



Legislation Details (With Text)

File #: 2001-2170 **Version:** 2

Type: Ordinance **Status:** Passed Finally

File created: 10/3/2001 **In control:** Committee on Finance & Budget

On agenda: **Final action:** 10/18/2001

Enactment date: 10/9/2001 **Enactment #:** 22

Effective date: 10/18/2001

Title: Ordinance amending and restating the Pittsburgh Code, Title One Administrative, Article XI, Personnel, Chapter 192 in its entirety to provide, in certain cases, for the elimination of the social security offset; standardizing the calculation of the pension allowance inclusion of actuarially neutral survivor benefits; provide for the payment of interest on pension contributions and to make other clarifying amendments.

Sponsors: Gene Ricciardi

Indexes: PGH. CODE ORDINANCES TITLE 1 - ADMINISTRATIVE

Code sections:

Attachments: 1. 2001-2170 v-2.rtf

Date	Ver.	Action By	Action	Result
10/19/2001	2	Mayor	Signed by the Mayor	
10/9/2001	2	City Council		Pass
10/9/2001	1	City Council	Passed Finally	Pass
10/3/2001	1	Committee on Finance & Budget	Waived under Rule 8	Pass
10/3/2001	1	Committee on Finance & Budget	Waived under the Rules of Council	Pass
10/3/2001	1	Committee on Finance & Budget	Affirmatively Recommended	Pass

Presented by Ms. McDonald

Ordinance amending and restating the Pittsburgh Code, Title One Administrative, Article XI, Personnel, Chapter 192 in its entirety to provide, in certain cases, for the elimination of the social security offset; standardizing the calculation of the pension allowance inclusion of actuarially neutral survivor benefits; provide for the payment of interest on pension contributions and to make other clarifying amendments.

WHEREAS, the City has determined to provide for the enhancement of certain pension benefits in order to allow better compensation to municipal employees in a manner which fairly burdens the City's taxpayers and avoids unduly burdening an under-funded municipal pension plan; and

WHEREAS, the City has determined that application of limited resources would be fairly applied to allow for the elimination of the social security offset affecting current employees who are members of the Municipal Pension Fund; standardize the calculation of the pension allowance, provide an actuarially neutral survivor benefit to current employees who are members of Municipal Benefit Plan 1 and provide for the payment of interest on contributions for members who seek a return of their contributions; and

WHEREAS, it is within the Mayor's prerogative as Chief Executive to bargain for the extension of such

benefits to employees who are subject to collective bargaining agreements and it is the Mayor's express intent to bargain in good faith to extend such benefits to such employees;

Now, therefore be it resolved by the Council of the City of Pittsburgh as follows:

Section 1 That Pittsburgh Code, Title One Administrative, Article XI, Personnel, Chapter 192 is amended and restated in its entirety as follows:

General Provisions

192.01 Definitions

Municipal Benefit Plan No. 2

192.20 Municipal Benefit Plan No. 2

192.21 Establishment of Municipal Benefit Plan No. 2

192.22 Membership

192.23 Contributions by members

192.24 Contributions by the city

192.25 Credited service

192.26 Pension allowance

192.27 Death benefits

192.28 Payment of benefits

Firemen's Benefit Plan No. 2

192.30 Firemen's Benefit Plan No. 2

192.31 Establishment of Firemen's Benefit Plan No. 2

192.32 Membership

192.33 Classification and monthly payments; cost-of-living allowance

Policemen's Benefit Plan No. 2

192.40 Policemen's Benefit Plan No. 2

192.41 Establishment of Policemen's Benefit Plan No. 2

192.42 Membership

192.43 Pension payments; amounts; time

GENERAL PROVISIONS

§ 192.01 DEFINITIONS.

The following terms shall have the following respective meanings for the purpose of this chapter unless a different meaning is plainly required by the context.

(a) ACCUMULATED CONTRIBUTIONS. The sum of a member's contributions to the respective benefit plan.

(b) AVERAGE MONTHLY EARNINGS. The average of the last 48 consecutive months of the contributory earnings during employment by the city immediately preceding retirement or termination of service.

