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**141.01 DEFINITIONS**

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

1. **Board** shall mean Officers' and Employees' Retirement Board.
2. **Compensation** shall mean retirement allowance or compensation.
3. **Employee** shall mean a person in the service of the City who either is, or who is not, now adequately protected under all circumstances by pensions authorized by the laws of this Commonwealth.
4. **Fund** shall mean Officers' and Employees' Retirement Fund.
5. **He** means and includes the masculine and feminine pronouns.
6. **Joint coverage member** of the retirement system means a City employee who shall have become a member of the retirement system subsequent to the last date permitted by the City for statement of preference concerning social security coverage, or who, having become a member on or before such date, shall have filed with the Retirement Board a written statement that he or she elects social security coverage under an agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth.
7. **Officer** shall mean a person elected or appointed to City service.

8. **Person** shall mean an officer or employee of the City.

9. **Single coverage member** of the retirement system means a City employee who shall have become a member of the retirement system on or before the last date permitted by the City for statement of preference concerning social security coverage, and who either shall have filed with the Retirement Board a written statement that he or she does not elect social security coverage under any agreement with the Federal Secretary of Health, Education, and Welfare entered into by the Commonwealth, or shall not have filed with the Retirement Board any written statement.

10. **Years of service** includes any time not exceeding six (6) years spent by the employee on active duty with the armed forces of the United States, providing that he received an honorable discharge or a certificate of satisfactory service and he pays to the Board an amount equal to three (3%) percent of his last monthly salary or wage prior to entering on active duty for each month he is not employed by the City because of his active duty with the armed forces. (10673 §1 5/4/65)

#### **141.02 SYSTEM ESTABLISHED**

The City hereby establishes under the provisions of Act 362, approved May 23, 1945, a Retirement System for Officers and Employees for the retirement and pensioning of officers and employees other than firemen and policemen, under the conditions and subject to the qualifications hereinafter set forth. (5419 §2 5/1/46)

#### **141.03 RETIREMENT BOARD; POWERS AND DUTIES**

##### **A. Composition**

Council establishes an Officers' and Employees' Retirement Board, which shall consist of the following:

1. Mayor;
2. City Controller;
3. Director of Finance and Human Resources;
4. Representative selected by the employees contributing to the fund; 13834 §1 5/4/00
5. Representative selected by the employee contributing to the fund;
6. A retired member of the fund appointed by the Mayor with the advice and consent of City Council; (13834 §1 5/4/00)
7. One representative of City Council; provided, however, that any member of City Council participates in the Retirement Fund and is a member of the Fund. Said Council representative shall be chosen by City Council. (12834 §1 3/16/88;12858 §1 6/20/88; 13834 §1 5/4/00)

##### **B. Vacancies**

A vacancy occurring during the term of the persons named in (a)(4) or (a)(5) shall be filled for the unexpired term by a person chosen by the employees contributing to the Retirement Fund.

##### **C. Terms:**

##### **Representatives from Different Departments**

The representatives elected by the members shall be elected for four-year terms, to run concurrently with each four-year term of any Mayor. The representatives elected must be from two (2) different departments of the City government. Members of the Officers' and Employees' Retirement Board shall serve for the term for which they are elected or designated and until their successors are elected or designated. (5419 §3 5/1/46)

##### **D. Officers**

The Mayor shall be the Chairman of the Retirement Board. The Retirement Board shall elect from membership a secretary and such other employees as may be necessary. The Board shall also elect a treasurer who need not be a member of the Board. (12299 §1 4/5/78)

##### **E. Compensation**

The members of the Retirement Board shall serve without compensation, but shall be reimbursed for any necessary expenditures. No contributor shall suffer loss of salary or wages through serving on the Retirement Board. (5419 §3 5/4/46)

#### F. Duties Generally

It shall be the duty of the Board to register all persons employed by the City, other than firemen and policemen, and to administer the collections and distribution of the Fund herein provided for, and make such reasonable rules in the premises as the Board may deem necessary to carry into effect the provisions of this Article. (5419 §3 5/1/46)

#### G. Oath

Each member of the Retirement Board shall take an oath of office that they will, so far as it devolves upon them, diligently and honestly administer the affairs of the Board, and that they will not knowingly violate, or permit to be violated, any of the provisions of law applicable to retirement systems for officers and employees of cities of the Third Class. Such oath shall be subscribed by the member making it and shall be filed in the office of the City Clerk. (5419 §3 5/1/46)

