



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 020426

Introduced June 13, 2002

Councilmembers Kenney, DiCicco, Ortiz and Cohen

**Referred to the
Committee on Labor and Civil Service**

AN ORDINANCE

Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending Section 22-401 relating to service-connected disability retirement benefits to increase the amount of the benefit for certain members and to provide for a cost-of-living allowance for certain members, 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 hereby amended as follows:

TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE

* * *

CHAPTER 22-400. DISABILITY BENEFITS

§22-401. Service-Connected Disability Retirement Benefits.

* * *

(4) *Benefit Amount.* Upon retirement for service-connected disability, a member shall receive an annual retirement benefit equal to [seventy percent (70%)] *one hundred percent (100%)* of the member's final compensation, as it may be adjusted by §22-401(5), §22-401(6), §22-401(7), and §22-306, subject to the provisions of §22-403 (Reexamination of Disabled Members). The member

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may also elect to receive either a lump-sum payment equal to the member's contributions to the Retirement System or, in lieu thereof, any survivor benefit option available to the member's plan under §22-306. The member's election shall be irrevocable. A member of Plan D, Plan J or Plan X who fails to make the foregoing election prior to retirement will be deemed to have elected Option 4.

* * *

(6) *Cost-of-Living Adjustment. Beginning with the first day of the next fiscal year beginning after the effective date of the ordinance that adds this subsection, all members receiving an annual retirement benefit under this section shall have their monthly benefit adjusted annually on July 1 of each year in accordance with the following provisions:*

(a) *The Board shall compare the Consumer Price Index for All Urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, United States Department of Labor, Bureau of Labor Statistics, for March of that year with the same Index for March of the previous year, and calculate the percentage increase in the Index.*

(b) *Monthly benefits subject to this subsection shall be increased by the same percentage as the percentage increase determined by subsection (a) above, calculated to the nearest dollar.*

(c) *If the calculation in subsection (a) above in any year should yield no increase, or an increase that is less than 1/10th of one percent, no adjustments shall be made.*

(7) *Retroactive Adjustment. Any member who, upon the date the ordinance adding this subsection and increasing the benefit to 100% becomes law, is receiving the 70% retirement benefit under this section shall be entitled to a recalculation of the member's total benefit retroactive to the date of the member's retirement, and shall receive a payment representing the difference between the recalculated amount and the total amount actually received by the member.*

* * *

SECTION 2. Effective Date. This Ordinance shall be retroactive to the extent necessary to apply the provisions of new subsection 22-401(7). Otherwise, this

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Ordinance shall be effective immediately and shall apply to any service-connected disability retirements that are effective on or after the date this Ordinance becomes law, except that, as to members of Plan L, any part of this Ordinance that represents an increase or diminishment in the benefit rights of such members shall not apply to an elected official during any term of office to which such official was elected prior to the date this Ordinance becomes law, but shall only apply to an elected official during a term of office to which such official was elected after the date this Ordinance becomes law.

Explanation:

[Brackets] indicates matter deleted.
Italics indicate new matter added.

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