# Legislation Details (With Text)

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| **File #:** | 150720 | **Version:** | 0 | **Name:** | |
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| **File created:** | 10/1/2015 | | | **In control:** | Committee on Labor and Civil Service |
| **On agenda:** | | | | **Final action:** | 11/19/2015 |

**Title:** Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," to expand the scope of "Plan '10" and "DC Plan" to cover additional employees, including employees represented by AFSCME, District Council 33, who work for the Office of Housing and Community Development, and to make technical amendments, all under certain terms and conditions.

**Sponsors:** Councilmember Goode

**Indexes:** RETIREMENT CODE

**Code sections:** 22-1400 - DEFINED CONTRIBUTION PLAN, 22-1403 - Membership in DC Plan, 22-200 - Membership, 22-201 - Membership Upon Employment, 22-900 - CONTRIBUTIONS, 22-902 - Member Contributions, Title 22 - PUBLIC EMPLOYEES RETIREMENT CODE

**Attachments:** 1. CertifiedCopy15072000.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|---|---|---|---|---|---|
| 12/1/2015 | 0 | MAYOR | SIGNED | | |
| 11/19/2015 | 0 | CITY COUNCIL | READ AND PASSED | Pass | 15:0 |
| 11/12/2015 | 0 | CITY COUNCIL | SUSPEND THE RULES OF THE COUNCIL | Pass | |
| 11/12/2015 | 0 | CITY COUNCIL | ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR | | |
| 11/12/2015 | 0 | CITY COUNCIL | ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR | | |
| 10/29/2015 | 0 | Committee on Labor and Civil Service | HEARING NOTICES SENT | | |
| 10/29/2015 | 0 | Committee on Labor and Civil Service | HEARING HELD | | |
| 10/29/2015 | 0 | Committee on Labor and Civil Service | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED | | |
| 10/1/2015 | 0 | CITY COUNCIL | Introduced and Referred | Pass | |

Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” to expand the scope of “Plan ’10” and “DC Plan” to cover additional employees, including employees represented by AFSCME, District Council 33, who work for the Office of Housing and Community Development, and to make technical amendments, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 22 of The Philadelphia Code is amended to read as follows:

TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE.

* * *



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CHAPTER 22-200. MEMBERSHIP.

§ 22-201. Membership Upon Employment.

* * *

(5) Employees first hired or assuming elected office on or after January 1, 2010. All employees who

(i) either

(a) are police or fire employees; or

(b) are represented by Lodge 5 of the F.O.P. and are employees of the Sheriff's Office or of the Register of Wills; or

(c) are represented by AFSCME, District Council 47, or AFSCME, District Council [33 (other than OHCD employees);] *33;* or

(d) are municipal employees not represented by a union;

and who

(ii) are hired or rehired on or after the date set out below

are members of Plan '10 immediately upon employment by the City or upon taking office, except to the extent that they are afforded other options pursuant to § 22-203 (Membership After Reemployment) or unless, within thirty (30) days of employment, the employee (except an employee who either (.1) is represented by Lodge No. 5 of the F.O.P. and is an employee of the Register of Wills or (.2) is a guard represented by DC 33) makes an irrevocable election to become a member of Plan A or B or Y, as applicable.

(a) For police employees: January 1, 2010.

(b) For fire employees: October 15, 2010.

(c) For employees of the Sheriff's Office or of the Register of Wills: January 1, 2012.

(d) For employees represented by AFSCME, District Council 47: March 5, 2014.

(e) For municipal employees in the civil service not represented by a union: May 14, 2014.

(f) For employees represented by AFSCME, District Council 33, other than guards represented by DC 33 or OHCD employees: September 9, 2014.



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(g) For guards represented by DC 33: [the effective date of the Ordinance adding this subsection (g).] *November 14, 2014.*

(h) For municipal employees not in the civil service and not represented by a union: [the effective date of the Ordinance adding this subsection (h).] *November 14, 2014.*

*(i) For OHCD employees: the effective date of the Ordinance adding this subsection (i).*

* * *

CHAPTER 22-900. CONTRIBUTIONS.

* * *

§ 22-902. Member Contributions.