#### H. Record

The Retirement Board shall keep a record of all its proceedings, which shall be open to inspection by the public. (5419 §3 5/1/46)

#### I. Manner of Making Payments From Fund

All payments from funds created by this Article shall be made by voucher or check only, upon warrant signed by the Chairman of the Retirement Board and countersigned by the Business Administrator. No warrant shall be drawn except by order of the Retirement Board, duly entered in the record of its proceedings. (12319 §1 10/4/78)

#### J. Disqualifications of Members

No person connected with the Retirement Board shall have any interest, direct or indirect, in the gains or profits of any investment made by the Retirement Board, nor, as such, directly or indirectly, receive any pay or emoluments for his services. No person connected with the Retirement Board, directly or indirectly, for themselves, or as an agent or partner of others, shall borrow any of its funds or deposits, or in any manner use the same, except to make such current and necessary payments as are authorized by the Retirement Board. No person connected with the Retirement Board shall become surety or become, in any manner, an obligor for monies loaned by or borrowed from the Retirement Board. (5419 §3 5/1/46)

#### K. Name By Which Business Transacted

By the name of "Allentown Officers' and Employees' Retirement Board", all of the business of the system shall be transacted, all of its funds invested, all warrants for money drawn and payments made, and all of its cash, securities and property shall be held. (5419 §3 5/1/46)

### **141.04 DUTIES OF HEADS OF DEPARTMENTS AND MANAGER OF TREASURY AND ACCOUNTING**

The head of every department and office of the City employing persons entitled under the provisions of this Article to receive compensation shall submit to the Retirement Board statements showing the name, sex, title, compensation, duties, date of birth and length of service as a City employee, of every City employee under his department. (8218 §4 11/13/56)

A. The head of every department and office of the City shall, on the first day of each calendar month, notify the Retirement Board of the employment, or the entering into office, of new City officers and employees, and shall submit to the Board a statement showing the name, sex, title, compensation, duties and date of birth of each of such new City Officers and employees. They shall also certify to the Board, at the same time, all removals, withdrawals and changes in salary of any members of the Retirement System which shall have occurred during the preceding month. (8218 §4 11/13/56)

B. Under the direction of the Retirement Board, the head of each department and office shall furnish such other information, and shall keep such records, as the Board may require in the discharge of its duties. (8218 §4 11/13/56)

C. The Manager of Treasury and Accounting shall cause to be deducted on each and every payroll of a member, for each and every payroll period subsequent to June 1, 1946, an appropriate percentage of the total amount of salary earnable by each member in such payroll period as shall be certified to the Treasurer by the head of each department in accordance with the

provisions of this Article, which sum so deducted shall be applied to the purposes provided for by this Article. (8218 §4 11/13/56; 12834 §2 3/16/88)

D. The manager of Treasury and Accounting shall pay each of the amounts so deducted into the treasury of the Retirement Fund, and shall transmit to the Director of Administration and Finance, monthly, a detailed statement of all amounts so paid in. (12319 §2 10/14/78; 12834 §2 3/16/88)

E. It shall be the duty of the Retirement Board to receive and retain all monies turned over to it by the Manager of Treasury and Accounting and, when deemed advisable, to invest the funds payable in accordance with the provisions of this Article, and to pay over by warrant or check the amount due to each officer and employee entitled to receive compensation or benefits under the provisions of this Article. (8218 §4 11/13/56; 12834 §2 3/16/88)

F. The Retirement Board shall invest the funds in such investments as are permissible under the Fiduciaries Investment Act of 1949, being the Act of May 26, 1949 (P.L. 1828; 8218 §4 11/13/56)

G. All charges that may be assessed for all normal operations of this Pension Fund shall be borne by this Fund. (12387 §1 11/7/79; 12792 §1 9/2/87)

#### **141.05 TIME OF RETIREMENT; AMOUNT OF COMPENSATION**

Every person now or hereafter elected or appointed to an office of or employed by the City who shall have attained the age of fifty-five (55) years and upwards who shall have served as an officer or employee for a period of twenty (20) years or more, shall upon application to the Board, be retired from service, and shall, during the remainder of his life, receive the compensation fixed by the provisions of Act 362, approved May 23, 1945, and this Article (12299 §2 4/5/78)

