

**ARTICLE 146  
PENSION RECOVERY**

- 146.01 Definitions
- 146.02 Requirements for Annual Actuarial Valuations
- 146.03 Minimum Funding Requirements
- 146.04 Distribution of City Contributions to the Individual Pension Fund

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**146.01 DEFINITIONS**

The following terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Actuary** means a person who has at least five (5) years of actuarial experience with public pension plans and who is either enrolled as a Member of the American Academy of Actuaries or enrolled as an actuary pursuant to the Federal Employee Retirement Income Security Act of 1974 and who is retained by the City to perform actuarial valuations, studies and Act 205 of 1984 certifications. (12881 §1 11/16/88)

2. **Amortization of Unfunded Accrued Liability** means the interest adjusted amount required to be contributed in order to reduce the Unfunded Accrued Liability to zero over a specified number of years. (12560 §1 6/8/83)

3. **Employees' Pension Fund** means the Pension Fund that includes the City's non-uniformed officers and employees as outlined in Article 141 of the Codified Ordinances of the City of Allentown. (12560 §1 6/8/83)

4. **Investment Manager** means the person(s) or firm(s) retained to provide financial advice and to manage the assets of the respective Pension Funds in accordance with established policy guidelines. (12560 §1 6/8/83)

5. **Normal Cost** means that portion of the actuarial present value of pension plan benefits and expenses which is allocated to the plan year by the actuarial cost method. (12881 §1 11/16/88)

6. **Paid Firemen's Pension Fund** means the Pension Fund that includes the City's uniformed Firemen as outlined in Article 145 of the Codified Ordinances of the City of Allentown. (12560 §1 6/8/83)

7. **Police Pension Fund** means the Pension Fund that includes the City's uniformed police officers as outlined in Article 143 of the Codified Ordinances of the City of Allentown. (12560 §1 6/8/83)

8. **Unfunded Accrued Liability** means that portion of the actuarial present value of pension plan benefits and expenses which is allocated to the period ending at the beginning day of the current plan year by the actuarial cost method, less the actuarial value of assets. (12881 §1 11/16/88)

**146.02 REQUIREMENT FOR ANNUAL ACTUARIAL VALUATIONS**

A. The City shall, annually, have completed actuarial valuations of the City's Police, Paid Firemen's and Employee's Pension Funds. The actuarial valuations shall identify Unfunded Accrued Liability in each fund, as well as recommended contributions to each fund to cover minimum Act 205 funding requirements and alternate levels of funding. (12560 §1 6/8/83)

B. The annual actuarial valuations shall include the prescribed Pension Fund information and reports pursuant to Pennsylvania's Act 205 of 1984. (12881 §2 11/16/88)

C. The Director of Administration and Finance shall be responsible for the initiation and completion of the required action to provide the actuarial valuation reports. (12881 §2 11/16/88)

**146.03 MINIMUM FUNDING REQUIREMENTS**

For purposes of this article, the "Financial Requirement of the Plan" for the City's Police, Paid Firemen's and Employees' Pension Funds shall be defined as the level of funding necessary to make payment for Normal Cost and the Amortization of the Unfunded Accrued Liabilities of the Pension Funds over the periods of years as specified under Act 205 of 1984. (12881 §3 11/16/88)

The "Minimum Obligation of the Municipality" for the City's Police, Paid Firemen's and Employees' Pension Funds is equal to the Financial Requirements of the Plans, less the amount of State aid from the Commonwealth, less member contributions, less one-tenth of the amount by which the actuarial value of assets exceeds the actuarial accrued liability if any.

A. In accordance with Act 205 of 1984, the Director of Administration and Finance, as chief administrative officer, must annually determine the Financial Requirements of the Plans for the following plan year based on the most recent actuarial valuation report. The Normal Cost for the following year shall be expressed as a dollar amount, and shall be determined by applying the Normal Cost as reported in the most recent actuarial valuation report expressed as a percentage of covered payroll, to the estimated covered payroll of the active members for the following year.

B. Further, annually the Director of Administration and Finance must certify to City Council, as the governing board of the municipality, the amount of the Minimum Obligation of the Municipality to the Plans for the following year. The Minimum Obligation of the Municipality for the following plan year is equal to the Financial Requirement of the Plan for the following plan year, less expected State and expected member contributions for the following plan year, less an amount equal to one-tenth of the amount by which the actuarial value of assets exceeds the actuarial accrued liability if any.