* * *

(2) Basic Contribution Rate. Member contributions shall be made at the following basic contribution rates:

(a) Members of Plan J who are not covered under the Federal Social Security Act, as amended:

(.1) For members represented by AFSCME, District Council 47, or District Council 33 (except for guards represented by DC [33 and OHCD employees),] *33),* and for municipal employees not represented by a union:

(A) Through and including December 31, 2014, six percent (6%) of compensation.

(B) For the period January 1, 2015, through December 31, 2015, six and a half percent (6.5%) of [compensation.] *compensation; except that, for OHCD employees, the rate shall be six (6.0%) of compensation.*

(C) For the period January 1, 2016, and thereafter, seven percent (7.0%) of compensation.

(.2) For guards represented by DC 33:

(A) Through and including [the date prior to the effective date of the ordinance adding this subparagraph (.2),] *November 13, 2014,* six percent (6%) of compensation.

(B) For the period [commencing on the effective date of the ordinance adding this subparagraph (.2)] *November 14, 2014,* and thereafter, the greater of (i) six percent (6%) of compensation;



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or (ii) fifty percent (50%) of the aggregate normal cost for all members in Plan J.

(.3) For all other members, six percent (6%) of compensation.

(b) Members of Plan J who are covered by the Federal Social Security Act, as amended, except for guards represented by DC 33: three and three- quarters percent (3-3/4%) of that portion of compensation which is subject to tax under the Federal Insurance Contributions Act (26 U.S.C. §§ 3101 et seq.) plus six percent (6%) of that portion of compensation which is not subject to such tax, exclusive of that portion of such tax attributable to coverage for hospital insurance benefits; plus, for members represented by AFSCME, District Council 47, or AFSCME, District Council [33 (except for OHCD employees),] *33,* and for municipal employees not represented by a union:

(.1) for the period January 1, 2015, through December 31, 2015, one-half percent (0.5%) of compensation (except for municipal employees of the Auditing Department, not in the civil service, for whom this additional one-half percent (0.5%) shall apply for the period July 1, 2015, through December 31, [2015);] *2015; and except for OHCD employees, for whom this additional one-half percent (0.5%) shall not apply);* plus,

(.2) for the period January 1, 2016, and thereafter, one percent (1.0%) of compensation.

(b.1) Members of Plan J who are guards represented by DC 33 and who are covered by the Federal Social Security Act, as amended:

(.1) Through and including the date prior to the effective date of the ordinance adding this subparagraph (b.1): three and three- quarters percent (3-3/4%) of that portion of compensation which is subject to tax under the Federal Insurance Contributions Act (26 U.S.C. §§ 3101 et seq.) plus six percent (6%) of that portion of compensation which is not subject to such tax, exclusive of that portion of such tax attributable to coverage for hospital insurance benefits.

(.2) For the period [commencing on the effective date of the ordinance adding this subparagraph (b.1)] *November 14, 2014,* and thereafter, the greater of (i) the amount calculated pursuant to subparagraph (.1) above; or (ii) fifty percent (50%) of the aggregate normal cost for all members in Plan J.

* * *

(g) Members of Plan A, Plan B, Plan L, or Plan Y, such contributions as the Board shall determine based on the most recent actuarial valuation report, in accordance with the following:

(.1) Separate basic contribution rates shall be determined for members of each of Plan A, Plan B, Plan L, or Plan Y.

(.2) For members of Plan L, and Plan Y, the required contributions shall equal the sum of



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(i) such percent of the aggregate normal cost for all members in such plans as set forth in subsections (A) through (D) below, including but not necessarily limited to, the normal cost for service retirement benefits, separation service retirement benefits; optional early retirement benefits, disability benefits, death benefits, survivor benefits, and expenses; provided, however, that for that portion of the benefits under Plan L which exceeds those available to members of Plan Y, the required Plan L contribution for each employee shall equal a proportionate share of one hundred percent (100%) of the aggregate normal cost of such greater benefits for all such members; and