A. If any person who shall have served twenty (20) years voluntarily retires, they shall, by continuing their contributions until the age of fifty-five (55) be entitled to the above compensation. (10673 §2 5/4/65)

B. During the lifetime of any such person they shall be entitled to receive as compensation annually from the fund set aside for the purpose, fifty (50%) percent of the amount which would constitute the highest average annual salary or wages which they earned during any five (5) years of their service for the City or which would be determined by the rate of the monthly pay of such person at the date of retirement, whichever is the higher. Such compensation shall be paid in bi-weekly payments. (10673 §3 5/4/65; 13665 §1 4/23/98)

C. Where an officer or employee shall have served for twelve (12) years or more, and shall have attained the age of sixty (60) years, and their tenure of office or employment shall be terminated with or without their voluntary action before the expiration of twenty (20) years of service, they shall, in such event, during the remainder of their life be entitled to receive such portion of the full compensation as the period of their service up to date of its termination bears to the full twenty-year (20) period of service. Where an officer or employee shall have served for twelve (12) years or more, and shall not have attained the age of sixty (60) years, and their tenure of office or employment shall be terminated without their voluntary action before the expiration of twenty (20) years of service, they shall, in such event, during the remainder of their life after attaining the age of sixty (60) years be entitled to receive such portion of the full compensation as the period of their service up to date of its termination bears to the full twenty-year (20) period of service. (12134 §1 6/18/75)

D. Where an officer or employee has served for twenty (20) years or more, and their tenure of office or employment shall be terminated without their voluntary action, then they shall be entitled to full compensation for the remainder of their life after attaining age fifty-five (55), and conditioned upon their continuing their contributions into the Fund at the same rate as when they were dismissed until they attain age fifty-five (55). (5419 §5 5/1/46; 6773 §5 12/4/51)

E. On or after February 23, 1968, if any employee eligible for a pension retires or is killed in the service of the City, and on or after July 15, 1969, if any employee being eligible for pension but still employed dies, his or her widow or widower shall, during his or her lifetime, be entitled to receive a pension calculated at the rate of fifty (50%) percent of the pension the employee was receiving, or would have been receiving had he or she been retired at the time of his or her death. For purposes of this subparagraph, an employee while employed shall be deemed to be eligible for pension if she or he has (a) served for at least twelve (12) years and shall have attained the age of sixty (60) years or (b) served for at least twenty (20) years and has attained the age of fifty-five (55) years. Any employee who is unmarried at the time of the adoption of the Article may elect, within thirty (30) days thereafter, not to have a widow or widower receive such payments, and the employee shall not be responsible for payments to secure such coverage. Provided that if an unmarried employee, who has elected not to have a widow or widower receive payments as aforesaid marries, the employee may elect within thirty (30) days of his marriage to secure such coverage by written request to the Officers' and Employees' Pension Board and by virtue thereof the employee shall be responsible for the additional required contribution to the Fund and shall be further obligated to pay into the Fund a sum equal to one (1%) percent

of his wages or salary plus interest for the period of employment by the City prior to making the aforesaid election or from February 23, 1968 whichever date is the latest; the rate of interest shall be five (5%) percent compounded annually. A married employee who has previously declined to subscribe to the benefits outlined in the section may do so within thirty (30) days after the effective date of this amendment, in which case he shall also be required to comply with the payment procedures herein prescribed. (12579 §1 12/7/83)

F. In addition to the retirement allowance which is authorized to be paid from the pension fund by this Article, notwithstanding the limitations therein placed upon such retirement allowances and upon contributions, every contributor who shall become entitled to the retirement allowance shall be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

1. Service increment shall be the sum obtained by computing the number of whole years after having served twenty (20) years, required by this Article, during which a contributor has been employed by the City and paid out of the City Treasury and multiplying such number of years so computed by an amount equal to one-fortieth (1/40) of the retirement allowance which has become payable to such contributor in accordance with provisions of this Article. In computing the service increment, no employment after the contributor has reached the age of sixty-five (65) years shall be included. (11334 §1 2/20/68)