(c) [(1) The member's average monthly earnings as determined under the Municipal Benefit Plan No. 1 but multiplied by a fraction, the numerator of which is his or her credited service determined under the benefit plan and the denominator of which is his or her total credited service under the benefit plan and the Municipal Benefit Plan No. 2.]

[(2) The member's average monthly earnings as determined under the Municipal Benefit Plan No. 2 but multiplied by a fraction, the numerator of which is his or her credited service determined under the Benefit Plan No. 2 and the denominator of which is his or her total credited service under Benefit Plan No. 1 and Benefit Plan No. 2.]

(c) BENEFIT PLAN. That portion of a pension plan granted or bargained for which deals specifically with the retirement annuity and benefit coverage provided by the pension plan, including, but not limited to, the types of coverage, the eligibility for and entitlement to retirement annuities and benefits, and the amount of retirement annuities and benefits.

(d) BENEFIT PLAN NO. 1 or BENEFIT PLAN NO. 1. The benefit plan established under the following statutory provisions which provide benefits for members employed by the city, the Bureau of Police or the Bureau of Fire prior to January 1, 1988.

Municipal Benefit Plan No. 1 - Act of May 28, 1915, P.L. 596, as amended, 53 P.S. Sec. 23581 et seq.

Policemen's Benefit Plan No. 1 - Act of April 5, 1917, P.L. 39, as amended, 53 P.S. Sec. 23642 et seq.

Firemen's Benefit Plan No. 1 - Act of May 25, 1933, P.L. 1050, as amended, 53 P.S. Sec. 23601 et seq.

(e) BENEFICIARY. The person or persons last designated in writing by a member to receive his or her accumulated contributions at the time of his or her death.

(f) BOARD. The Board of Managers established for each of the pension plans pursuant to the following Acts:

Municipal Pension Plan - Act of May 28, 1915, P.L. 596, as amended, 53 P.S. Sec. 23581 et seq.

Policemen's Pension Plan - Act of April 5, 1917, P.L. 39, as amended, 53 P.S. Sec. 23642 et seq.

Firemen's Pension Plan - Act of May 25, 1933, P.L. 1050, as amended, 53 P.S. Sec. 23601 et seq.

(g) CITY. The City of Pittsburgh and any agency or authority created by the City of Pittsburgh, or created by the City of Pittsburgh jointly with other cities or with another political subdivision or created by another political subdivision and joined by the city, except where the agency or authority has in effect its own pension or retirement plan maintained without reference to the provisions of any benefit plan referenced

hereunder, in which case the pension or retirement plan shall be exclusive and the agency's or authority's employees shall not be entitled to any rights under a plan benefit.

(h) **COMPREHENSIVE MUNICIPAL; PENSION TRUST FUND or COMPREHENSIVE FUND.** The fund established by the city under Ordinance 25 of 1986 and pursuant to the requirements of Act 205 of 1984, P.S. 1005, 53 P.S. Sec. 895.101 et seq.

(i) **INTEREST:** Interest shall be simple, at a rate of five percent (5%) per annum. It shall be calculated from the date of withholding, or in the case of direct payments, from the date that payment is made, to the month within which the Municipal Pension Board takes final action approving the refund of the member's contributions.

(j) **MUNICIPAL BENEFIT PLAN NO. 2 or BENEFIT PLAN NO. 2.** The benefit plan established pursuant to the provisions of this chapter to provide retirement benefits to eligible employees employed after December 31, 1987.

(k) **MUNICIPAL PENSION PLAN.** The pension plan in which the city provides retirement benefits to eligible members under the terms Municipal Benefit Plan No. 1 and Municipal Benefit Plan No. 2.

(l) **PENSION PLAN.** The various aspects of the relationship between a municipality and its employees with respect to the retirement coverage provided by a municipality to the employees.

(m) **PENSIONER.** Any employee who has terminated service under one of the pension plans and is receiving or has filed an application to receive pension benefits pursuant to the benefit plan in which he was a member.

(n) **POLICEMEN'S BENEFIT PLAN NO. 1.** The benefit plan established under Act of April 5, 1917, P.L. 39, as amended by statute, resolution or ordinance to provide retirement benefits to members employed prior to January 1, 1988.

