

# ORDINANCE 2024 – 1

## AN ORDINANCE OF THE TOWN COUNCIL OF THE MUNICIPALITY OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA A HOME RULE MUNICIPALITY, AMENDING THE MUNICIPALITY OF KINGSTON FIREMEN'S PENSION PLAN

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**WHEREAS**, the Municipality of Kingston has heretofore established a Firemen's Pension Plan that is set forth as Municipal Code Section 29 - 59; and,

**WHEREAS**, the aforementioned Section references and incorporates by reference as Attachment 2 or Appendix B, the full text of the Firemen's Pension Plan; and,

**WHEREAS**, the aforementioned Attachment sets forth at Section VII the following definition for Final Salary:

*Final salary is defined as the average annual compensation of a Member during his final three years of employment as a full time Municipal fire employee.*

**WHEREAS**, the aforementioned definitional Section does not comply in its wording with the Collective Bargaining Agreement of the Municipality and its Fire Fighters; and,

**WHEREAS**, The Municipality of Kingston does, by this Ordinance, intend to bring the definition of Final Average Salary into conformance with the Collective Bargaining Agreement between the Municipality of Kingston and the Full Time Firemen of the Municipality of Kingston; and,

**WHEREAS**, the corrected wording for the definition of Final Salary will then become the same definition as set forth in the Collective Bargaining Agreement.

**NOW THEREFORE, BE IT ORDAINED**, that the Town Council of the Municipality of Kingston does hereby amend Section VII of the "Firemen's Pension Plan" relating to Final Salary to be identical to the wording set forth in Article 26 of the Collective Bargaining Agreement of the parties to read as follows:

I.

### FINAL SALARY

All substantive rights and benefits regarding pension and retirement as currently provided to the members of the bargaining unit shall remain in full force and effect.

#### **Retirement for employees hired prior to January 1, 2014**

*For the purpose of defining the average final salary utilized to calculate retirement benefits, all wages received by the employee over the employee's final (3) three years/ (36 months) of employment shall be utilized to calculate the benefit. Said wages shall include: annual salaries;*

*cost of living increases; increments; overtime; medical training differentials; left over hours, education, annual sick time buybacks, vacation/bat/holiday buyback, insurance benefit buyback and final lump sum sick time buyback. All said earning will then be divided by three (3) to determine the final average yearly salary.*

### **Retirement for employees hired after January 1, 2014**

*For new employes hired after January 1, 2014, the definition of average final salary shall be amended from the above to be all wages received by the employee over the employee's final (3) years of employment shall be utilized excluding final lump sum buybacks to calculate the retirement benefit. Expressly, lump sum sick leave, vacation leave, and accumulated compensation leave shall not be included in the final average salary for calculating retirement benefit. Also, there will be a minimum retirement age of Fifty-Eight (58) years and complete Twenty-Five (25) years of service.*

2.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but the same shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.

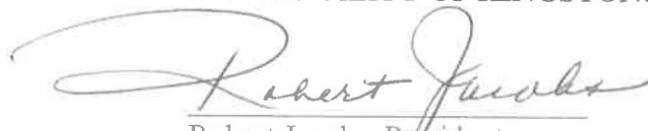
3.

This Ordinance shall become effective in conformity with Kingston Charter Section 213.

**INTRODUCED** at a special meeting of the Town Council of the Municipality of Kingston held the 20<sup>th</sup> day of February, 2024.

**ENACTED** at a special voting meeting of the Town Council of the Municipality of Kingston, Luzerne County, Pennsylvania held the 18<sup>th</sup> day of March, 2024.


FOR THE TOWN COUNCIL OF THE  
MUNICIPALITY OF KINGSTON:

  
Robert Jacobs, President

ATTEST:

  
Angela Sallemi, Secretary

APPROVED:

  
Jeffrey R. Costello, Mayor

DATE 3-18-24