

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 68 – 2023

JULY 19, 2023

AN ORDINANCE

Amending the Firemen's Pension Fund Ordinance to address the discrepancies identified between the IAFF CBA and the Ordinance;

WHEREAS, as noted by the International Association of Fire Fighters (IAFF) Act 111 Interest Arbitration Award of 2012 Section 6c. Pension: Effective on January 1, 2012, the non-military buy back, and the early retirement provisions of the pension plan shall be eliminated (Article 30 of the IAFF CBA 2005-2011).

WHEREAS, as noted in the IAFF Local No. 302 Collective Bargaining Agreement (CBA) 2021-2025 Article 27. F. Pension, the Allentown Paid Firemen's Pension (Fund) Ordinance shall be amended to provide for a vested benefit for all firefighters employed on January 1, 2021 and thereafter.

WHEREAS, the City of Allentown adopts these amendments to the Fire Pension Fund Ordinance to address the discrepancies identified between the IAFF CBA and the Ordinance;

SECTION ONE: That Chapter 75 Article IV of the Codified Ordinances of the City of Allentown is amended as follows:

Article IV

Paid Firemen's Pension Fund

[Adopted as Article 145 of the 1962 Codified Ordinances]

§ 75-78 **Association established.**

[Amended 2-25-1969 by Ord. No. 11576]

There is hereby created the Allentown Paid Firemen's Pension Fund Association, which shall have in charge the distribution of pensions and service increments of the Paid Firemen's Pension Fund for the members of the Bureau of Fire and shall designate the beneficiaries thereof as herein directed.

§ 75-79 **Association membership; appointment and term.**

[Amended 3-16-1988 by Ord. No. 12836]

All pension funds established under the provisions of this article shall be under the direction and control of a Board of Managers, consisting of the Mayor, Director of Finance, City Controller, Chief of the Bureau of Fire, whose memberships shall be concurrent with their tenure of office, and two members of the Bureau of Fire to be chosen by the members of the Bureau. Of the first managers so chosen by the members of the Bureau, one shall be chosen for a term of two years and one manager shall be chosen for a term of four years to take the place of the one whose term expires. In case of a vacancy among the managers chosen by the Bureau, a successor shall forthwith be chosen by them for the unexpired term.

§ 75-80 Association officers.

The Mayor shall be the President, the City Controller the Secretary, and the Manager of Treasury and Accounting the Treasurer of the Paid Firemen's Pension Fund Association.

§ 75-81 Fund corpus turn over to corporate trustee.

[Amended 4-26-1972 by Ord. No. 11933]

When a corporate trustee shall be appointed as hereinafter provided in § 75-113, the Treasurer is authorized to turn over all cash and investments making up the corpus of the pension fund to the corporate trustee.

§ 75-82 Expenses.

[Amended 2-25-1969 by Ord. No. 11576]

All incidental expenditures (stationery, postage, miscellaneous supplies, etc.) necessary to the transaction of the business of the Association shall be provided for from the Pension Fund.

§ 75-83 No compensation.

[Amended 2-25-1969 by Ord. No. 11576]

The members of the Association shall receive no compensation for the services thus performed.

§ 75-84 Fund established.

[Amended 2-25-1969 by Ord. No. 11576]

There shall be created by the Paid Firemen's Pension Fund Association a fund, to be known as the Paid Firemen's Pension Fund.

§ 75-85 Sources of income.

A. Bequests, gifts, or donation.

(1) There shall be paid into the Pension Fund all bequests, legacies, gifts or donations made thereto, and all sums subscribed by the public, as well as all net incomes resulting from all games, sports, entertainments, or any and all other sources of income conducted by or under the supervision of the Bureau of Fire.

(2) The Association may take and receive gifts, grants, devises or bequests of any monies, real estate, personal property or other valuable things from whatever source, for the purposes of the Fund.

B. Rewards. There shall also be turned over and paid into the Fund 1/2 of all rewards that may be paid or given for or on account of extraordinary service by the Bureau of Fire or by any fireman who has accepted the provisions of this Article.