(ii) for members represented by AFSCME, District Council 47, or AFSCME, District Council 33 (except guards represented by DC 33 [and OHCD employees]), and for municipal employees not represented by a union, for the period January 1, 2015, through December 31, 2015, one-half percent (0.5%) of compensation (except for municipal employees of the Auditing Department, not in the civil service, for whom this additional one-half percent (0.5%) shall apply for the period July 1, 2015, through December 31, [2015] *2015; and except for OHCD employees, for whom this additional one-half percent (0.5%) shall not apply*), and, for the period January 1, 2016, and thereafter, one percent (1.0%) of compensation; and

(iii) for members represented by AFSCME, District Council 47, hired on or after March 5, [2014,] *2014;* for municipal employees in the civil service not represented by a union, hired on or after May 14, [2014, and] *2014;* for members represented by AFSCME, District Council [33,] *33 (except guards represented by DC 33 and OHCD employees),* hired on or after September 9, [2014 (except guards represented by DC 33 and OHCD employees),] *2014; for municipal employees not in the civil service and not represented by a union, hired or first elected on or after November 14, 2014; and for OHCD employees hired on or after the effective date of the ordinance adding this clause relating to OHCD employees,* an additional one percent (1.0%) of [compensation; and] *compensation.*

[(iv) for municipal employees not in the civil service and not represented by a union hired or first elected on or after the effective date of the ordinance adding this subparagraph (iv), an additional one percent (1.0%) of compensation.]

(A) For members of Plan L, and for members of Plan Y except employees of the Sheriff's Office represented by Lodge 5 of the F.O.P., and except guards represented by DC 33, thirty percent (30%).

(B) For members of Plan Y who are employees of the Sheriff's Office represented by Lodge 5 of the F.O.P. and who were hired before January 1, 2012, thirty percent (30%).

(C) For members of Plan Y who are employees of the Sheriff's Office represented by Lodge 5 of the F.O.P. and who were hired on or after January 1, 2012, fifty percent (50%).

(D) For members of Plan Y who are guards represented by DC 33:

(.a) Until [one day prior to the effective date of the ordinance adding this subparagraph (D),] *November 13, 2014,* thirty percent (30%).

(.b) On [the effective date of the ordinance adding this


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subparagraph (D)] *November 14, 2014,* and thereafter, fifty percent (50%).

* * *

CHAPTER 22-1400. DEFINED CONTRIBUTION PLAN.

* * *

§ 22-1403. Membership in DC Plan.

* * *

(2) Electing members of the Retirement System. If (a) a police or fire employee or (b) an employee represented by Lodge 5 of the F.O.P. who is an employee of the Sheriff's Office or the Register of Wills or (c) an employee represented by AFSCME, District Council 47, or AFSCME, District Council [33 (except OHCD employees),] *33,* or (d) a municipal employee not represented by a union, is a member of any other plan within the Retirement System, such member may elect to participate in the DC Plan. In such case, any credited service rendered by the member, or compensation paid to the member, after the member is enrolled in the DC Plan shall apply solely to the calculation of the member's benefit under the DC Plan and Plan '10 and shall not be considered for purposes of determining the accrued benefit under the member's original plan. Credited service accrued by the member under the original plan shall not be considered for purposes of calculating the member's benefit under DC Plan and Plan '10. The above notwithstanding, in determining the member's credited service for vesting purposes under Section 22-1406, all credited service with the City shall be considered. An election to become a member of the DC Plan must be made within ninety (90) calendar days of the effective date of this Chapter or, with respect to fire employees, within ninety (90) calendar days of the effective date of the ordinance adding fire employees to this subsection or, with respect to municipal employees either represented by Lodge 5 of the F.O.P. who are employees of the Sheriff's Office or of the Register of Wills or represented by AFSCME, District Council 47, or AFSCME, District Council [33 (except OHCD employees),] *33,* and municipal employees not represented by a union, within ninety (90) calendar days of the effective date of the ordinance adding such employees to this subsection. Prior to enrollment in the DC Plan, the Board shall provide to the member an estimated calculation of the member's projected total pension and retirement benefits determined as of the member's minimum retirement age. Enrollment in the DC Plan is irrevocable.

SECTION 2. Effective date. This Ordinance shall be effective immediately.



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