2. Each contributor, who so chooses to become entitled to the service increments provided by this Article, shall, from and after February 23, 1968, pay into the Retirement Fund a monthly sum in addition to his or her retirement contribution, which shall be equal to one-half of one (1/2%) percent of his or her salary; provided, that such service increment contribution shall not be paid after a contributor has reached the age of sixty-five (65) years. (11334 §1 2/20/68)

3. Persons who are contributors on February 23, 1968, who have already reached the age of sixty-five (65) years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth (65th) birthday. (11334 §1 2/20/68)

4. Service increment contributions shall be paid at the same time and in the same manner as retirement contributions, 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. (11334 §1 2/20/68)

5. All persons who are now contributors to the retirement fund and all those employed by the City after February 23, 1968, if required to become contributors to the Retirement Fund, shall be subject to the provisions of this Article. (11334 §1 2/20/68)

6. a. All current active and former employees, as of January 1, 1988, in the fund who are not now purchasing service increments shall be eligible to apply for service increment coverage retroactive to February 23, 1968. Such active employees who elect said service increment coverage shall pay into the fund one-half (1/2%) of one percent of their base salary including longevity plus interest of five (5%) percent from February 23, 1968 through the sixtieth (60th) day after the effective date of this amendment. From that date forward, employees who have elected service increment coverage shall pay into the Retirement Fund an additional one-half (1/2%) of one percent of their salary by means of payroll deduction. (13043 §1 4/3/91; 13273 §1 8/4/94)

b. All former and new employees who become members of the fund shall pay one half (1/2%) of one percent for service increments unless an employee cannot benefit by this payment. (13043 §1 4/3/91)

G. 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 benefit. (12579 §1 12/7/83)

H. On or after the effective date of this ordinance (date to be inserted by the City Clerk), if any employee dies after twenty (20) years of service, but before attaining the age of fifty-five (55) years, the employee's surviving spouse may choose to keep said employee's contributions in the fund rather than be subject to the provisions of Section 141.13, Refund of Contributions. Said surviving spouse shall make the contributions set forth in Subsection A. above until the date the deceased employee would have attained the age of 55 at which time, said surviving spouse shall receive a pension calculated at the rate of 50% of the pension the deceased employee would have received based on the deceased employee's years of service at the date of death. (13644 §1 2/5/98)

#### 141.06 MINIMUM PENSION AMOUNT

Effective January 1, 1976, any officer or employee receiving an annual pension of Three Thousand Nine Hundred Ninety-nine (\$3,999) Dollars or less shall receive an increased benefit. Such increase shall be determined by use of the following formula:

$$\frac{\text{Years of Service}}{\text{(not to exceed 20)}} \times \frac{\text{Total}}{20} (\$450) = \text{Increase}$$

Provided, however, that no officer or employee eligible to receive an increased benefit under this provision shall receive such an increase which would result in that officer or employee receiving a pension in excess of Four Thousand (\$4,000) Dollars annually. (12173 §1 2/4/76)

#### 141.07 NEEDS PENSION SUPPLEMENT

Effective January 1, 1989 any officer or employee receiving an annual pension less than Four Thousand Five Hundred (\$4,500) Dollars and whose total income from all sources including said pension is less than Eight Thousand Five Hundred (\$8,500) Dollars as determined by the standards for income set forth in Article 925.10 of the Codified Ordinances of the City of Allentown, may apply for a pension supplement. The amount of said supplement shall be determined by using the following formula:

$$\frac{\text{Years of Service}}{\text{(not to exceed 20)}} \times \frac{\text{Total}}{20} (\$500) = \text{Increase}$$

Provided, however, that no officer or employee eligible to receive a pension supplement under this provision shall receive such an increase which would result in that officer or employee receiving a pension in excess of Four Thousand Five (\$4,500) Dollars annually. (12900 §1 2/15/89)

#### 141.07.5 MINIMUM PENSION AMOUNT

Effective on and prospectively from January 1, 2000 every retired officer and employee, of the Officers' and Employees' Pension System, currently receiving a pension totaling less than Ten Thousand Four Hundred (\$10,400) Dollars, shall receive a pension of Ten Thousand Four Hundred (\$10,400) Dollars. (13820 §1 3/15/2000)