C. The certification of the Minimum Obligation of the Municipality must be made by September 30th of the plan year preceding the year for which the certification is being made. This amount shall be provided for in the Budget of the City. Payment of the Minimum Obligation of the Municipality may be paid by the City during January of the applicable plan year. If the contribution is made subsequent to January, the Minimum Obligation of the Municipality will be increased for interest at the rate used for funding purposes.

D. In no event may the City contribute less than the Minimum Obligation of the Municipality for any plan year. However, in its sole discretion, City Council may contribute an amount which exceeds the Minimum Obligation of the Municipality. (12881 §3 11/16/88)

#### **146.04 DISTRIBUTION OF CITY CONTRIBUTIONS TO THE INDIVIDUAL PENSION FUNDS**

A. Within the standard compliance to the funding requirements in Section 146.03(a), (b) and (c) above, the City, annually, shall determine the distribution percentage and dollar amount of City contribution to each of the Pension Funds, and make the contributions accordingly. (12560 §1 6/8/83)

B. A Committee is hereby formed pursuant to this article, consisting of the Director of Administration and Finance, two (2) Councilpersons appointed by the President of Council, Manager of Treasury and Accounting Operations, and one (1) employee representative from each of the Pension Boards. This Committee shall be called the Pension Funds Recovery Committee. The Committee is required to annually review the actuarial status of each of the Pension Funds, and determine the percentage apportionment/ distribution of City contributions to the three (3) Pension Funds. In performing its review, the Committee shall consult with the Actuary who performed the most recent valuation analysis, as well as the Investment Manager of each of the Pension Funds. (12560 §1 6/8/83; 12881 §5 11/16/88)

C. The allocation of City contributions to the respective funds shall be based upon the funding need of each of the funds, specifically to support the obligation of each of the funds to continue to meet the payment of pension obligations or to have the most favorable impact on the aggregate unfunded accrued liability of the three (3) Pension Funds. (12560 §1 6/8/83)

### **ARTICLE 147 AGGREGATED PENSION TRUST FUND**

- 147.01 Purpose
- 147.02 Board of Trustees Established
- 147.03 Board of Trustees; Membership, Appointment and Term
- 147.04 Trustee Officers
- 147.05 Quorum
- 147.06 No Compensation
- 147.07 Accounting
- 147.08 Legal Title of Assets
- 147.09 Invest
- 147.10 Valuation of Assets
- 147.98 Severability

#### **147.01 PURPOSE**

The Commonwealth of Pennsylvania, pursuant to Act 205, will make available to municipalities Supplemental State Assistance to financially distressed pension funds. The City of Allentown desires to take advantage of this financial aid, since it believes it qualifies for such assistance.

#### **147.02 BOARD OF TRUSTEES ESTABLISHED**

There shall be created an Aggregated Pension Trust Fund, which shall oversee and monitor the investments of the three City-administered Pension Funds, the Officers' and Employees' Retirement and Pension System, the Police Pension Fund Association and the Paid Firemen's Pension Fund.

#### **147.03 BOARD OF TRUSTEES; MEMBERSHIP, APPOINTMENT AND TERM**

All pension fund activity established under the provisions of this Article shall be under the direction and control of a Board of Trustees, consisting of the Mayor, the Director of Administration and Finance, the City Controller, and two (2) representatives of the active membership of each pension plan included in the aggregated pension trust fund, who shall be elected by the active membership of the applicable pension plan for a term of four (4) years. In case of a vacancy among the Trustee chosen by the pension plans, a successor shall be forthwith chosen by them for the unexpired term.

#### **147.04 TRUSTEE OFFICERS**

The Mayor shall be the President, the City Controller the Secretary, and the Director of Administration and Finance the Treasurer of the Aggregated Pension Trust Fund.

#### **147.05 QUORUM**

A majority of the Board of Trustees shall constitute a quorum and shall have the power to transact such business as may properly come before it. Each Pension Board shall have two (2) votes.

#### **147.06 NO COMPENSATION**

The Trustees of the Board shall receive no compensation for the services thus performed.