C. Contributions by employees.

(1) There shall also be paid into the Fund monthly by payroll deduction an amount equal to 4%, of the salary of each fireman or employee of the Bureau of Fire who accepts the provisions of this article, until such time that such fireman or employee shall be retired under the provisions of this article, and in addition, in order to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service, an additional amount equal to 1% of the salary of each fireman or employee of the Bureau of Fire.

- (2) There shall also be paid into the Fund monthly by payroll deduction an amount equal to 7%, of the salary of each fireman or employee hired on or after the day the Pennsylvania Municipal Retirement Board approves the City of Allentown's application for withdrawal of membership in the Pennsylvania Municipal Retirement System and who accepts the provisions of this article, until such time that such fireman or employee shall be retired under the provisions of this article, and in addition, in order to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service, an additional amount equal to 1% of the salary of each fireman or employee of the Bureau of Fire. **[Amended 4-20-1988 by Ord. No. 12841]**
- (3) Effective January 1, 1990, every covered employee hired before May 14, 1988, shall pay into the Firemen's Pension Fund the amount of 6% of base pay, longevity, holiday pay, and shift differential. One percent of the 6% shall be applied to widows' payments. Every covered employee hired after May 13, 1988, shall continue to pay into the Firemen's Pension Fund the amount of 8% of base pay, longevity, holiday pay, and shift differential. One percent of the 8% shall be applied to widows' payments. **[Amended 5-21-1990 by Ord. No. 12962]**
- (4) Effective January 1, 1995, every covered employee regardless of date of hire, shall pay into the Fire Pension Fund the amount of 8% of base pay, longevity, holiday pay and shift differential. One percent of the 8% shall be applied to widow's payments. **[Amended 12-22-1994 by Ord. No. 13311]**
- (5) Effective January 1, 2005, every covered employee regardless of date of hire, shall pay into the Fire Pension Fund the amount of 5% of base pay, overtime, longevity, holiday pay, festive pay and shift differential. **[Amended 7-21-2005 by Ord. No. 14299]** _
- D. Contributions by City, there shall be paid to the Firemen's Pension Fund by the City annually, a sum of money not less than 1/2 of 1% nor more than 3% of all City taxes levied by the City, other than taxes levied to pay interest on or extinguish the debt of the City or any part thereof. This limitation may be exceeded if an additional amount is deemed necessary to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service; provided, however, that the City shall annually pay into the Fund not less than 1/2 of 1% all City taxes levied by the City, other than taxes levied to pay interest on or extinguish the debt of the City or any part thereof. **[Amended 2-25-1969 by Ord. No. 11576]**
- E. No benefit increases. Notwithstanding any other provisions of this article, there shall be no future increases in any benefits of any officers or employees in such Pension Fund, except as already provided, until an actuarial study is made to determine the increased burden of such increased benefits on the Pension Fund and Council shall be obligated to provide for such funds as are necessary to equal such increased burden on the Pension Fund. **[Amended 4-20-1977 by Ord. No. 12249]**

§ 75-86 **Annual actuarial study.**

[Amended 12-17-1986 by Ord. No. 12749; 3-6-2008 by Ord. No. 14571]

Commencing in 2009, an actuarial study shall be done every year and made public no later than 90 days prior to the ensuing fiscal year. The cost of the annual actuarial study shall be paid by the Paid Firemen's Pension Fund Association.

§ 75-87 Association powers and meetings.

[Amended 4-26-1972 by Ord. No. 11933]

The Paid Firemen's Pension Fund Association shall keep full and accurate accounts of all transactions, shall have full power to make rules for the transaction of its business, the application and investment of its Fund by the corporate trustee, and its time and place of meeting. It shall meet at least four times in each year (special meeting upon the call of the President or upon written request of two members of the Association).

§ 75-88 Annual financial statement.

[Amended 4-26-1972 by Ord. No. 11933]

It shall be the duty of the Association, each year at the time of making up the general appropriation ordinance, with the assistance of the corporate trustee, to prepare a full and detailed statement of the assets of the Fund and the amount which it is required to pay and to present the same to Council together with a statement of the amount of money required to enable the Association to pay the pensions and service increments in full, together with refunds.