(o) **POLICEMEN'S BENEFIT PLAN NO. 2.** The benefit plan established pursuant to the provisions of this chapter for the purpose of providing retirement benefits to those members employed by the Bureau of Police after December 31, 1987 or those individuals who were employed by the Bureau of Police prior to January 1, 1988 who have irrevocably elected to cease membership under the Policemen's Benefit Plan No. 1 and commences membership under Policemen's Benefit Plan No. 2.

(p) **POLICEMEN'S PENSION PLAN.** The plan by which the city provides retirement benefits to members under the terms of the Policemen's Benefit Plan No. 1 and Policemen's Benefit Plan No. 2.

(q) **TIER 1 AND TIER 2.** Tier 1 refers to the class of employees who became members of Municipal Benefit Plan No. 1 prior to January 1, 1975. Tier 2 refers to employees who became members January 1, 1975 until December 31, 1987.

(r) **TOTAL AND PERMANENT DISABILITY.** Permanent incapacity due to bodily injury or disease which for period of at least six consecutive months has rendered the member unable to perform the duties for which he or she was employed. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians who have been designated by the board that the member is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office.

(Ord. 13-1987, effective 9-30-87)

MUNICIPAL BENEFIT PLAN NO. 2

§ 192.20 MUNICIPAL BENEFIT PLAN NO. 2.

§ 192.21 ESTABLISHMENT OF MUNICIPAL BENEFIT PLAN NO. 2.

There is hereby established a pension benefit plan which shall be known as the Municipal Benefit Plan No. 2 for eligible employees of the city hired on or after January 1, 1988. The provisions contained in this Municipal Benefit Plan No. 2 shall become a part of the municipal pension plan. This Municipal Benefit Plan No. 2 specifically incorporates all of the provisions contained in Municipal Benefit Plan No. 1 except to the extent that the provisions are specifically addressed and revised herein or changes in a Benefit Plan are negotiated pursuant to applicable law. Any reference in this section to Municipal Benefit Plan No. 1, Municipal Benefit Plan No. 2 or pension plan shall be deemed to refer specifically to pertinent portions of the municipal pension plan.

(Ord. 14-1987, effective 9-30-87)

§ 192.22 MEMBERSHIP.

(a) Membership shall be mandatory for all full-time employees hired on or after the effective date (January 1, 1988) of this Benefit Plan No. 2 following a 90-day probationary period; except that the following employees shall not be entitled to membership:

- (1) Employees protected by other pension systems authorized by the laws of this state.
- (2) Any temporary employees who do not have contributions in the municipal pension plan attributable to former membership in this Benefit Plan No. 2.
- (3) Pensioners who are receiving full retirement benefits under the municipal pension plan and return to service.
- (4) Any employees who are members under Benefit Plan No. 1 [and do not elect membership under this benefit plan No. 2 within the time period established by the Board] except to the extent they elect the provisions of Benefit Plan No. 2 described in 192.22(f) below.

(b) Membership shall be mandatory for a temporary employee rehired on or after January 1, 1988 who was formerly a full-time employee and who has not withdrawn his or her accumulated contributions from the municipal pension plan.

(c) Membership shall be mandatory for any former employee who reenters the service of the city on or after the effective date of this Benefit Plan No. 2 and who does not reinstate his or her prior membership service under Benefit Plan No. 1. If any former employee does reinstate his or her prior membership service under Benefit Plan No. 1, he or she shall continue to be a member under Benefit Plan No. 1.

(d) Membership may continue for any employee on an approved leave of absence for a period of up to two years during which he makes the required contributions.

(e) Membership shall continue for an employee who has terminated service after eight or more years of credited service and has elected to leave his or her contributions in the municipal pension plan.