#### **147.07 ACCOUNTING**

Each pension plan subject to the aggregation shall have an undivided participation in the assets of the combined pension trust fund. For accounting purposes, the value of the participation by each plan shall be calculated annually. The value for the initial year following aggregations shall be that portion of the total value of the pension trust fund which bears the same relationship that the value of the assets of the pension plan, as of the date of the aggregation plus the contributions received by the pension trust fund with respect to that pension plan since the date of aggregation, and reduced by the amount of retirement annuities and benefits paid from the pension trust fund for annuitants and benefit recipients of that pension plan since the date of aggregation bears to the total value of all assets transferred to the pension trust fund as of the date of aggregation plus the total contributions received by the pension trust fund since the date of aggregation and reduced by the total amount of retirement annuities and benefits paid for all annuitants and benefit recipients since the date of aggregation. The value of the participation for each year subsequent to the initial year following aggregation shall be that portion of the total value of the pension trust fund which bears the same relationship that the value of the participation of the pension plan, as of the close of the preceding year plus the contributions received by the pension trust fund with respect to that pension plan during the year and reduced by the amount of retirement annuities and benefits paid from the pension trust fund for annuitants and benefit recipients of that pension plan during the year, bears to the total value of all participation in the pension trust fund as of the close of the preceding year plus the total contributions received by the pension trust fund during the year and reduced by the total amount of retirement annuities and benefits paid for all annuitants and benefit recipients during the year.

#### **147.08 LEGAL TITLE OF ASSETS**

Legal title to assets in the aggregated pension trust fund shall be in the municipality as trustee, or its nominees as trustees, for any person having a beneficial interest in a particular pension plan which is associated with the pension trust fund.

#### **147.09 INVESTMENTS**

The assets of the aggregated pension trust fund shall be invested in investment securities which are authorized investments pursuant to any applicable law for any of the associated pension plans.

Investment earnings shall be allocated to each associated pension plan in proportion to the most recently determined participation value.

#### **147.10 VALUATION OF ASSETS**

Valuation of assets shall be pursuant to the provisions of Section 202 (e) (1) of the Municipal Pension Plan Funding Standard and Recovery Act of 1984, No.205, as follows:

Each financial exhibit shall be prepared in a manner which is consistent with the other financial exhibits contained in the most recent prior actuarial report. The accounting basis for the financial exhibits shall be disclosed. The financial exhibits shall be prepared in a fashion which is reasonably calculated to fairly and accurately disclose the financial condition and affairs of the pension plan. In the event that there is implemented a change in the manner in which the financial exhibits are prepared, the

financial exhibits prepared for inclusion in the actuarial valuation report for the year in which the change is implemented shall be prepared in accordance with both the change and the manner previously employed. The actuarial valuation report shall include the following financial exhibits:

(1) An exhibit of the assets of the pension plan at their fair market value and valued pursuant to rules and plan of the pension plan upon which the actuarial exhibits are based.

#### **147.98 SEVERABILITY**

The provisions of this Article are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences. It is hereby declared to be the intent of Council that this Article would have been adopted if such illegal, invalid or unconstitutional section, clause or sentence had not been included herein. (12797 §1 9/16/87)

### **ARTICLE 149**

#### **RETIREMENT OF FIREMEN AND POLICEMEN**

- 149.01 Permissive Retirement at Sixty-five Years of Age
- 149.02 Application for Retention after Sixty-five Years of Age
- 149.03 Certificates of Fitness
- 149.04 Physical Examination May Be Required; Council Action
- 149.05 Retirement Mandatory at Seventy Years of Age
- 149.06 Right of Dismissal

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#### **CROSS REFERENCES**

Pennsylvania Municipal Retirement System  
See 53 P.S. §881 et seq.  
Policemen Retirement  
See 3rd Class §4302 (53 P.S. §39302)  
Firemen Retirement  
See 3rd Class §4321 (53 P.S. 39321)

#### **149.01 PERMISSIVE RETIREMENT AT SIXTY-FIVE YEARS OF AGE**

All paid firemen in the Bureau of Fire and all policemen in the Bureau of Police, upon attaining sixty-five years of age, shall be retired unless Council by appropriate resolution decides otherwise by granting application for retention in accordance with the following provisions. (12235 §1 2/2/77)

#### **149.02 APPLICATION FOR RETENTION AFTER SIXTY-FIVE YEARS OF AGE**

A paid fireman or policeman, upon attaining sixty-five years of age, may submit to the Department of Public Safety an application for retention and, at his cost, certificates in writing from two reputable physicians selected by the respective Pension Board, setting forth that the paid fireman or policeman concerned is physically and mentally capable of giving full and efficient service to the City as a fireman or policeman. If such application for retention is approved by the Department of Public Safety, it shall submit its recommendation for retention to Council, who shall take action thereupon. (8657 §2 5/20/58)

#### **149.03 CERTIFICATES OF FITNESS**

A paid fireman or policeman retained after attaining sixty-five years of age, shall, before attaining sixty-six, sixty-seven, sixty-eight and sixty-nine years of age, submit annually an application for retention and, at his cost, certificates in writing as set forth in Section 149.02. If such application for retention is approved by the Department of Public Safety it shall submit its recommendation for retention to Council, who shall take action thereupon. (8657 §3 5/20/58)

#### **149.04 PHYSICAL EXAMINATION MAY BE REQUIRED; COUNCIL ACTION**

The Department of Public Safety may, at any time after a paid fireman or policeman is retained upon attaining sixty-five years of age; order a physical examination. If the paid fireman or policeman is found to be physically or mentally incapable of giving full and efficient service to the Bureau of Fire or the Bureau of Police, it shall submit its recommendations for retirement to Council, who shall take action thereupon. (8657 §4 5/20/58)

#### **149.05 RETIREMENT MANDATORY AT SEVENTY YEARS OF AGE**

No paid fireman or policeman shall be retained in active service after attaining seventy years of age. (8657 §5 5/20/58)

## 149.06 RIGHT OF DISMISSAL

Nothing in this article shall be construed as preventing Council from dismissing paid firemen or policemen for reasons of cause, efficiency or economy. (8657 §6 5/20/58)

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### ARTICLE 151 CIVIL SERVICE

151.01 Firemen's Civil Service Rules  
(Ordinance No. 14420, passed on September 7, 2006 deleted Article 151.02,  
Environmental Protection Specialist Civil Service Rules)

#### 151.01 FIREMEN'S CIVIL SERVICE RULES

The Civil Service Rules and Regulations attached to Ordinance No. 12617 as presented by the Firemen's Civil Service Board are adopted and approved as prescribed in the Firemen's Civil Service Act of the Third Class City Code 1933, May 31, P.L. 1108 Sec. 2. (12617 §1 9/5/84)

#### RULE I - APPLICATIONS

- Section 1. The Fire Civil Service Board encourages all qualified candidates to apply to be placed on the Fire Fighter Preliminary Eligibility List, which will expire no later than two (2) years after the date it is established. To give as many candidates as possible the opportunity to apply and to assure that all candidates receive equal treatment in the application process, the Civil Service Board has established these Rules and Regulations.
- Section 2. Every applicant must secure an application issued by the Human Resources Office. The applicant must complete and sign the application. It is the applicant's responsibility to assure that the Human Resources Office receives the application and required attachments by the deadline. An application that does not include the required attachments will not be accepted. Public notice of the final date for receiving Fire Fighter eligibility list applications will be given at least thirty (30) days in advance and will be conspicuously posted in City Hall and other public agencies and institutions and announced through the media.
- The application form is reproduced as Appendix A of these Rules and Regulations. In addition to providing all of the information required in the application, the applicant must also submit, at the time of applying:
- (a) The proper non-refundable application fee in the form of a certified check or money order payable to the City of Allentown.
  - (b) Photocopies of the following:
    - (1) High school diploma or its equivalent certified by a State Department of Education.
    - (2) A complete Form DD-214 from any branch of the military, if you have military service.
    - (3) Certificate of Naturalization, if applicable.
    - (4) Validated Pennsylvania driver's license.
- Section 3. No questions in the application or at any pre-offer examination shall require information concerning the race, color, creed, religion, sex, sexual preference, disability, national origin, ancestry, marital status, income, or political opinions or affiliations of the applicant. Such disclosures are forbidden except for information regarding disabilities and requested reasonable accommodations. Information may be requested, provided it is kept apart from other records, in order to satisfy equal employment opportunity reporting requirements.
- Section 4. An applicant must be a citizen of the United States
- Section 5. Applicants must be between the ages of 18 and 35 years at the time of filing.
- Section 6. The Civil Service Board may refuse to examine an applicant or, after examination, to place upon the eligibility list anyone who:

- (a) Lacks any of the established preliminary requirements for the position(s) for which he/she applies; or
- (b) Has recently or is currently using illegal drugs or is illegally using prescription drugs that are controlled substances or whose background check indicates a pattern of abuse of alcoholic beverages, illegal drugs, or other controlled substances; or
- (c) Has been found guilty of any crime or of immoral or disgraceful conduct which has been determined to be job related; or
- (d) Has been dismissed from the public service for delinquency or misconduct; or
- (e) Has made false statement of any material fact or practice or attempted to practice any deception or fraud in his/her application, in his/her examination, or in securing his/her eligibility; or
- (f) Does not possess a high school diploma or its equivalent certified by a State Department of Education; or
- (g) Does not have a validated Pennsylvania driver's license.

Section 7. If any applicant feels aggrieved by the action of the Board in refusing to examine him or her or, after an examination, in refusing to certify him or her as eligible, the Board shall at the request of the applicant appoint a time and place for a public appeal hearing, at which time such applicant may appear alone or with counsel.

The applicant's request for a hearing must be in writing and must be received by the Human Resources Office within fourteen (14) calendar days of the date of the written notification of the Board's decision. The Board shall then review its refusal to make such examination or certification, and testimony shall be taken. The Board shall subpoena, at the expense of the applicant, any competent witnesses requested by him/her. After such review, the Board shall file in its records the testimony taken and shall again make a decision which shall be final.

## RULE II - CALLING OF EXAMINATIONS

Prior to the expiration of the current eligibility list, the Board will schedule the appropriate examinations and procedures. Eligible applicants will be notified of the examination schedule by letter postmarked at least fourteen (14) days prior to the test and sent by regular mail to the most current address provided by the applicant.

## RULE III - SELECTION PROCESS (Listed in chronological order)

### Section 1. Written Examination

- (a) Applicants will be given a written examination to determine their position on the Preliminary Eligibility List. The passing score for this examination is 70%.
- (b) Before proceeding to answer questions on the written examination, each applicant shall complete and sign a declaration sheet, giving his/her full name and address and such other information as may be required by the Board, and to place this sheet, after it has been marked with an identification number, in the official envelope. Each applicant shall seal said envelope. The exterior of the envelope shall bear only the identification number of the applicant. At the close of the examination, all the envelopes containing the declaration sheets shall be retained by the person conducting the examination and shall not be opened by anyone until the examinations have been scored. Each applicant shall mark his/her identification number on the answer sheet of his/her examination.

### Section 2. Completion of Scores and Formation of Preliminary Eligibility List

- (a) The written test score will be compiled to determine the final score. Final scores will be grouped mathematically (by the testing company) and a single sliding band of statistically proximate results will be developed for submission to and approval by this Board. There is no order of selection in sliding band. A candidate from any position in the band may be selected without regard to numerical, chronological order.

Whenever the top score whole number or whole number and fraction thereof in the band is reduced to the next lowest whole number, the bottom of the band will expand proportionately to include those candidates having statistically proximate results to those candidates remaining in the band.

Criteria for selection from the top band will include but not be limited to consideration of the following:

- ☐ Veteran's preference must be given to all candidates within a band
- ☐ A college degree, college credits, or seminar hours in a fire related field
- ☐ A valid Pennsylvania CDL Class A or B drivers license
- ☐ Has prior firefighting, emergency medical and/or emergency communication dispatching experience
- ☐ Is certified in one or more of the National Fire Protection Association's Standard for Professional Qualifications, such as Fire I, II, Fire Officer I, etc.
- ☐ Other specialized pertinent training

- (b) Any applicant (defined as a "soldier" or a spouse of a deceased or disabled "soldier") who 1/ served since July 27, 1953, in the Armed Forces of the United States or in any women's organization connected with the Armed Forces; 2/ completed his/her initial military service commitment; 3/ received an Honorable Discharge from active duty; and 4/ passed the written examination to qualify for the Fire Fighter Preliminary Eligibility List shall have his/her written test score increased by 10 points. Veterans' Preference is computed as: (passing test score) + (10 points) = Veterans' Total Score.

Section 3. Character Background Investigation

Each candidate whose name appears on the Preliminary Eligibility List shall, if he/she approaches nomination, be the subject of a character background investigation prior to being offered employment. Should this investigation reveal misrepresentation by the candidate of any item(s) listed in Rule I, Section 6, or misrepresentation in any other area of the selection process, he/she shall be declared ineligible by the Civil Service Board.

Section 4. Physical Agility Test

Each candidate whose name appears on the Preliminary Eligibility list, as he/she approaches nomination, will be given a physical agility test, which will be graded on a pass-fail basis. Each candidate will be required to sign a Release before taking the physical agility test and to have a signed release from his/her physician stating he/she is medically fit to perform the physical agility test.

Section 5. Conditional Offer of Employment

If the candidate passes the background investigation, he/she may be offered employment as a Fire Fighter contingent upon the successful completion of a physical examination and a psychiatric examination as stipulated in these Rules and Regulations.

Section 6. Physical Examination

After an offer of employment has been made, each candidate shall undergo a physical examination by a licensed, practicing physician of the Civil Service Board's choice and on a form furnished by the Board.

- (a) Candidate must be certified as physically able to perform the essential job functions of a Fire Fighter.
- (b) Candidate's vision shall be not less than 20/40 in each eye, uncorrected, and must be correctable to 20/20 vision. Each candidate must not be color blind.
- (c) Candidate must disclose fully any record of mental disturbance or illness.
- (d) Any cause for rejection on the physical examination must be related to the essential functions of the position.

The Board reserves the right to withdraw an offer of employment based on the results of the physical examination.

Section 7. Psychiatric/Psychological Examination

After an offer of employment has been made, each candidate shall be evaluated by a board-certified psychiatrist and/or psychologist selected by the Civil Service Board. If the psychiatrist's and/or psychologist's report identifies a candidate as unstable or limited in perception or judgment, the Civil Service Board and the Fire Chief will review that candidate's report. The Board reserves the right to withdraw an offer of employment based on the results of the psychiatric/psychological evaluation.

#### RULE IV - REJECTION OF NAMES ON THE ELIGIBILITY LIST

If any name is rejected three (3) times for the same or another position, such name shall be stricken from the list.

#### RULE V - TEMPORARY APPOINTMENTS

Temporary appointments may be made under the following circumstances:

- (a) When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after competitive examination, a temporary appointment may be made without examination. Such appointment may continue not longer than ten (10) days after the establishment of a suitable eligibility list and in no case shall it continue longer than three (3) months.
- (b) In case of riot or other public emergency, temporary appointments of Fire Fighters may be made without examination. Such appointments shall terminate as soon as the public emergency which led to the appointments is at an end.

#### RULE VI - PROBATION

All appointees shall serve a probationary period. At any time during the probationary period, the appointee may be dismissed for just cause in the manner provided in Section 10 of the Fire Civil Service Act applicable to Third Class Cities in Pennsylvania. If at the close of such probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he/she will not receive permanent appointment, whereupon his/her employment shall cease.

Probationary Fire Fighters, to be accepted as permanent employees, must meet the requirements of the driving certification program established by the City of Allentown Fire Department and must maintain their Pennsylvania driving privileges during their employment.

#### RULE VII - AMENDMENTS

These Rules and Regulations may be amended, pending the approval of City Council, at any meeting of the Civil Service Board at which a quorum is present.

#### RULE VIII - APPLICABILITY TO PRESENT ELIGIBILITY LIST

These Rules and Regulations shall not be applicable to the Fire Fighter Preliminary Eligibility List in effect at the time these Rules and Regulations are adopted.