§ 75-89 Resolution and orders by vote.

[Amended 2-25-1969 by Ord. No. 11576]

No resolution shall be passed, or order made for payment of money unless by affirmative vote of a majority of the members of the Association. Upon all questions of fact relating to the administration of the Fund, such resolution or order shall be conclusive.

§ 75-90 Payment certificates.

[Amended 2-25-1969 by Ord. No. 11576]

The Association shall issue certificates signed by its President and Secretary to the fireman or employee entitled to retirement and pension and also service increment under this Article, for the amount of money ordered paid to such fireman or employee out of the Paid Firemen's Pension Fund, which certificates shall state for what purpose the payment is made.

§ 75-91 Ineligibility for nonpayment.

[Amended 2-25-1969 by Ord. No. 11576]

No fireman or employee shall be entitled to a pension and/or a service increment and/or a refund who does not make the payments herein required.

§ 75-92 Eligible age; dependents.

[Amended 11-7-1979 by Ord. No. 12389; 5-21-1990 by Ord. No. 12389]

- A. Every covered employee who has served for a continuous period of 20 years and who has reached the age of 50 years shall be entitled to be retired and shall be eligible for pension at the rate of 1/2 of his/her salary on the date of retirement. For covered employees retiring on or after January 1, 1995, the pension shall be at the rate of 50 1/2% of salary. **[Amended 12-22-1994 by Ord. No. 13311]**
- B. Every covered employee who has served for a continuous period of 20 years and who has not reached the age of 50 and who: (1) has contributed for 22 1/2 continuous years regardless of age; or (2) be entitled to be retired and shall be eligible for pension at the rate of 1/2 of the annual salary he/she would have received if he/she had continued in active City service at the same rank which he/she held at the time he/she left City employment. Such pension contributions shall be determined

by the annual salary the covered employee would have received if he/she had continued in active City service at the same rank which he/she held at the time he/she left City employment. For covered employees retiring on or after January 1, 1995, the pension shall be at the rate of 50 1/2% of salary. **[Amended 12-22-1994 by Ord. No. 13311]**

- C. If a member dies leaving no widow but leaving to survive him a dependent child or children or parent or parents, such relative shall be entitled to the same benefits as a "widow" as hereinafter set forth; provided, however, that the names of such dependent relatives shall have been first certified to the Pension Board at the member's death and provided further that:

(1) All dependents certified to the Pension Board shall be of the same class (i.e., children or parents);

(2) The dependents reside in the same household with the member at the time of his death or are supported him in any public or private hospital or nursing home.

§ 75-93 Determination of amount of pension.

- A. Payments of pensions shall not be a charge on any fund in the Treasury of the City or under its control save the Firemen's Pension Fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary of the member at the date of retirement, or the highest average annual salary which he received during any five years or service preceding retirement, whichever is the higher, whether for disability or by reason of age or service, and except as to service increments provided for in § 75-95, shall be 1/2 the annual salary of such member at the time of retirement computed at such monthly or average annual rate, whichever is the higher. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who died in service, the amount and commencement of the payment of pensions shall be fixed regulations of the Board. Such regulations shall not take into consideration the amount and duration of workmen's compensation allowed by law. Payments to widows of members retired on pension or killed in the service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had he been retired at the time of his death. **[Amended 12-7-1983 by Ord. No. 12581]**

- B. Effective January 1, 2005, the basis of the amount of pension shall be determined by the rate of monthly pay of the employee at the time of retirement, or the highest average annual salary which the employee received during any five years of service preceding retirement, whichever is higher. When the covered employee submits his/her letter of retirement to the service, salary will include base pay, longevity, holiday pay, festive pay, shift differential and overtime. For the purpose of this article, the method used to determine overtime shall be the total amount of premium pay in any consecutive 26 pay periods in the preceding three years of service. **[Amended 7-21-2005 by Ord. No. 14299]-**

§ 75-94 Survivor's pension benefits.