#### 141.08 Surviving Spouse Needs Pension Supplement deleted in its entirety. (12900 §2 2/15/89;13820 §3 5/400)

#### 141.08.5 MINIMUM PENSION SURVIVING SPOUSE

Effective on and prospectively from January 1, 2000 every surviving spouse of a retired officer and employee, of the Officers' and Employees' Pension System, currently receiving a pension totaling less than Five Thousand Two Hundred (\$5,200) Dollars shall receive a pension of Five Thousand Two Hundred (\$5,200) Dollars. (13820 §2 3/15/2000)

#### 141.09 CREDIT FOR MILITARY SERVICE

##### A. Current Members

Any current member of the Officers' and Employees' Retirement and Pension System Fund and who was not a member of the Officers' and Employees' Retirement System Fund prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed five (5) years of such service. At the effective date of this amended ordinance any member making election to buy back military time shall decide within ninety (90) days of notification either to accept or reject this option. Payment to fund the military buy-back plus eight (8%) percent interest shall be made either by a lump sum payment into the Fund within one (1) year from receipt of notice of this amended ordinance or by payroll deduction to be completed within one (1) year from receipt of notice of this amended ordinance or by payroll deduction to be completed within one (1) year from receipt of notice of this amended ordinance. (13185 §1 4/9/93)

##### B. Retired Members

Any member of the Fund who elects to buy back military time shall make payment to fund the military buy-back plus eight (8%) percent interest shall be made either by a lump sum payment into the Fund within one (1) year from receipt of notice

of this amended ordinance or by pension payroll deduction to be completed within one (1) year from receipt of notice of this amended ordinance. (13185 §1 5/9/93)

C. Determination of Payment

Payment shall be determined by using the following formula:

Employee's Contribution Rate in Effect at Time of City's Estimated Employee's + Contribution Military Rate at 6.5% Service	Employee's Starting Salary Reduced Each Year by the if any, of Police & Fire Salaries for the Years *Between Employee's Military Service and Date of Employment
*Number of Years = of Military	Cost of Military Buy-Back (13065 §1 8/8/91)

D. Members over sixty (60) years of age who have at least twelve (12) years of City service are entitled to military service increments prorated in the same manner in which their pensions are computed.

E. The amount of military service time bought back may only be used for the purpose of computing service increments and may not be used for the purpose of computing early retirement eligibility.

F. Members of the Fund may not purchase military service time if they are entitled to receive a retirement allowance from the United States Government or from any other pension fund. (12839 §1 4/20/88; 13065 §1 8/8/91; 13185 §1 5/9/93)

**141.10 RETIREMENT DUE TO ILLNESS OR DISABILITY**

Should an officer or employee become so permanently disabled as to render them unable to perform the duties of their position or office after fifteen (15) years of service, they shall be entitled to compensation during such disability. For a person who has served for twenty (20) or more years, the amount of compensation shall be the same as the full compensation granted to any member who retires after having completed twenty (20) years of service; for a person who has served for fifteen (15) years or more, but who has not completed twenty (20) years of service, the amount of compensation shall be such portion of the full compensation as the period of service up to date of its termination bears to the full twenty-year (20) period of service. Proof of such disability shall consist of the sworn statement of two (2) practicing physicians, designated by the Board, that the employee is in a condition of health which would permanently disable him from performing the duties of his position or office. Such person shall thereafter be subject to physical examination at any reasonable time, upon order of the Board. Upon his refusal to submit to any such examination his compensation shall cease. (12749 §1 12/17/86)

**141.11 AMOUNT OF CONTRIBUTIONS**

Beginning on November 1, 1946, all the aforesaid officers and employees of the City shall pay into such Fund monthly an amount equal to three (3%) percent of their monthly wages or salaries, and beginning as of January 1, 1960, all the aforesaid officers and employees of the City who, as members, are integrated with the Federal Social Security Act, shall pay into such Fund every payroll period an amount equal to three and one-half (3-1/2%) percent of their earnings and five (5%) percent in excess of that on which Social Security is payable, and, beginning February 23, 1968, there shall also be paid into this Fund by all participants thereof, an additional amount of one (1%) percent of their monthly wages or salaries for widow or widowers benefits until such time that such officers or employees shall be retired under the provisions of this Article. (11334 §2 2/20/68)

A. The Board hereby authorized every joint coverage member of the Optional Retirement System to elect to receive compensation in accordance therewith without the reduction (commonly known as the "offset") set forth in Subsection (c) of the Act of the General Assembly of May 23, 1945, P.L. 903, as amended, provided:

1. The member makes his election to buy out his "offset" in writing in manner and form approved by the Board.
2. The member makes his aforesaid election to buy out his "offset" before his date of retirement, which election to do so shall be irrevocable and forever binding upon the member.
3. The member making his election to buy out his "offset" shall make a lump sum payment equivalent to one and one-half (1-1/2%) percentum of his gross payroll earnings up to \$4,800 from January 1, 1960 to March 6, 1964; or, as to a member March 2016

who became employed by the City after January 1, 1960, then an amount equivalent to one and one-half (1-1/2%) percentum of his gross payroll earnings up to \$4,800 from the date of his employment to March 6, 1964. Beginning March 6, 1964, all members who elected the Optional Retirement System, also known as dual coverage, shall pay to the Fund by payroll deduction an amount equivalent to five (5%) percentum of his gross earnings. Any member who elects or otherwise becomes a member of the Optional Retirement System (dual coverage) and then retires as provided in Ordinance No. 5419, Section 5, as amended, (Codified Ord. Art. 141.05 and 141.06) shall continue to pay to the Fund an amount equivalent to five (5%) percentum of his pension benefit until a total of twenty (20) years in payments have been paid. (10344 §1 2/11/64)

#### **141.12 PERIOD OF TIME CONTRIBUTIONS TO BE MADE**

If any compensation be granted to a person who has not been a contributor to the Fund, as herein provided, for an aggregate period of twenty (20) years, such person shall be required to pay to the Board for the benefit of the Fund, monthly, an amount equal to three (3%) percent of his compensation until such time as his contribution shall have been extended to a period of twenty (20) years. This period includes contributions to any former fund. (5419 §8 5/1/46)

#### **141.13 REFUND OF CONTRIBUTIONS**

A. If for any cause any person contributing to the Fund who has served less than twelve (12) years shall cease to be in the service of the City, they shall become entitled to the total amount of the contributions including any military buy-back payment(s) paid into the Fund by them, without interest. Any person who has served for a period of more than twelve (12) but less than twenty (20) years, and who has not reached the age of sixty (60) years, and who voluntarily retires from such service shall be entitled only to the return of his total contributions including any military buy-back payment(s) paid into the Fund by him, without interest. (12299 §2 4/20/88)

B. If for any cause any person contributing to the Fund shall cease to be in the service of the City before he shall have become entitled to any compensation, the total amount of the contributions including any military buy-back payment(s) paid into the Fund by him shall be refunded in full, without interest. If any such person shall have had returned to him the amount contributed, as aforesaid, and shall afterwards re-enter the service of the City, he shall not be entitled to the compensation designated unless he shall returns to the Fund the amount withdrawn including any military buy-back payments(s), in which event the required period of service under this Article shall be computed from the time he first entered the service of the City. Otherwise, the date of his period of service shall commence upon re-entry. In the event of the death of any person after he becomes entitled to any compensation and has not elected to retire, and who has elected not to have the widow's or widower's benefit, the total amount of contributions including any military buy-back payment(s) paid into the Fund by him shall be paid over to his estate, without interest. In the event of the death of a member of the Fund before he or she becomes entitled to any compensation, the total amount of contributions including any military buy-back payment(s) paid into the Fund by him or her shall be paid over to his or her estate, without interest. In the event of the death of a member without widow's or widower's benefits, or the death of a surviving spouse, after he or she becomes entitled to any compensation but before he or she receives in compensation an amount equal to the employee's own contributions to the Fund, then the balance of the employee's own contributions including any military buy-back payment(s) shall be paid over to his or her estate, without interest. (12299 §4 4/5/78; 12839 §2 4/20/88)

C. If any person contributing to the fund voluntarily withdraws from the fund to enter the Pennsylvania Municipal Retirement System, he/she shall be entitled to a refund of the total amount of his/her contributions into the fund, without interest.

