

BOROUGH OF LILLY, PENNSYLVANIA

ORDINANCE NO. 1986-3

AN ORDINANCE OF THE BOROUGH OF LILLY, CAMBRIA COUNTY,
PENNSYLVANIA, ESTABLISHING A PENSION PLAN FOR THE
POLICE FOR THE BOROUGH OF LILLY, PENNSYLVANIA.

BE IT ORDAINED and enacted by the Borough of Lilly, and it is hereby
enacted by the authority as the same as follows:

SECTION I. ESTABLISHMENT OF PLAN. A Police Pension Plan is hereby
established pursuant to the act of May 29, 1956, P.L. 1804, as amended, (53.
P.S. 676 et seq.). Such fund shall be under the direction of the Borough of
Lilly, Pennsylvania, and shall be applied under such regulations as the
Borough of Lilly, Pennsylvania, may prescribe.

SECTION II. ELIGIBILITY FOR PARTICIPATION IN PROGRAM. Each full-
time policeman now or hereafter employed by the Borough of Lilly shall be
eligible to participate and shall be a participant in the Police Pension Plan.
For the purposes of this Ordinance, and for the Pension Plan established here-
under, "full-time policeman" shall be defined as a policeman or policewoman
working not less than forty (40) hours per week for the Borough of Lilly at a
definite salary.

SECTION III. AGE AND SERVICE REQUIREMENTS. Each participant who
has been in the employ of the Borough of Lilly as a police officer for twenty-
five (25) years in the aggregate, and who has attained the age of fifty-five
(55) years, may retire and shall, upon his or her actual retirement from
employment with the Borough of Lilly, be entitled to receive pension or retire-
ment benefits as are hereinafter provided. The period of time during which any
police officer was a probationary officer, or was employed under a federal
program, shall be included in the determination of the number of years the
police officer has been employed by the Borough of Lilly.

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SECTION IV. MILITARY LEAVE CREDIT. Any member of the Police Force employed by the Borough of Lilly who has been a regular appointed policeman of the Borough for a period of at least six (6) months and thereafter shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits, all of the time spent by him or her in such military service, if such person returns or has heretofore returned to his or her employment within six (6) months after the date of his or her separation from the service. In order to qualify for the military leave credit contained in this section, the police officer must have been regularly appointed, and have completed the probationary service or service under any Federal Program prior to said appointment.

SECTION V. CONTRIBUTION RATE. Members shall not be required to contribute to the plan.

SECTION VI. RETIREMENT OR PENSION BENEFITS. The pension or retirement benefits shall be payable during the balance of the participant's life following actual retirement, and after fulfillment of the age and service requirements set forth above. The monthly benefit shall be a sum equal to one-half of the average monthly salary of the participant during the last thirty-six (36) months of employment.

Such pension or retirement benefits shall be payable from the assets of the fund established pursuant to this Ordinance and the pension or retirement benefits shall be computed as the sum of:

1. All pension benefits from pension plans heretofore established by a private organization or association for the members of the police force, but only to the extent that the Commonwealth or any of its municipalities shall have contributed to such pension plan monies raised by taxation; and,

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2. Benefits from the Policy Pension Fund hereby established to the extent necessary to bring the total benefits in any month to one-half (1/2) of the aforesaid average monthly salary.

SECTION VII. TOTAL AND PERMANENT DISABILITY. In the event of any participant's total and permanent disability incurred in the service of the Borough, such participant shall become eligible for a monthly disability pension as set forth below. Such disability benefits shall commence when a participant has been totally and permanently disabled.

"Total and permanent disability" shall mean a disability due to sickness or injury which requires the regular care of a licensed physician and completely prevents the member from engaging in his regular occupation as a police officer.

Monthly total and permanent disability pension payments shall be set at fifty (50%) percent of the average monthly salary of the disabled participant during the fifty months of employment next preceding the date of the disability, or such shorter period as is necessary.

The Borough of Lilly will determine the existence, cause, and continuance of disability from time to time, on a basis precluding individual selection and without discrimination among persons in like circumstances and any such determination will be final. In making this determination the Borough of Lilly can require the member to be examined by any licensed physician chosen by the Borough. In the event the physician chosen by the Borough of Lilly and the officer's personal physician do not agree, that the officer is disabled, then the two physicians shall select a third physician, who shall examine the officer at the Borough's expense and whose decision shall be binding and final.

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SECTION VIII. WIDOW OR CHILDREN'S BENEFITS. In the event of the death of a member who is receiving a pension benefit or had qualified for a retirement pension benefit but had not retired, his or her surviving spouse shall be entitled, during his or her lifetime or so long as he or she does not remarry, to receive a pension equal to fifty (50%) percent of the pension the member was receiving or would have been receiving had he or she been retired at the time of death. If no surviving spouse exists, or if the surviving spouse exists but subsequently dies or remarries, then the child or children under the age of eighteen (18) years of the deceased eligible participant shall be entitled to receive a pension calculated at fifty (50%) percent of the pension to which the member was entitled, until said child or children attain the age of eighteen (18) years.

SECTION IX. ALLOCATION OF COMMONWEALTH FUNDS. The payments of the State Treasurer to the Treasurer of the Borough of Lilly from the monies received from taxes paid upon the premiums of Foreign Casualty Insurance Companies for purpose of pension retirement shall be used in the following order:

1. To reduce the unfunded liability, if any;
2. To apply against the annual obligation of the Borough for future service costs, or to the extent that the payment may be in excess of such obligation; and
3. To reduce member contributions.

SECTION X. GIFTS. The Borough of Lilly shall be authorized to take by gift, grant, devise or bequest any money or property, real, personal or mixed, in trust, for the benefit of such fund and care, management, investment and disposal of such trust funds or property shall be invested in the Borough of Lilly, and the said trust funds shall be governed thereby, subject to such directions not inconsistent therewith as the donors of such funds and

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property may prescribe.

SECTION XI. PENSION BENEFITS NOT SUBJECT TO LEGAL PROCESS

GENERALLY. The pension payments herein provided for, shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the member or member's designated beneficiary and shall not be subject to assignment or transfer.

SECTION XII. EXPENSES OF ADMINISTRATION. The expenses of

administering this ordinance, including the compensation of an actuary and the custodian of the fund, exclusive of the payments of retirement allowances, shall be paid by the Borough of Lilly, by appropriations made by the Borough of Lilly from the Police Pension Fund.

SECTION XIII. REPEAL OF INCONSISTENT ORDINANCES. All Ordinances

inconsistent herewith, are hereby repealed.

ADOPTED by Borough Council this 20th day of February, 1986.

ATTEST:

BOROUGH OF LILLY

Walter P. Barlick
Secretary

Hugh B. Conrad
President of Council

Approved this 20th day of February, 1986.

Francis J. Klayko
Mayor

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