(f) An employee who is a member of Benefit Plan No. 1 may irrevocably elect [out of membership under Benefit Plan No. 1 and into membership under this Benefit Plan No. 2 during the period of July 1, 1988 through September 30, 1988] to substitute all but not less than all of the following benefits provided for in Municipal Benefit Plan No.2:

- (i) the survivor benefit described in Benefit Plan No. 1 may be replaced by the survivor benefit described in section 192.27.
- (ii) the computation of benefits without the offset for Social Security benefits described in Benefit Plan No. 1 but subject to the conditions described in section 192.26.
- (iii) for those employees of Municipal Plan No. 1 who are in Tier 1, computation of monthly benefit in the manner currently used for employees in Tier 2.
- (iv) the accrual of Interest described in 192.23(h) below.

The election is irrevocable and must be made between November 1, 2001 and December 1, 2001. Employees making such election become members of Municipal Benefit Plan No. 2 only for purposes of the elected benefits of Municipal Plan No. 2 just described.

(g) Membership and all rights to benefits provided by this Benefit Plan No. 2 shall cease at the time an employee terminates city service and withdraws or is required by law to withdraw his or her accumulated contributions.

(Ord. 14-1987, effective 9-30-87)

§ 192.23 CONTRIBUTIONS BY MEMBERS.

(a) Except as bargained for under applicable law, the membership contribution for Benefit Plan No. 2 shall be 4% of his or her salary or wages and 5% of his or her salary or wages for Benefit Plan No. 1 (known hereafter as the "Applicable Member Contribution"). In no event shall the total member contribution exceed 50% of the normal cost of the pension plan, expressed as a percentage of covered payroll, as reported in the most recent actuarial valuation report of the pension plan.

(b) The city shall cause to be deducted the required member contributions from each payroll and shall promptly send the amounts deducted to the comprehensive fund.

(c) Payment of the amount of contribution herein mentioned shall be discontinued at the time the member retires, terminates service, attains age 65 with 20 or more years of credited service, dies or becomes totally and permanently disabled.

(d) Each person who becomes an employee of the city after having been employed by the city in the Bureau of Fire or the Bureau of Police, and who is not entitled to retirement benefits for service under another retirement system and who desires to have the service credited under this Benefit Plan No. 2, shall be required to pay to the municipal pension plan an amount equal to 4% of the total salary or wages received by him or her for each month of service before January, 2002 and the Applicable Member Contribution thereafter for which he or she wishes to receive credit together with interest at the rate earned by the comprehensive fund during the period of employment. The amount shall be deducted from the monthly salary or wages of the member over a period of two years or in the manner and period as the Board may determine. Upon full payment of the amount due, the member shall receive full credit for the period of service. If any member shall be injured while in the actual performance of duty before he or she shall have made full contribution for past service, so long as the disability continues, he or she shall be eligible for pension under this Benefit Plan No. 2, but any amount which he or she shall not yet have paid to the municipal pension plan as a contribution for past services under this section at the date

of his or her injury shall be paid, if the Board, in its discretion, shall so determine, in monthly amounts as the Board may determine, which amounts shall be deducted from his or her pension as and when monthly payments thereof shall be made.

(e) Any member may purchase full credit toward his or her pension for each year of service with an agency or authority prior to the time the agency or authority joined the municipal pension plan upon his or her producing proof satisfactory to the board of the number of years of [the] service and upon his or her making back payments together with the interest at the rate earned by the comprehensive fund during the period of employment as if he or she had been a member of this Benefit Plan No. 2 at the time of the service. The amount due may be paid in a lump sum or by installments, as may be agreed upon by the member and the Board. If the employee is retired under this Benefit Plan No. 2 before the payments have been completed, his or her pension shall be reduced by an amount equivalent to the unpaid balance of the amount due.

(f) If a member of either Benefit Plan No. 1 or Benefit Plan No. 2 terminates service before he or she is eligible to receive a pension, his or her accumulated contributions shall be refunded in full with Interest.

(g) Any former employee who has received a refund of his or her accumulated contributions and who shall reenter the service of the city, shall be eligible to receive credit for all previously credited service by restoring to the municipal pension plan the total accumulated contributions withdrawn plus interest and shall pay an additional amount of interest equal to interest calculated on the entire amount paid at the time of separation at the rate earned by the comprehensive or other applicable fund from the period in which the former employee separated service until his or her return to service.