[Amended 12-7-1983 by Ord. No. 12581; 4-5-1989 by Ord. No. 12902]

On or after January 1, 1984, all current active employees in the fund, all current retirees in the fund, and all surviving spouses of deceased retirees in the fund who have not remarried since their spouse's death, shall be covered by this amendment that permits the surviving spouse of fund retirees to remarry without the loss of his or her survivor's pension benefits. Upon the death of the surviving spouse, the pension benefits shall

be paid to the guardian of the deceased officer's dependent children, if any, without abatement until the youngest child reaches the age of 18 years or up to 23 years if enrolled in and attending a postsecondary certified educational institution on a full-time basis.

§ 75-95 **Service increment computation.**

In addition to the pension which is authorized to be paid from the Firemen's Pension Fund by this article and notwithstanding the limitations therein placed upon such pension and upon contributions, every contributor who is entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

- A. Every covered employee with at least 21 years of continuous active service shall receive service increments for each full years of service beginning with the 21st up to and including the 25th year of continuous service at the rate of an additional 2 1/4% (0.02225) per year of the annual salary. The maximum number of service increments shall be five. However, every covered employee retiring with at least 22 1/2 but fewer than 23 years of continuous service shall receive credit for 2 1/2 service increments. **[Amended 5-21-1990 by Ord. No. 12962]**

- B. Every covered employee who retires on or after January 1, 1995, with at least 21 years of continuous active service shall receive service increments for each full year of service beginning with the 21st up to and including the 25th year of continuous service at the rate of an additional 3% per year of the annual salary for the first service increment year and at the rate of 3.5% of annual salary for each of the subsequent service increments. The maximum number of service increments shall be five. However, every covered employee retiring with at least 22 1/2 but fewer than 23 years of continuous service shall receive credit for 2 1/2 service increments. **[Amended 12-22-1994 by Ord. No. 13311]**

- C. Every covered employee who retires on or after January 1, 2005, shall receive a pension based on years of service and salary as follows: **[Amended 7-21-2005 by Ord. No. 14299]**
 - (1) Twenty years of service: 50.5%.
 - (2) Twenty-one years of service: 54%.
 - (3) Twenty-two years of service: 58%.
 - (4) Twenty-three years of service: 62%.
 - (5) Twenty-four years of service: 66%.
 - (6) Twenty-five years of service: 70%.

- D. Each contributor after December 31, 1968, shall pay into the pension fund a monthly sum in addition to his pension contribution, which shall not exceed the sum of \$1 per month. Such service increment contribution shall not be paid after a contributor has reached the age of 65 years.

- E. Any person who is a member of the department on the effective date of this amendment who has already reached the age of 65 years shall have his service increment computed on the years of

employment prior to the date of reaching his 65th birthday.

- F. Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full, without interest, by persons who leave the employment of the City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment. **[Amended 2-25-1969 by Ord. No. 11576]**

§ 75-96 Cost-of-living adjustment.

[Amended 7-21-2005 by Ord. No. 14299]

Any covered employee, retiring after January 1, 2005 shall be eligible to receive an annual cost-of-living adjustment. Such adjustments shall be in conformity with a uniform scale, which shall be based on the cost of living as described below, but the sum total of the employee's pension and any such allowances shall not at any time exceed 1/2 of the current salary being paid to firefighters of the same rank held by the firefighter prior to retirement. The COLA shall conform to the United States Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI_W). The CPI_W factor shall be the annual number calculated by the Social Security Administration. This computation is prepared after the third quarter of the calendar year.

City Council may approve

§ 75-97 Credit for CETA service.

[Amended 6-20-1994 by Ord. No. 13268]

Every current member of the Paid Firemen's Pension Fund who served as a City of Allentown CETA firefighter between 1976 and 1980 and who was not a member of the Firemen's Pension Fund during such service shall be entitled to have full credit for each year or fraction thereof of such Allentown CETA service upon payment to the Firemen's Pension Fund of an amount equal to that which they would have paid if they had been a member of the Paid Firemen's Pension Fund during the period of Allentown CETA service, plus the interest which would have accrued in the fund had the contributions been made at the time of the CETA employment. All purchased Allentown CETA service shall be credited as "active service" for pension purposes.

