

BOROUGH OF BROOKHAVEN

DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE # 2022-824

AMENDMENTS TO POLICE PENSION FUND BENEFITS PURSUANT ADDING AN ACT 24 EARLY RETIREMENT BENEFIT, AND AMENDING THE DISABILITY BENEFIT

WHEREAS, the Borough of Brookhaven, County of Delaware, Commonwealth of Pennsylvania did, by Ordinance No. 589, restate the Police Pension Plan and as amended by ordinances 675 and 784; and

WHEREAS, Based upon an Act 205 Cost study, the Borough of Brookhaven is now desirous to amend the Police Pension Plan; and

NOW THEREFORE, the Council of the Borough of Brookhaven, County of Delaware, Commonwealth of Pennsylvania, does hereby ordain and enact that the following sections of Ordinances No. 589 and No. 675 shall be amended, as follows:

Section 1 - Early Retirement

Article I, Section 1.07 is amended to read as follows:

"Early Retirement Date" shall mean the first day following the date on which the MEMBER completes twenty (20) years of service.

Article IV, Section 4.05 shall be added as follows to provide for an Act 24 Early Retirement benefit:

4.05 Early Retirement Benefit Each MEMBER may retire on or at any time after his EARLY RETIREMENT DATE. Upon termination, the MEMBER must file with the Secretary of the BOROUGH, a written notice of his intention to elect an early retirement benefit. This benefit shall become effective as of the date of the notice or the date designated in the notice, whichever is later. The amount of the early retirement benefit shall be the actuarial equivalent of a vested retirement benefit is computed in Section 6.01 (a). The actuarial equivalent of the vested retirement benefit shall be determined by actuarially reducing the vested retirement benefit to reflect that it will commence on the effective date of the early retirement rather than on the MEMBER'S NORMAL RETIREMENT DATE. The actuarial reduction shall be calculated using the actuarial assumptions reported in the last actuarial valuation report filed with the Municipal Pension Reporting Program.

Section 2 - Disability Benefit

Article IV, Section 4.03 is amended to read as follows:

Disability Benefit. If an officer hired prior to January 1, 2021 is permanently disabled from performing police work, as established by competent medical evidence, due to injuries incurred in the line of duty, such officer shall be entitled to a disability pension of 70% of salary at the time of disability (Base salary with Rank Differential, Longevity and Night Differential over the 12 months prior to separation) for life. Any work-related disability benefits shall be offset by Social Security Disability payments received for the same injury.

If an officer hired after January 1, 2021 is permanently disabled from performing police work, as established by competent medical evidence, due to injuries incurred in the line of duty, such officer shall be entitled to a disability pension of 50% of salary at the time of disability (Based salary with Rank Differential, Longevity and Night Differential over the 12 months prior to separation) for life. If the officer qualifies for Social Security Disability due to the work-related disability, the rate of disability pension shall be 70%. Any work-related disability benefits shall be offset by Social Security Disability payments received for the same injury.

Section 3 - Severable

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal, or invalid, the validity of the remaining provisions shall be unaffected.

Section 4 - Repealer

All Ordinances and parts of Ordinances heretofore adopted, to the extent that the same are inconsistent herewith, are hereby repealed.

Section 7 - Effective Date

The effective date of this Ordinance shall be January 1, 2020

ENACTED AND ORDAINED ON THIS 11 TH DAY OF ~~JUNE~~ ^{JULY}, 2022

BOROUGH OF BROOKHAVEN

By: [Signature]
President of Council

Attest: [Signature]
Secretary

APPROVED THIS 11 TH DAY OF JULY 2022.

[Signature]
Mayor