

City of Philadelphia



(Bill No. 000536)

AN ORDINANCE

Amending Title 22 of The Philadelphia Code, entitled “City of Philadelphia Public Employees Retirement Code,” to provide that police officers injured as a result of performing heroic action in the line of duty are exempted from the earned income offset applied to members receiving service-connected disability benefits, and amending the amount of offset with respect to other police officers, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 22 of The Philadelphia Code, entitled “City of Philadelphia Public Employees Retirement Code,” is amended to read as follows:

TITLE 22. CITY OF PHILADELPHIA 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). The member may also elect to receive either a lump-sum payment equal to the member 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.

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(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[, if the employee is not a Police Employee, and by one (1) dollar for every two (2) dollars, if the employee is a police employee]. Such offset shall cease at age sixty-five (65)[, except for Police Employees]. 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, 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.

SECTION 2. 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.

Explanation:

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

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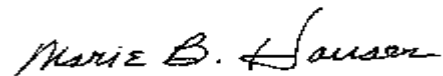
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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 16, 2000. The Bill was Signed by the Mayor on December 6, 2000.



Marie B. Hauser
Chief Clerk of the City Council