~~**§ 75-98 Early retirement.**~~

~~**[Amended 7-21-2005 by Ord. No. 14299]**~~

~~Effective January 1, 2005, every covered employee having contributed 16 years into the Allentown Fire Department Pension Fund shall have the option for early retirement as set forth as follows. The covered employee shall be entitled to have full credit for each year or fraction thereof, not to exceed four years of service upon his/her payment into the Fire Pension Fund, an amount equal to that which he/she would have paid had he/she been a member during the period he/she desires credit. The amount paid into the Fire Pension Fund shall be set forth at § 75-85C(5) above.~~

§ 75-98 Vesting

- A. The Allentown Paid Firemen's Pension (Fund) Ordinance shall be amended to provide for a vested benefit for all firefighters employed on January 1, 2021 and thereafter so that if a member of the firefighters' pension fund has not completed the minimum period of continuous service and the applicable minimum age requirement but has completed 12 years of full-time service and ceased to be employed

as a full-time firefighter, the member shall be entitled to vest the member's retirement benefits subject to the following conditions:

- (1) The member must file with the Board of Managers of the Fund a written notice of the member's intention to vest.
 - (2) The member must include in the notice the date the member has terminated or will terminate service as a full-time firefighter.
 - (3) The member shall be entitled to vest whether their termination of service was voluntary or involuntary.
 - (4) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest, the highest average annual salary which the member received during any five years of service preceding the date, or the final average salary calculated consistent with this Article 27, whichever is highest.
- B. Upon reaching the date that would have been the member's retirement date had the member continued full-time employment with the fire department, the member shall notify the Fund in writing that the member desires to collect the member's pension.
- (1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.
 - (2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service rendered bears to the years of service that would have been rendered had the member continued to be employed by the department until the member's minimum retirement date.

§ 75-99 Reserved

~~§ 75-99 Early retirement window. [Amended 7-21-2005 by Ord. No. 14299]~~

~~During the period from January 1, 2005, including and ending February 28, 2005, a covered employee who by applying the following will be eligible for retirement with both years of service and age, may retire and shall be eligible to retire under the following condition:~~

~~A. The employee will have the option of credit for up to five years to be used as follows:~~

~~(1) At his/her election, the employee in any whole year unit combination, may apply from zero to five years of credit to be applied to age or time of service. That is to say, a firefighter, at his election, in whole year units, may apply from zero years to five years towards age, and zero years to five years toward years of service, provided that the combined total does not exceed five years.~~

~~(2) The City's payment for age credit and/or service credit shall not exceed five years.~~

~~B. The covered employee's pension percentage for the period of time relating to this provision under this section shall be as follows:~~

~~(1) Twenty years at 50.5%.~~

~~(2) Twenty one years at 62%.~~

~~(3) Twenty two years at 64%.~~

~~(4) Twenty three years at 66%.~~

~~(5) Twenty four years at 68%.~~

~~(6) Twenty five years at 70%.~~

~~C. It is understood and agreed that all employees participating in the early retirement provision(s) will be required to sign a general release which, in part, provides that the employee will not take action against the City or the union for the City offering and the employee accepting and participating in any of the early retirement provisions.~~

~~D. The City shall make payment into the Fire Pension Fund on behalf of a covered employee opting to exercise the provisions of this section, an amount equal to the provisions set forth in § 75-85 above.~~

§ 75-100 Credit for military service.

[Amended 11-7-1979 by Ord. No. 12389; 5-21-1990 by Ord. No. 12962]

Every covered employee who served in the Armed Forces of the United States subsequent to September 1, 1940, and who was not a member of the covered Fire Department prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed five years of such service, upon his/her payment to the Fire Pension Fund of an amount equal to that which he/she would have paid had he/she been a member during the period for which he/she desires credit, and his/her payment to such fund of an additional amount as the equivalent of the contributions of the City of Allentown on account of such military service. All purchased military time shall be credited as "Active Service" for pension purposes.

§ 75-101 Retirement for disability.