(h) Any pensioner who had less than 20 years credited service or who had elected to receive an early reduced pension and who returns to service on or after the effective date of this Benefit Plan No. 2 shall start contributing at 4% of his or her salary or wages until January 1, 2002 and the Applicable Member Contribution thereafter and shall be entitled to have his or her subsequent retirement pension be determined on the basis of his or her total service history by restoring to the municipal pension plan the total of the amount received in pension payments plus interest at the rate earned by the comprehensive or other applicable fund from the period in which the former employee separated service until his or her return to service.

(i) School crossing guards who are members of this Benefit Plan No. 2 shall be given an opportunity to contribute full member contributions for the months of June, July and August of each year in which they are covered under this plan and thereby receive credit for these months for purposes of both benefit calculations and average monthly earnings.

(Ord. 14-1987, effective 9-30-87)

§ 192.24 CONTRIBUTIONS BY THE CITY.

(a) The public officials of the city charged with the disbursements, expenditures and appropriations, shall annually set aside, apportion and appropriate, out of all taxes and income of the city, to the comprehensive fund, a sum sufficient to maintain the pensions due under the municipal pension plan. If the total disbursements from the municipal pension plan for the payment of pensions, refund of accumulated contributions of members, and administration expenses shall exceed in any year the total revenues of the municipal pension plan from member contributions and the interest and premiums on investments and bank deposits, then the amount to be set aside, apportioned and appropriated by the public officials of the city to the municipal pension plan shall not be less than the difference between the total disbursements and receipts of the

municipal pension plan as aforesaid.

(b) Every authority or agency, whose employees are members of Benefit Plan No. 2, shall be held liable for the amount due to the fund on account of benefits provided by this Benefit Plan No. 2 which are paid to employees of the authority or agency. Provided, however, that where an employee of the authority or agency formerly worked for the city, the authority or agency shall be held liable for that proportionate part of the pension or other benefits paid which the authority or agency bears to the total credited service.

(c) All contributions required to be made under the municipal pension plan relating to regular member contributions for current service shall be picked up by the city and shall be treated as city contributions in determining tax treatment under the United States Internal Revenue Code for federal tax purposes. For all other purposes, under the municipal pension plan and otherwise, the pick up contributions shall be treated as contributions made by a member in the same manner and to the same extent as contributions made by a member prior to January 1, 1988.
(Ord. 14-1987, effective 9-30-87)

§ 192.25 CREDITED SERVICE.

(a) Credited service shall be computed from the time of the first or original employment. The employment shall consist of service to the city and need not be continuous, provided that contributions have been made in accordance with subsections (a), (g) and (h) of § 192.23 for all periods of service.

(b) Any employee shall receive full credit for each year of service for which credit has been purchased under the provisions of subsections (d) and (e) of § 192.23.

(c) Any employee who shall have enlisted or been drafted to serve in the Armed Forces of the United States in time of war or shall have been drafted to serve in the Armed Forces of the United States in time of peace, shall have the service credited in full to his or her service record as service to the city.
(Ord. 14-1987, effective 9-30-87)

§ 192.26 PENSION ALLOWANCE.

(a) The amount of the monthly pension shall be calculated by multiplying the amount determined in subsection (a)(1) by the fraction determined in subsection (a)(2) and if applicable, by adding a service increment in accordance with subsection (a)(3) and where applicable by applying the reductions determined in subsection (a)(4) and (5).

(1) Fifty percent of the member's average monthly earnings.

(2) The ratio that the member's years of credited service (years and completed months to two decimals) up to a maximum of 20 is to 20.

(3) A service increment which shall be 1% of the member's average monthly earnings for each full year of credited service in excess of 20 and rendered prior to age 65. The increment shall be limited to a maximum of \$100 per month.

(4) Pensions for members who were employees who terminated employment on or before December 31, 2001 shall be reduced upon his or her attainment of age 65 by an amount equal to 50% of the primary insurance amount paid or payable to him under the Federal Social Security Act and subject to the following provisions:

A. The eligibility of such member for the old-age insurance benefit and the amount of the benefit upon which the reduction in his or her pension shall be based shall be determined by the board in accordance with the provisions of the Federal Social Security Act, 42 U.S.C. Sections 301 et seq., in effect at the date his or her pension payment begins, except that in determining the eligibility and the amount only wages or compensation for services covered by this Benefit Plan No. 2 shall be included.

