401. This article shall provide for the enrollment of those municipalities in the Pennsylvania Municipal Retirement System which want to offer retirement benefits to their employes different from those available under Article II and Article III of this Act.";

WHEREAS, on May 24, 1976, the Board of Supervisors of the Township of Ohio passed a resolution authorizing its solicitor to negotiate an optional retirement plan contract with the Pennsylvania Municipal Retirement Board for the Police Department of the Township.

NOW, THEREFORE, the Pennsylvania Municipal Retirement Board and the Township of Ohio hereby agree to the following retirement pension plan for the Police Department of the Township of Ohio:

1. Coverage: This plan shall cover all full-time members of the Police Department of the Township, hereinafter referred to as "member."

2. Superannuation Retirement Age and Length of Service: The superannuation retirement age shall be fifty-five (55) years of age and twenty-five (25) years of service.

3. Basic Benefits: The basic monthly pension benefit shall be one-half of the monthly average salary of such member during the last thirty-six (36) months of employment. Such pension benefit shall be computed as the sum of:

(a) any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force, but only to the extent that this Commonwealth or any of its municipalities shall have contributed to such pension plan monies raised by taxation; and

(b) benefits from the police pension fund established by Act 291 of 1968, continued under Act 15 of 1974 and under this agreement.

4. Length of Service Increment: In addition to the retirement allowance, those members eligible shall receive a yearly service increment to be determined by computing the number of whole years of service beyond twenty-five (25) years and multiplying this number by an amount equal to 1/40th of the amount of the retirement allowance. This increment shall not, however, exceed One Hundred (\$100.00) Dollars per month.

5. Cost of Living Increase: Pension Benefits and the Length of Service Increment shall be increased on each January 1 after the first full year of retirement by the per cent of increase of the cost of living index issued by the United States Department of Labor for the previous calendar year, provided, however:

(a) that the total police pension benefits shall not exceed seventy-five (75%) per centum of the salary used to compute retirement benefits; and

(b) that the total cost of living increases shall not exceed thirty (30) per centum of the salary used to compute retirement benefits.

6. Survivors' Benefits: Pension benefits payable hereunder to the survivors of members who die after retirement or who are killed in service or who die after vesting but before retirement as hereinafter referred to shall be paid to the member's widow or if no widow survives or if she survives and subsequently dies or remarries, then the child or children under eighteen (18) years of age calculated at the rate of fifty (50) per centum of the pension the member was receiving or would have been receiving at the time of his death. Survivors, as described above, of members killed in service shall receive one-half the monthly average salary of said member during the last thirty-six (36) months of employment, or lesser period if death occurs prior to thirty-six (36) months service.

7. Permanent Disability Benefits: After a member has had ten or more years of total service, he may, upon application or on application of one acting in his behalf, or upon application of a head of the department of the municipality by which he is employed, be retired by the board on a disability allowance if he is under superannuation retirement age, and on a superannuation

retirement allowance if he has attained or passed such age, if the physician designated by the board, after medical examination of the contributor made at the place of residence of the contributor or at a place mutually agreed upon, shall certify to the board that the contributor is unable to engage in any gainful employment and that said contributor ought to be retired. When the disability of a contributor is determined to be service-connected, as defined in this act, no minimum period of service shall be required for eligibility.

The members' retirement allowance shall be pro-rated upon the years he has served as compared to the years he would be required to serve in order to retire on superannuation.

8. Military Service: Any member of the police force employed by Ohio Township who has been a regularly appointed employee of any such Township for a period of at least six months and who thereafter shall enter into the military service 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, if such person returns or has heretofore returned to his employment within six months after his separation from the service.

9. Contribution by Members: If an actuarial study shows that 90% of the funds received by the Township from the Tax on Premiums of Foreign Casualty Companies, (Act of May 12, 1943, P.L. 259, Section 1, as amended, 72 P.S. 2263.1) is sufficient to keep the fund actuarially sound, no contribution shall be required from the members. Members shall be required to contribute the difference between 90% of the funds received by the Township as set forth above and the amount necessary to keep the fund actuarially sound, but in no event more than eight per centum of their salary.

10. Vesting: If a contributor before reaching superannuation retirement age and having completed twelve years of total service, for any reason ceases to be a municipal policeman; he shall be entitled to vest his retirement benefits until he attains superannuation retirement age by filing with the board a written notice of his intentions to vest, within ninety days of the date of his termination.

After the ordinance or resolution has been finally passed the municipality should send a certified copy to the Board. The Pennsylvania Municipal Retirement Board shall then instruct the Actuary to prepare firm cost figures and the Board will bill the municipality. The Board shall also send a complete set of forms and instructions to the new municipality for reporting purposes.

WITNESS the due execution hereof the day and year first above written.

ATTEST: TOWNSHIP OF OHIO

Joseph Jettart
Secretary

By *Joseph Jettart*
Township Manager

ATTEST:

PENNSYLVANIA MUNICIPAL
RETIREMENT BOARD

By _____
Chairman

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Ohio this 28th day of June, 1976 that the aforesaid Agreement be and is hereby approved, and the Township Manager, Joseph J. Start, is hereby authorized and directed to execute said Agreement on behalf of the Township and to do and perform any and all acts, and to execute any and all documents necessary to fully perform and comply with the terms of said Agreement.

ATTEST:

Joseph J. Start
Secretary

James P. King
Chairman

James P. King
Vice Chairman

W. Stewart
Supervisor

CERTIFICATION

I, Joseph J. Start, being Secretary of the Township of Ohio, do hereby certify that the foregoing Ordinance was duly advertised as required by law, and was duly enacted at a regular meeting of the Board of Supervisors of the Township of Ohio held the 28th day of June, 1976.

Joseph J. Start
Secretary