[Amended 11-7-1979 by Ord. No. 12390]

The Association shall have the right, on application received, to retire on pension any paid fireman or employee accepting the provisions of this article, if, in its opinion and in the opinion of two reputable physicians who are selected by the Association, who shall make a physical examination and file their opinion in writing with the Association (whose fees shall be paid by the paid fireman or employee is physically or mentally incapacitated, through injury received or disease contracted in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, from performing his duty in the Fire Bureau. However, the Association shall have the authority to order another examination at the expiration of six months from the date of retirement, and if the disability of the pensioner is found to have been removed, the Association shall terminate the pension and the pensioner shall be reinstated as an active member of the Fire Bureau.

§ 75-102 Reinstatement after disability.

[Amended 2-25-1969 by Ord. No. 11576]

Any paid fireman or employee who has been retired under the provisions of § 75-101 on account of

physical or mental incapacity may (upon his application) be reinstated by the Association as an active member of the Bureau of Fire with the same rank and rating which he had upon retirement, if upon satisfactory proof presented to the Association, it shall determine that such incapacity has been removed and the applicant is physically and mentally fit for duty in such position and rank, provided, however that the applicant shall, if reinstated, file with the Association a release, duly executed and acknowledged, of any right or claim to the pension during the period which he shall serve after such retirement.

§ 75-103 Benefits for disability.

[Amended 2-25-1969 by Ord. No. 11576; 6-20-1990 by Ord. No. 12977]

Every employee of the Bureau of Fire retired under the provisions of § 75-95 and who shall have been in continuous service for a period of one day or more, but less than two years, shall receive a pension equal to 10% of his salary at the time of his retirement; for continuous service from two to five years, he shall receive a pension equal to 20% of his salary at the time of his retirement; for continuous service from five years to 10 years, he shall receive a pension equal to 30% of his salary at the time of his retirement; for continuous service from 10 to 15 years, he shall receive a pension equal to 40% of his salary at the time of his retirement; and for continuous service from 15 years upwards, he shall receive a pension equal to 50% of his salary at the time of his retirement; and for continuous service from 15 years upwards, he shall receive a pension equal to 50% of his salary plus any increments he may be entitled to under provisions of this Pension Ordinance at the time of his retirement.

§ 75-104 Minimum pension; increase.

A. Effective August 1, 1975, every officer or employee of the Bureau of Fire receiving an annual pension of \$3,300 shall receive an annual pension of \$4,000. Every officer or employee of the Bureau of Fire receiving an annual pension of more than \$3,300 but less than \$4,000 shall receive an annual pension of \$4,000. **[Amended 8-6-1975 by Ord. No. 12139]**

B. Effective on and prospectively from January 1, 2000, every retired officer and employee, and surviving spouse of a deceased or retired officer and employee of the Department of Fire, currently receiving a pension inclusive of any ad hoc adjustment payable pursuant to the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act (53 P.S. § 896.101 et seq.) totaling less than \$10,400 shall receive a minimum pension, inclusive of such ad hoc adjustment of \$10,400. **[Amended 11-3-1999 by Ord. No. 13785]**

§ 75-105 Acceptance of provisions.

[Amended 2-25-1969 by Ord. No. 11576]

The provisions of this article shall apply to all regular salaried paid firemen and employees of the Bureau of Fire, excepting the janitor or similar employee, who have accepted the provisions of this article, but it shall be optional with each paid fireman and employee as to whether or not he or she accepts the provisions of this article. Acceptance shall be signified by his or her signing the Paid Firemen's Pension Roll, which shall be kept by the Secretary of the Association, and which Roll is to show conclusively the date upon which such member accepted the provisions of this article, as well as the date upon which he or she was appointed a regular salaried paid fireman or employee of the Bureau of Fire and that he or she has been in continuous service to the date of his or her acceptance.

§ 75-106 Signatures required.

[Amended 2-25-1969 by Ord. No. 11576]

It shall be the duty of the Secretary to obtain the signature of those persons who may elect to accept the provisions of this article.

