

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 3 - 2010

ADMINISTRATION BILL NO. 3 - 2010

INTRODUCED – JANUARY 26, 2010

ADOPTED BY COUNCIL – FEBRUARY 9, 2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA APPROVING AMENDMENTS TO CHAPTER 64 (PENSIONS AND RETIREMENT) TO PROVIDE FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR POLICE OFFICERS AND FIREFIGHTERS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

BACKGROUND

WHEREAS, City Council adopted the 2010 Budget which included a reduction in the number of Police and Fire personnel; and

WHEREAS, the Administration and City Council have determined that the creation of an Early Retirement Incentive Program to reduce active Police and Fire Fighter forces through voluntary retirements is in the best interest of the City; and

WHEREAS, the City Council of the City of Lancaster desires to authorize the modification of Chapter 64 of the Code of the City of Lancaster (Pensions and Retirement) to create a one-time Early Retirement Incentive Program for Police Officers and Firefighters;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. Chapter 64 of the Code of the City of Lancaster is hereby amended by the addition of Article IV - Early Retirement Incentive Program, which shall read as follows:

Article IV. Early Retirement Incentive Program.

§ 64-38. Police Bureau Early Retirement Incentive Program.

The purpose of this article is to create a one-time Early Retirement Incentive Program for Active Police Officers.

§ 64-39. Eligibility.

A. Any active police officer with at least 21 Years of Service, but less than 25 Years of Service as a sworn officer with the Bureau of Police as of December 31, 2009 shall be eligible for benefits under this Early Retirement Incentive Program.

B. In order to receive benefits under § 64-40, an officer eligible under Section A. hereof must have signed a Notice of Election to Participate in Early Retirement Incentive Program in form and substance satisfactory to the City indicating his/her agreement to retire with an effective date established by the City of Lancaster; such Notice of Election to Participate in Early Retirement Incentive Program must have been executed by the officer between January 15, 2010 and February 15, 2010.

§ 64-40. Early Retirement Incentive Program Benefits

A. For police officers eligible under § 64-39 and hired by the City of Lancaster prior to July 1, 1988 the Early Retirement Incentive Program Benefits shall be as follows:

(i) The officer's base pension benefit shall be calculated and shall commence as though the officer qualified for pension benefits in accordance with § 64-6 A.

(ii) The officer's base rate compensation shall be calculated at the wage rates in effect as of January 1, 2010.

(iii) The service increment as authorized by § 64-7 shall be calculated as though the officer had attained 25 years of service as of his/her effective date of retirement.

(iv) For purposes of determining the officer's base rate compensation, longevity shall be calculated at the officer's actual longevity rate in effect as of January 15, 2010.

B. For police officers eligible under § 64-39, hired by the City of Lancaster after July 1, 1988 and who are eligible to purchase Military buy-back time in accordance with § 64-11 the Early Retirement Incentive Program Benefits shall be as follows:

(i) The City of Lancaster shall purchase eligible Military buy-back time to the extent necessary to provide credit toward the completion of any 25 years of service requirement under Article 1 of this Chapter. The cost of such Military buy-back time shall be calculated in accordance with § 64-11 B.

(ii) The officer's base rate compensation shall be calculated at the wage rates in effect as of January 1, 2010.

(iii) For purposes of determining the officer's base rate compensation, longevity shall be calculated at the officer's actual longevity rate in effect as of January 15, 2010.

§ 64-41. Fire Bureau Early Retirement Incentive Program.

The purpose of this article is to create a one-time Early Retirement Incentive Program for Active Fire Fighters.

§ 64-42. Eligibility.

A. Any Active Fire Fighter with at least 26 Years of Service with the Bureau of Fire as of December 31, 2009 and who has elected to participate in the Deferred Retirement Option Program (DROP) as authorized by § 64-26 F shall be eligible for benefits under this Early Retirement Incentive Program.

B. Any Active Fire Fighter with at least 22 years of service with the Bureau of Fire who would reach Compulsory Retirement Age (as defined in § 64-25) before being able to attain twenty-five (25) years of service shall be eligible for benefits under this Early Retirement Incentive Program.

C. In order to receive benefits under § 64-43, an Active Fire Fighter eligible under Section A or Section B hereof must have signed a Separation Agreement in form and substance satisfactory to the City indicating his/her agreement to retire with an effective date established by the City of Lancaster; such Separation Agreement must have been executed by the Fire Fighter between December 30, 2009 and February 15, 2010.

§ 64-43. Early Retirement Incentive Program Benefits

A. For Active Fire Fighters eligible under § 64-42 A and hired by the City of Lancaster prior to May 1, 1983 the Early Retirement Incentive Program Benefits shall be as follows:

(i) Notwithstanding the provisions of § 64-26 F, the Member's Base Pension Benefit shall be calculated and shall commence as though the Active Fire Fighter did not elect to participate in the Deferred Retirement Option Program.

(ii) The Member's Base Rate Compensation shall be calculated at the wage rates in effect as of January 1, 2010.

(iii) For purposes of determining Base Rate Compensation, the Member's longevity shall be calculated at the Active Fire Fighter's actual longevity rate in effect as of January 1, 2010.

(iv) The Member's Service Increment as authorized by § 64-27 shall be calculated using the Active Fire Fighter's actual number of years of service to the Bureau of Fire.

(v) Notwithstanding the provisions of § 64-26 F (4)(c), the Active Fire Fighter shall be eligible for the distribution of his/her DROP account as provided for in § 64-26 F (4)(b)(2), provided that the distribution shall be subject to the provisions of § 64-26 F (7).

B. For Active Fire Fighters eligible under § 64-42 B and hired by the City of Lancaster prior to June 1, 1987 the Early Retirement Incentive Program Benefits shall be as follows:

(i) Notwithstanding the provisions of § 64-26 D, the Member's Base Pension Benefit shall be calculated as though the Active Fire Fighter attained 23 Years of Service as of the effective date of retirement.

(ii) For purposes of determining the Member's Base Rate Compensation, longevity shall be calculated at the Active Fire Fighter's actual longevity rate in effect as of January 1, 2010.

(iii) The Member's Base Pension Benefit shall commence upon the Member reaching the age of 60 years.

(iv) The Member's Service Increment as authorized by § 64-27 shall be calculated as though the Active Fire Fighter had reached 23 years of service at his/her effective date of retirement.

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 9th day of February, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor