

RUSH TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE # 153

AN ORDINANCE AMENDING THE RUSH TOWNSHIP, SCHUYLKILL COUNTY,  
POLICE PENSION PLAN

WHEREAS, Act 600 which establishes the criteria and procedures for police pension programs and plans for Pennsylvania's boroughs, towns, and townships amended in 2000 to provide certain changes; and,

WHEREAS, in order to be in compliance with said Act 600, Rush Township must make certain amendments and changes to its pension plan;

NOW THEREFORE, the Board of Supervisors of Rush Township, Schuylkill County, Pennsylvania, hereby does adopt and ordain the following changes to the various ordinances and resolutions establishing the Rush Township Police Pension Plan:

1. A member of the Rush Township police force who is employed by Rush Township for at least six months and who enters military service of the United States shall have credited to his employment record for pension or retirement benefits purposes all of the time spent in such military service, if such a member returns to his/her employment with Rush Township within six months of his/her separation from military service, provided such separation is not dishonorable, subject to any exceptions set forth in Act 600 Section 4 (c); and,

2. The plan shall refund to any member who is terminated from employment and not eligible for pension benefits at the time of termination, all contributions made by the member plus applicable interest not exceeding that allowed by law within a reasonable time after termination; and,

3. In the event that a member is receiving service related disability benefits in conformity with the uniform scale and fixed by the plan's governing documents amounting to at least fifty (50%) percent of the member's wages or salary at the time of disability, then the member's disability benefit shall be reduced by the amount of social security benefit for which the member is eligible, if the social security disability benefit is received for the same injury that results in this service related disability. The reduction shall apply even if the member has other conditions or injuries which may contribute to his eligibility for social security disability benefits unless those additional conditions or injuries render the member totally disabled independent of his service related disability.

4. To the extent permitted by law, the pension plan shall pay the surviving spouse deceased member's monthly benefit for life. If the member is not survived a spouse or the spouse dies subsequently, fifty (50%) percent of the pension the member was receiving at the time of his death or would have been entitled to receive had he/she been retired at the time of death shall be paid to the member's children who are under the age of eighteen (18) years or are under age of twenty-three (23) years who are attending college which is defined as being formally registered at an accredited institution of higher learning and carrying a minimum

course load of seven (7) hours per semester. In no even shall the amount payable to the member's eligible children exceed fifty (50%) of the amount payable to the member. The surviving spouse shall receive a lifetime benefit regardless of remarriage of the surviving spouse.

5. Any finding by a court of competent jurisdiction that any section, phrase, sentence, part or provision of this amendment is void, unenforceable or contrary to established state or federal law shall apply only to that section, sentence, phrase or part and the balance of this ordinance shall remain in full force and effect.

6. This Ordinance shall be interpreted by the laws of Pennsylvania and shall effective at the earliest date permitted by law. The provisions regarding eligibility of surviving spouses and eligible children shall be retroactive to April 17, 2002 provided such retroactivity is permitted by law.

7. Any provisions of the Rush Township Resolutions or Ordinances that are not inconsistent with these amendments are hereby retained in full force and effect.

ADOPTED AND ORDAINED this 15<sup>th</sup> day of June, 2004  
by the Rush Township Board of Supervisors.

William J. DeZure  
Mark Sanchez Jr  
Fancy Belett

May Gello

NOTICE  
ORDINANCE # 153

The Rush Township Board of Supervisors at their regular meeting on June 15, 2004 shall vote of adoption of Ordinance # 153 which is an amendment to the Rush Township Police Pension Plan in order to conform to certain recent changes in Pennsylvania Act 600 governing municipal pension plans providing adjustments on the eligibility requirements regarding military service, survivor benefits and disability benefits. The Supervisors will vote on adoption at their regular meeting on Tuesday, June 15, 2004 at 7:00 p.m. at the Rush Township Municipal Building at 104 Mahanoy Avenue, Hometown, Rush Township, Schuylkill County, Pennsylvania. A full copy of the text of the Ordinance is available for inspection at the Rush Township Municipal Building or the newspaper in which this advertisement appears. This summary has been approved by Paul Domalakes, Esquire, Solicitor for Rush Township.