§ 75-107 Notice of enactment; acceptance period.
[Amended 2-25-1969 by Ord. No. 11576]

It shall be the duty of the Chief of Fire to give prompt notice of the passage of this article to all new regular salaried paid firemen or employees, who shall be allowed 60 days from the time of their appointment to accept the provisions of this article or upon consent obtained from the Association within one year from such appointment.

§ 75-108 Transfer of funds.
[Amended 3-16-1988 by Ord. No. 12836]

All pension funds in any form and from wherever source received now in the custody of the Manager of Treasury and Accounting as Treasurer and Custodian of the Paid Firemen's Pension Fund by virtue of Ordinance No. 2377, as amended, shall on February 25, 1969, be transferred to the Fund herein created.

§ 75-109 Responsibility; liability.
[Amended 2-25-1969 by Ord. No. 11576]

All responsibilities and liabilities of the Paid Firemen's Pension Fund to members retired or on active duty, under laws pertaining thereto on February 25, 1969, are assumed and will be honored by the new Fund hereby established.

§ 75-110 All charges borne by Fund.
[Amended 4-27-1972 by Ord. No. 11933; 9-2-1987 by Ord. No. 12794]

All charges that may be assessed for all normal operations of this Pension Fund shall be borne by this Fund.

§ 75-111 Benefits exempt from garnishment: nontransferable.
[Amended 2-25-1969 by Ord. No. 11576]

All pensions and service increments granted under the provisions of this article and every portion thereof shall be exempt from attachment of garnishment processes and shall not be seized, taken or subject to detainer or levied upon by virtue of an execution of any processes or proceedings whatsoever, issued out of or by any court in the commonwealth for the payment and satisfaction in whole or in part of any claim, damage, demand or right to transfer or assign his or her pension or any part thereof, either by way of mortgage or otherwise.

§ 75-112 Repealer. [Amended 2-25-1969 by Ord. No. 11576]

Ordinance No. 2377, passed December 18, 1928, as amended, and all other ordinances or any parts thereof inconsistent herewith be and the same are hereby repealed, except that for foregoing repeal shall not affect any act done, any liability, duty or obligation incurred, or any right accrued or any tenure acquired by virtue of the provisions of Ordinance No. 2377, as amended, for which purpose the ordinance shall remain in full force and effect.

§ 75-113 Service increment effective date. [Amended 2-25-1969 by Ord. No. 11576]

The provisions of this article pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania legislature, shall become effective as of January 1, 1969.

§ 75-114 Termination of employment; reinstatement.

[Amended 2-25-1969 by Ord. No. 11576]

If, for any cause, any member of the Fire Bureau contributing to the pension fund ceases to be a member of the Bureau before he becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such member shall be refunded to him the amount contributed, and subsequently becomes a member of the Bureau, he shall not be entitled to the pension designated until 20 years after his reemployment, unless he returns to the pension fund the amount withdrawn, in which event the period of 20 years shall be computed from the time the member has become a member of the Bureau excluding therefrom any period of time during which the member was not employed by the Bureau.

§ 75-115 Payment of contribution of deceased member.

[Amended 2-25-1969 by Ord. No. 11576]

In the event of the death of a member of the Bureau of Fire not in the line of service before the member becomes entitled to the pension aforesaid and such member is not survived by a widow or family entitled to payment as hereinbefore provided, the total amount of contributions paid into the pension fund by the member shall be paid over to his estate.

§ 75-116 Investment account; deposit with corporate trustee.

[Amended 4-26-1972 by Ord. No. 11933]

The Paid Firemen's Pension Fund Association is directed to create a Paid Firemen's Pension Investment Account. Such Account shall be deposited with a corporate trustee who shall be selected or changed by action of the Association with notice to its members and with the advice and consent of Council.

§ 75-117 Authority to invest.

[Amended 4-26-1972 by Ord. No. 11933]

The corporate trustee is hereby authorized to invest for the credit of the Investment Account the surplus money accumulated in the Pension Fund in excess of such sum as may be fixed by the Association together with such amounts as may be required for the payment of pensions and service increments as directed by the provisions of this article during the year.

§ 75-118 Interest; sale of securities.