B. Whenever the amount of the reduction from the pension shall have been once determined, it shall remain fixed for the duration of the pension except that any decrease in the old-age insurance benefit under the Federal Social Security Act, 42 U.S.C. Sections 301 et seq., shall result in a corresponding decrease in the amount of the reduction from the pension.

C. The reduction shall not be more than one-half of the pension to which the member is otherwise entitled under the provisions of this Benefit Plan No. 2.

(5) The member's pension shall be reduced for any periodic payments to him or her or on his or her behalf pursuant to worker's compensation laws on account of his or her employment with the city, provided, however, that the pension benefit will be limited so that, when added to the monthly worker's compensation benefit, the sum will not exceed the regular monthly earnings of the member at the time of disablement.

(b) The amount of any monthly pension of a member who terminates service prior to age 60 shall be either of the following as the member may elect at the time of termination of services:

(1) A deferred pension, commencing on attainment of age 60, computed under the provisions of subsection (a) hereof based only on credited service and average monthly earnings to the date of early retirement; or

(2) A reduced pension, commencing prior to age 60, equal to the deferred pension to which the member would have been eligible had he or she so elected, reduced .5% for each month that the commencement of the pension precedes the month of the member's attainment of age 60.

(c) The amount of any monthly pension for a disability retirement for a member who sustains the disability in the actual performance of duty regardless of length of service or incurs a disability outside the performance of his or her duties but after eight years of credited service shall be determined in accordance with subsection (a) hereof based upon subsection (c)(1) or (2) below, whichever is applicable:

(1) If total and permanent disability is incurred prior to age 60, the member's average monthly earnings shall be determined at the date of disability and credited service shall be determined as though the member had attained age 60 and completed the greater of his or her actual credited service or the lesser of 20 years of credited service or the number of years of credited service he or she would have completed had he or she continued to receive credit for service until age 60; or

(2) If total and permanent disability is incurred on or after age 60, the member's average monthly earnings and actual credited service shall be determined at the date of disability.

(d) The amount of any pension to a member who has terminated service after attaining age 40 with at least eight years of service shall be either of the following as the member may elect in his application for pension provided that the member continues to make member contributions until age 50:

(1) A deferred pension, after attainment of age 60, computed under the provisions of subsection (a) hereof but based on credited service and monthly earnings to the date of termination.

(2) An early pension, commencing prior to age 60, but after attainment of age 50, determined in accordance with the provisions of subsection (1) above, reduced .5% for each month that the commencement of the regular pension precedes the month of the member's attainment of age 60.

(e) Specifically excluded from this Benefit Plan No. 2 are any benefits provided under section 11 of Benefit Plan No. 1 for the payment of supplementary medical insurance premiums.
(Ord. 14-1987, effective 9-30-87)

(f) The provision of 192.26(a)(4) above will not apply to the computation of pensions for members of Municipal Plan No. 2 who are City employees on or after January 1, 2002 and retire on or after such date.

(g) Members of Municipal Benefit Plan No. 1 who are City employees on or after January 1, 2002 and retire thereafter may irrevocably elect to have their pensions calculated without the social security offset currently applicable to Municipal Benefit No. 1 but subject to the reductions provided for in § 192.26(a)(5). The election of this benefit change must be made between November 1 and December 1, 2001.

§ 192.27 DEATH BENEFITS.

(a) In the event of the death of a member in active service who shall have had at least eight years credited service and shall have attained age 50, a survivor benefit shall become payable to his or her surviving spouse, if any, in an amount which shall be equal to 50% of the pension amount determined in § 192.26 which would have been payable had the deceased member retired on the day before his or her death. The amount of the survivor's benefits determined above shall be further reduced by 1% for each year in excess of five years that the spouse is younger than the deceased member. The survivor's benefit shall be payable as long as the spouse lives or until remarriage.