ADOPTED:	June 1, 1981
AMENDED:	March 1, 1982
AMENDED:	June 12, 1984
AMENDED:	September 4, 1984
AMENDED:	May 16, 1990
AMENDED:	January 9, 1991*
AMENDED:	March 22, 1993**
AMENDED:	April 9, 1996***
AMENDED:	January 7, 1998
AMENDED:	January 26, 2000
AMENDED:	January 10, 2001
AMENDED:	March 2, 2004

FIRE CIVIL SERVICE BOARD

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LEONARD C. KESSELRING JR., SECRETARY

- \* Approved by City Council on March 6, 1991.
- \*\* Approved by City Council on April 21, 1993.
- \*\*\* Approved by City Council on July 17, 1996
- \*\*\*\* Approved by City Council on February 7, 2001

Amending the Administrative Code by deleting Article 151.02, Environmental Protection Specialist Civil Service Rules. (14420 §1 9/7/06)

The reason for deleting this section is because the rules prevent the Health Bureau from hiring good candidates for vacant sanitarian positions in a timely manner. The procedures as laid out are seen as cumbersome, fraught with time constraints, and has resulted in too few or no suitable candidates. The preference is to follow the City's established hiring process to fill vacant positions .

### **ARTICLE 153 ELECTED OFFICIAL COMPENSATION ACT**

- 153.02 Elected Officials Compensation Act
- 153.04 Notification Requirements; Physician Choice
- 153.06 Calculation of Benefits
- 153.08 Payment and Funding

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#### **153.02 ELECTED OFFICIALS COMPENSATION ACT**

All elected officials of the City of Allentown shall be provided coverage from an injury, illness or disability sustained in the course of their elected duties in the same manner and to the same extent as the coverage provided City employees under the Pennsylvania Workers' Compensation Act. (12998 §1 9/5/90)

#### **153.04 NOTIFICATION REQUIREMENTS; PHYSICIAN CHOICE**

- A. When an elected official is injured or sustains a work related illness in the course of their duties, they shall report the incident to the Bureau of Management Services as soon as possible.
- B. If the elected official does not wish to seek medical attention, the elected official should contact the Bureau of Management Services so that an incident report can be completed and placed on file. This information serves as official notice of injury should medical attention become necessary in the future.
- C. If medical attention is required, the elected official shall choose one of the physicians whose name appears on the City's list of approved physicians. If the elected official is out of town on City business and an injury or illness occurs, any physician or hospital from the local area may be selected.
- D. Whenever an elected official seeks medical attention for an occupational injury or illness, Management Services shall be notified as soon as possible for the purpose of filing an "Employer's Report of Occupational Injury or Disease."
- E. Upon returning to their duties after an on-the-job injury or illness, the elected official is required to submit to the City of Allentown a medical certification form. The elected official must submit this form in all cases in which the elected official has received medical attention regardless of whether or not the elected official has missed any work. The purpose of this form is to assure that the elected official is sufficiently recovered from the injury or illness to return to their duties.
- F. Disability for a work related injury or illness begins on the first day following the injury or illness that the elected official is unable to work as a result of the injury or illness, whether they are or are not scheduled to work. (12998 §1 9/5/90)

#### **153.06 CALCULATION OF BENEFITS**

An elected official who is unable to fulfill their duties as a result of an occupational injury or illness shall receive compensation benefits computed by dividing the year previous (from date of injury) to the injury in four quarters of thirteen weeks each. Earnings from all employment, including self-employment, shall be used for compensation purposes. The quarter most favorable to the elected official in the year previous to the injury is the computing period which, when divided by thirteen, will

determine the weekly wage. The compensation rate is 66-2/3 percentum of that weekly wage but not greater than the maximum weekly compensation allowed (the current Workers' Compensation Act will be used to provide guidance). In order to receive this compensation, the elected official shall be required to return their City paycheck to the Risk Management Fund OR the elected official may choose instead to collect their City paycheck until the expiration of their current term of office. At that time, if still disabled due to the injury or illness, the elected official shall receive compensation from the City according to the formula outlined above. (12998 §1 9/5/90)

#### **153.08 PAYMENT AND FUNDING**

A. The City of Allentown shall provide payment for reasonable surgical and medical services rendered by a duly licensed practitioner of the healing arts, medicines, and supplies as and when needed provided that the services rendered are from a practitioner listed on the approved physicians list of a referral from that list or if the elected official is out of town, a physician or hospital from that locale may be selected.

B. All benefits and expenses shall be paid from the Risk Management Fund. (12998 §1 9/5/90)