[Amended 4-26-1972 by Ord. No. 11933]

The interest received from such investments shall be paid into the Pension Fund upon receipt of same, and if at any time sufficient funds are not available (inclusive of the monies appropriated by the City up to the amount it may be permitted to pay under the law), for the payment of all pensions and service increments in full, then the corporate trustee may dispose of and sell such securities as it may hold in its investment account and use the proceeds thereof to supply such deficiency.

§ 75-119 Control limits of corporate trustee.

[Amended 4-26-1972 by Ord. No. 11933]

The corporate trustee shall be bound by this article, the order of the Association and the trust agreement governing the management of the Fund.

§ 75-120 Method of payment.

[Amended 10-16-1996 by Ord. No. 13424]

The pensioners shall have the right to choose whether they want payment by check, mailed to them, or

direct deposit.

**§ 75-121 Determination of legality of benefits.
[Amended 7-21-2005 by Ord. No. 14299]**

In the event that an appellate court of competent jurisdiction in the Commonwealth of Pennsylvania or the Pennsylvania's Office of Auditor General determines that pension benefits granted under these amendments are illegal benefits, prospectively, the subject benefits will be null and void unless said determination are overruled by an Act of the Legislature, a subsequent appellate court or a reversed ruling of the Auditor General's Office. The term "prospectively," for purposes of this section, shall service to mean those employees hired after any determination of illegal benefits is made.

Legislative Template

- What department or bureau is this bill originating from? Where did the initiative for the bill originate?

Department of Finance, Finance Administration & Budget

The Allentown Paid Fireman's Pension Fund Ordinance was intended to be amended to coincide with the International Association of Fire Fighters (IAFF) labor agreement changes effective 2021-2025 as well as the 2012 Arbitration Opinion and Award to remove non-military buy back and early retirement windows and to codify the agreed upon vested benefit.

- Summary and facts of the bill.

This ordinance amends the Paid Fireman's Pension Fund Ordinance to remove the Early Retirement Provision under section 75-98 and replace it with the Vested Pension benefit agreed upon in the 2021 bargaining agreement. The ordinance also removes Section 75-99 Early Retirement Window pursuant to the 2012 Arbitration ruling.

- Purpose – Please include the following in your explanation:
 - a. What does the bill do? What are the specific goals or tasks the bill seeks to accomplish?

Remove the Early Retirement and Early Retirement Window sections of the Ordinance per the 2012 arbitration. These early retirement provisions have been removed from the IAFF CBA but still appear in the ordinance. Removing these sections provides clarity to City Administration and Firefighters on the retirement guidelines.

Amend the ordinance to add the Vested Pension benefit as agreed upon during the 2021 IAFF contract negotiations: Article 27, Section F, Items 1-2.

- b. What are the benefits of doing this? What are the drawbacks?

Approving this legislation codifies the agreement by the City Administration in 2021 to provide a vested pension benefit to the City's firefighters. It is imperative that the City amend the ordinance to add the vested benefit so that the Pension Board is able to approve vested pension requests so as not to violate labor negotiations.

- c. How does this bill relate to the City's vision/mission/priorities?

It is the City's mission to abide by all labor agreements.

- Financial Impact – Please include the following in your explanation:
 - a. Cost (initial and ongoing)

b. Benefits (initial and ongoing)

- Funding Sources – Please include the following in your explanation:
 - a. If transferring funds, please make sure to give specific account names and numbers. If appropriating funds from a grant, please list the agency awarding the grant.

There are no budget adjustments required by this ordinance.

- Priority status – Are there any deadlines to be aware of?

This ordinance has a high priority status. A member of Firefighter's Pension has submitted a request to vest their pension in accordance with the IAFF Collective Bargaining Agreement. All pensions must be approved by the Firemen's Pension Fund Board of Managers. The ordinance must be amended to include this benefit so that the Board is able to vote on the vested pension request at their upcoming meeting on August 15, 2023.

- Why should Council unanimously support this bill?

The City should honor all collective bargaining agreement benefits offered to its employees and update the corresponding City ordinances in an appropriate timeframe so as not to cause undue stress or delay to those employees applying for said benefits.