D. Any person who was a member of the Pennsylvania Municipal Retirement System while an employee of the City of Allentown, and enters this fund and is terminated from employment without their voluntary action before the expiration of twelve (12) years of service shall receive all interest (excluding excess interest) earned on said employee's contribution under PMRS and paid to this fund by PMRS. (13291 §1 11/16/94)

In addition, the fund shall pay for the full prior service cost to the Pennsylvania Municipal Retirement System, for each employee who has opted to enter the Pennsylvania Municipal Retirement System. (12473 §1 8/5/81)

#### **141.14 LABORERS**

No person holding a position in the City as a laborer, at a per diem wage, shall be compelled to pay or contribute toward the Fund herein provided for, but they shall have the option or choice of so doing, and shall only, upon electing to contribute to the Fund an amount computed from the effective date of this Article or the date of his employment, become entitled to the compensation provided by this Article, provided that said option shall have been exercised by June 8, 1976. In the event it was not so exercised, membership to the Officers' and Employees' plan for such laborers shall be prohibited. They shall be required to contribute to the Fund while employed by the City, and to make any contributions to the Fund that are due after termination or retirement, and to make these contributions in the same amount as all other members. (12299 §6 4/5/78; 12928 10/4/89)

**141.15 APPROPRIATION BY COUNCIL**

The City Council shall annually set aside, apportion and appropriate out of all taxes and income of the City to the Board, a sum sufficient to maintain the compensation due under this Ordinance, not, however, to exceed in any one (1) year an amount in excess of the proceeds of one-half of one (1/2) mill on the assessed valuation of the City for City purposes, except that Council may exceed the limitations imposed by this Section, if an additional amount is deemed necessary, to provide sufficient funds for payments to widows or widowers of members retired on pension or killed in the service. (11334 §3 2/20/68)

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. (12247 §1 4/20/77)

**141.16 ANNUAL ACTUARIAL STUDY**

Commencing in 2009, an actuarial study shall be done every year and made public no later than ninety (90) days prior to the ensuing fiscal year. The cost of the annual actuarial study shall be paid by the Officers' and Employees' Retirement System. (12747 §2 12/17/86; 14571 §1 3/6/08)

**141.17 APPLICATION OF ARTICLE**

The benefits conferred by this Article shall apply to all persons employed in any capacity by or holding positions in the City in accordance with the provisions of this Article, except as herein provided. (5419 §14 5/1/46)

**141.18 COMPUTATION OF TIME OF SERVICE**

The time of service herein specified shall be computed from the time of the first or original service to the City and need not be continuous. (5419 §15 5/1/46)

**141.19 EXEMPTION FROM ATTACHMENT OR EXECUTION**

The compensation herein mentioned shall not be subject to attachment or execution and shall be payable only to the beneficiary designated by this Article and shall not be subject to assignment or transfer. (5419 §16 5/1/46)

**141.20 TERMINATION DATE OF ADMISSION INTO SYSTEM;  
ADOPTION OF PENNSYLVANIA MUNICIPAL RETIREMENT LAW FOR NEW OFFICERS AND EMPLOYEES; OPTIONAL  
TRANSFER OF EMPLOYEES COVERED BY THE OFFICERS' AND EMPLOYEES' RETIREMENT SYSTEM  
INTO THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

As of the effective date of this Ordinance, membership in the Officers' and Employees' Retirement Pension System shall be closed and all officers and employees not members as of that date shall be ineligible for membership. Officers and employees hired on or after the effective date of this Ordinance shall be bound by the provisions of the Pennsylvania Municipal Retirement Law, as set forth in Article 142. (12473 §2 8/5/81)

**141.21 METHOD OF PAYMENT**

The pensioners shall have the right to choose whether they want payment by check, mailed to them, or direct deposit. (13424 §1 10/16/96)

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**EDITORIAL NOTES**

**Ordinance 13644**, passed on February 5, 1998, added letter H to Section 141.05, which allowed a surviving spouse to make contributions and receive a pension should the employee die after 20 years of service but before attaining the age of 55.

**Ordinance 13665**, passed and signed on April 23, 1998, amended Article 141.05, B., Time of Retirement, by changing semi-monthly payments to bi-weekly.

**Ordinance 13820**, passed over the Mayor's veto on March 15, 2000, the legislation added Article 141.07.05 and 141.08.05 (changed to 141.08) which established a minimum pension of \$10,400.

**THE CITY OF ALLENTOWN**

**ARTICLE 141**

**EMPLOYEES' RETIREMENT**

**AND**

**PENSION SYSTEM**

**Compiled to March 2009**

**Michael P. Hanlon**

**City Clerk  
610-437-7539**