

City of Philadelphia



February 17, 2005

CERTIFICATION: This is to certify that Bill No. 040326, entitled "An Ordinance amending Title 22 of The Philadelphia Code, entitled 'Public Employees Retirement Code,' by amending Chapter 22-400, entitled 'Disability Benefits' by amending Section 22-401 relating to service-connected disability retirement benefits and Section 22-402 relating to ordinary disability retirement benefits to delete provisions related to a reduction in benefits for gainful employment," was returned by the Mayor to City Council on the seventeenth day of February, 2005 "DISAPPROVED."

The said bill having been considered again, was repassed on the seventeenth day of February, 2005. Two-thirds of all of the members of City Council having voted in the affirmative, the said bill became law without the Mayor's approval, pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council

(Bill No. 040326)

AN ORDINANCE

Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending Chapter 22-400, entitled "Disability Benefits" by amending Section 22-401 relating to service-connected disability retirement benefits and Section 22-402 relating to ordinary disability retirement benefits to delete provisions related to a reduction in benefits for gainful employment, 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:

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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%) of the member's final compensation, as it may be adjusted by §22-401(5) and §22-306, subject to the provisions of §22-403 (Reexamination of Disabled Members). . . .

* * *

[(c) If a disabled member (other than a Fire Employee or Sheriff's Department employee specifically referenced in §22-401(3)) is or becomes engaged in a gainful occupation, other than by reemployment with the City, then the amount of the member's monthly disability benefit shall be reduced by one (1) dollar for every three (3) dollars the member earns monthly in such gainful occupation. Such offset shall cease at age sixty-five (65). A member who is receiving benefits under this section shall provide the Board with a copy of the federal income tax return with respect to any tax year in which the member received such benefits by the first of May in the year following such tax year. The Board may suspend the benefits of a member who refuses to do so,

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provided that benefit payments shall not cease until the resolution of any appeal to the Board.

(d) Hero exemption.

(.1) Subsection (c) shall not apply to police members who receive service-connected disability retirement benefits either as an immediate result of the violent conduct of a third party that was directed toward the officer or a member of the public or as an immediate result of performing other heroic action in an emergency situation in the line of duty.

(.2) The Board shall in its sole discretion determine eligibility for this exemption. In this regard the Board may adopt regulations to define terms and provide for procedures.]

(5) "Final compensation." . . .

§22-402. Ordinary Disability Retirement Benefits.

* * *

[(6) Reduction of benefits. Notwithstanding any other provision in this section, should a disabled member (other than a Fire Employee or Sheriff's Department employee referenced in §22-401(3)) receiving ordinary disability benefits be or become engaged in a gainful occupation, then the amount of the monthly disability benefits shall be reduced by one (1) dollar for every two (2) dollars earned. This offset shall cease when the member reaches retirement age under the member's coverage plan. A member who is receiving benefits under this section shall provide the Board with a copy of the

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federal income tax return with respect to any tax year in which the member received such benefits, by the first of May in the year following such tax year. The Board may suspend for the period of noncompliance benefit payments to any member who refuses to do so provided that benefit payments shall not cease until the resolution of any appeal to the Board.]

SECTION 2. Repeal. To the extent inconsistent with this ordinance, the Ordinance of July 12, 1993 (Bill No. 589), *1993 Ordinances* at 1034, is repealed.

SECTION 3. Effective Date. This Ordinance shall be effective retroactive to July 12, 1993.

Explanation:

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