(b) In the event of the death of any member in active service before the member has eight years of credited service and attains age 50, the member's accumulated contributions with Interest shall be paid to the person or persons as he or she shall have designated in writing and filed with the Board or if he she has not so designated, then paid to his or her estate.

(c) Any person who retires under the provisions of this Benefit Plan No. 2 may elect in writing at

the time of retirement to receive a monthly pension determined in accordance with § 192.26 which shall be further reduced in accordance with Table A attached hereto (depending on the ages of the pensioner and his or her spouse at the time of retirement), with 50% of the amount payable to his or her surviving spouse after his or her death, provided that the person shall have been espoused for not less than one year. In the event the spouse of a pensioner shall predecease the pensioner, the pensioner shall continue to receive the reduced pension payments for the remainder of his or her life. The surviving spouse shall be entitled, commencing the first day of the month next following the death of the pensioner, to receive monthly payments equal to 50% of the monthly amount paid to the pensioner and payments shall terminate upon the death of the surviving spouse.

(d) In no case shall total of payments made to a member or pensioner and his or her surviving spouse, if any, or his or her beneficiary or estate be less than the deceased member's accumulated contributions to the comprehensive fund.

(Ord. 14-1987, effective 9-30-87)

§ 192.28 PAYMENT OF BENEFITS.

(a) Monthly payments for immediate pensions shall be payable beginning with the first full calendar month following the month in which retirement occurs or the calendar month in which application for pension is made, whichever is later.

(b) The first of any deferred vested pension shall be paid as follows:

(1) For pensions commencing on or after attainment of age 60, the later of:

- A. The calendar month next following the member's sixtieth birthday; or
- B. The calendar month in which the application for the payment is made;

(2) For pensions commencing prior to attainment of age 60, the later of:

- A. The calendar month next following the member's fiftieth birthday; or
- B. The calendar month in which application for the pension is made.

(c) The last payment of any pension shall be payable for the month in which the death of the pensioner shall occur.

(d) A pension payable under the municipal pension plan shall cease when the pensioner returns to city employment. Pension payments shall be resumed upon subsequent discontinuance of service.

(e) Notwithstanding the above, the provisions of Ordinance No. 57 of 1985 shall remain in effect.

(f) Payment of benefits. The right to a benefit, and the moneys in the fund herein mentioned shall not be subject to attachment or execution, and shall be payable only to the pensioner, the pensioner's spouse or the pensioner's designated beneficiary, and shall not be subject to assignment or transfer.

(Ord. 14-1987, effective 9-30-87; Am. Ord. 29-1994, effective 12-16-94)

FIREMEN'S BENEFIT PLAN NO. 2

§ 192.30 FIREMEN'S BENEFIT PLAN NO. 2.

§ 192.31 ESTABLISHMENT OF FIREMEN'S BENEFIT PLAN NO. 2.

There is hereby established a pension benefit plan which shall be known as the "Firemen's Benefit Plan No. 2" for eligible employees of the Bureau of Fire of the City of Pittsburgh hired on or after January 1, 1988. The provisions contained in this Firemen's Benefit Plan No. 2 shall become a part of the firemen's pension plan. This Firemen's Benefit Plan No. 2 specifically incorporates all of the provisions contained in the Firemen's Benefit Plan No. 1 except to the extent that the provisions are specifically addressed and revised herein. Any reference in this section to a Benefit Plan No. 1, Benefit Plan No. 2 or pension plan shall be deemed to refer specifically to pertinent portions of the firemen's pension plan.
(Ord. 16-1987, effective 9-30-87)

§ 192.32 MEMBERSHIP.

The membership of Firemen's Benefit Plan No. 2 shall consist of:

(a) All uniformed employees of the Bureau of Fire who enter service on or after January 1, 1988, including the commanding officer and the Chief of the Bureau.

(b) All substitute uniformed employees of the Bureau of Fire who enter service on or after January 1, 1988.
(Ord. 16-1987, effective 9-30-87)

§ 192.33 CLASSIFICATION AND MONTHLY PAYMENTS; COST-OF-LIVING ALLOWANCE.

