

# City of Philadelphia



(Bill No. 000642)

## AN ORDINANCE

Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by adding new provisions to restrict the ability of civilian members of Plan J and Plan Y to transfer to Police Plans B or D and retire immediately, 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

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#### CHAPTER 22-200. MEMBERSHIP

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§22-202. Membership after Transfer of Employment.

(1) *Transfers between divisions.* After transferring employment between divisions, a member's retirement rights and related benefits are determined solely by the provisions of the appropriate plan of the division into which the member has transferred. Credited service under the plan of the member's previous division is automatically transferred as credited service to the appropriate plan of the member's new division except in the following cases:

(a) Any disabled member who is (or was) transferred because of Civil Service Regulation 32 may remain a member of the appropriate plan of the division to which the member belonged before the transfer.

(b) If any member of Plan D, Plan J or Plan X who is eligible to retire transfers to employment covered by another plan of the Retirement System, such member shall retain both the eligibility for retirement and the accrued benefit as determined

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pursuant to the provisions relating to the plan of the division from which such member has transferred.

(c) Any vested member of Plan A, Plan B or Plan L who transfers to the Municipal Division New may elect to have credited service calculated at the elected official, police or fire rate for credited service earned in the applicable elected official, police or fire plan for the member's previous service and at the municipal rate for municipal credited service earned after transfer. This election shall apply only to the calculation of the dollar amount of the benefit and not to the age, service and other eligibility requirements for benefits, which shall be determined by the requirements of the plan into which the member has transferred.

(d) Notwithstanding any other provision of this Title, any member of Plan D, Plan J or Plan X whose benefits have vested under any plan of the Retirement System who was on July 1, 1972 employed, or who was on June 7, 1973 employed in a position covered by a different plan, shall, upon retirement, have the option of having retirement benefits calculated on the basis of total service with the City in either the plan in which retirement benefits became vested or in the plan in which the employee was a member at the time of retirement. In any such case, the calculation of the retirement benefit shall be in accordance with the provisions of §22-301(3)(a) (Service Retirement Benefits) and §22-105(6)(a) ("Average Final Compensation").

(e) If any member of Plan D, Plan J or Plan X of the Retirement System is appointed Commissioner or Deputy Commissioner of the Fire or Police Department, the member shall retain membership in the plan covering the member's prior employment.

*(f) If any member of Plan J or Plan Y of the Retirement System is appointed to a position as a uniformed or investigatory employee in the Police Department other than Commissioner or Deputy Commissioner, or in the District Attorney's Office, the member shall not become a member of the applicable Police Plan (Plan D or Plan B) until after five years' service as a police employee. Until completion of such five years' service, the member shall retain membership in the plan covering the member's prior employment. Such retained membership in the prior plan shall include remaining in the prior plan for eligibility and benefits calculations for any DROP participation and all other purposes of Section 22-310 of this Title. Nothing in this subsection, however, shall prevent a uniformed or investigatory employee in the Police Department or in the District Attorney's Office from being considered a "Police Employee" for the purposes of disability benefits under Chapter 22-400 or death benefits under Chapter 22-500.*

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SECTION 2. 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.

\* \* \*

(5) "Final compensation." For the purposes of §22-401(4) "final compensation" shall be calculated as defined in §22-106(16), except that it shall be subject to a periodic adjustment in accordance with the following provisions:

(a) The periodic adjustment shall be made only with respect to a member who has been determined by the Board to be totally disabled, provided that such disability existed while the member was still in the employ of the City;

\* \* \*

(j) The periodic adjustment shall not apply to disability benefits for [former Police Employees and] former fire Employees.

SECTION 3. Effective Date. Section 1 of this Ordinance shall be effective immediately and shall apply to any appointments to the Police Department or the District Attorney's Office that are effective on or after the effective date of this Ordinance. Section 2 of this Ordinance shall apply to any police member who separated or separates from City employment on or after March 30, 1993, provided that the City's medical director did not make a determination prior to March 30, 1993 that such member was permanently and partially disabled.

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**Explanation:**

*Italics* indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 8, 2001. The Bill was Signed by the Mayor on February 21, 2001.



Marie B. Hauser  
Chief Clerk of the City Council