(a) Beneficiaries under Firemen's Benefit Plan No. 2 who retire on or after January 1, 1988, shall be entitled to receive, per month, an amount equaling 50% of the average monthly earnings received by the contributor as an employee of the Bureau of Fire of the city during the last 48 consecutive months preceding retirement. If any employee has not been employed in the Bureau of Fire for at least 48 months but is otherwise entitled to a pension, the employee's pension shall equal not less than 50% of the amount which would constitute the average monthly earnings received by the beneficiary as an employee of the Bureau of Fire.

(b) Beneficiaries under Benefit Plan No. 2 in any case shall be entitled to minimum monthly payments as established in 53 P.S. Sec. 23613(b).

(c) Any pension payable to an employee under this section shall be reduced for any periodic payments to him or her or on his or her behalf pursuant to worker's compensation laws on account of the employee's employment with the city, provided, however, that the pension benefit will be limited so that, when added to the monthly worker's compensation benefit, the sum will not exceed the regular monthly earnings of the member at the time of disablement.
(Ord. 16-1987, effective 9-30-87)

POLICEMEN'S BENEFIT PLAN NO. 2

§ 192.40 POLICEMEN'S BENEFIT PLAN NO. 2.

§ 192.41 ESTABLISHMENT OF POLICEMEN'S BENEFIT PLAN NO. 2.

There is hereby established a pension benefit plan which shall be known as the "Policemen's Benefit Plan No. 2" for eligible employees of the Bureau of Police of the City of Pittsburgh hired on or after January 1, 1988. The provisions contained in this Policemen's Benefit Plan No. 2 shall become a part of the policemen's pension plan. This Policemen's Benefit Plan No. 2 specifically incorporates all of the provisions contained in the Policemen's Benefit Plan No. 1 except to the extent that the provisions are specifically addressed and

revised herein. Any reference in this section to a Benefit Plan No. 1, Benefit Plan No. 2 or pension plan shall be deemed to refer specifically to pertinent portions of the policemen's pension plan.

(Ord. 15-1987, effective 9-30-87)

§ 192.42 MEMBERSHIP.

The membership of Policemen's Benefit Plan No. 2 shall consist of all persons who shall, on or after January 1, 1988, become employees of the Bureau of Police, including all substitute uniformed employees of the Bureau of Police. Provided, that membership under this section shall exist solely by virtue of the provisions of this section and without the making of any application.

(Ord. 15-1987, effective 9-30-87)

§ 192.43 PENSION PAYMENTS; AMOUNTS; TIME.

(a) Beneficiaries under Policemen's Benefit Plan No. 2, who retire or who become eligible to receive a pension allowance on or after January 1, 1988, shall be entitled to receive from the fund, per month, an amount equaling 50% of the average monthly earnings received by the contributor as an employee of the Bureau of Police of the city during the last 48 consecutive months preceding retirement. If any employee has not been employed in the Bureau of Police at least 48 months, but is otherwise entitled to a pension, the employee's pension shall equal not less than 50% of the amount which would constitute the average monthly earnings received by the beneficiary as an employee of the Bureau of Police.

(b) Any pension payable to an employee under this section shall be reduced for any periodic payments to him or her or on his or her behalf pursuant to worker's compensation laws on account of the employee's employment with the city, provided, however, that the pension benefit will be limited so that, when added to the monthly worker's compensation benefit, the sum will not exceed the regular monthly earnings of the member at the time of disablement.

(c) Pension payments shall always be payable on the third working day of each month and shall be for the preceding month.

(d) Notwithstanding the above, beneficiaries under the fund in any case shall be entitled to minimum monthly payments as established under 53 P.S. Sec. 23613(b).

(Ord. 15-1987, passed 9-30-87)

Section 2 The provisions of this ordinance shall become effective in accordance with its terms.

Section 3 Nothing provided herein is intended to extend the amendments provided herein to the Pittsburgh Water and Sewer Authority.

Section 4 All prior amendments enacted this year are hereby repealed.

Section 5 Nothing herein is intended to alter the right of the Mayor to collectively bargain benefits.