

LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2022-5

AN ORDINANCE OF LEHIGH TOWNSHIP, NORTHAMPTON
COUNTY, COMMONWEALTH OF PENNSYLVANIA,
AMENDING THE LEHIGH TOWNSHIP POLICE PENSION
PLAN.

WHEREAS, it is deemed to be in the best interests of this Municipality and in the maintenance of good government that a pension program be maintained to provide for the retirement of certain municipal employees and

WHEREAS, this Police Pension Plan may be required from time to time to remain in compliance with the law and statutes of the United States Government and the Commonwealth of Pennsylvania, and

WHEREAS, the Pension Ordinances governing the pension plans need to consistent with the Collective Bargaining Agreements;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lehigh Township, as follows:

Section 1. The following sections of Ordinance 2015-7 shall be deleted in their entirety and read as follows:

A. SECTION V: NORMAL RETIREMENT

1. The benefits from the Fund shall be payable to Members who have served in the Township in a full-time capacity and who attain their Normal Retirement Date. Normal Retirement Date shall mean the first of the month coincident with or next following the attainment of the fifty-fourth (54th) birthday and the completion of twenty-five (25) years of aggregate service. Benefits commence on the first day of the month coincident with or next following actual retirement.
2. The Normal retirement age for full-time sworn police officers who were/are employed by the Township on January 1, 2021 shall be when a member reaches his or her fifty-third (53rd) birthday and the completion of twenty-five (25) years of aggregate service. Effective January 1, 2024 the Normal Retirement Age for all full-time sworn police officers employed by the Township, including any officer employed on January 1, 2021, shall revert back to and be increased to 54-years of age (with 25 years of service) as stated in paragraph A.1. Benefits commence on the first day of the month coincident with or next following actual retirement.

B. SECTION X: SERVICE-RELATED TOTAL AND PERMANENT DISABILITY

In the event of any Member's service related Total and Permanent Disability, the Member shall become eligible for a monthly disability pension as set forth below.

"Total and Permanent Disability" shall mean a service-related physical or mental condition of a Member incurred in the course and scope of employment as a Township Police Officer, which precludes him from engaging in any of the duties of a Police officer.

Officers hired prior to January 1, 2020, the monthly Total and Permanent Disability pension benefit shall be in conformity with a uniform scale and shall be equal to sixty-five percent (65%) of Average Monthly Compensation up to the date of disability. However, the disability benefit cannot be less than fifty percent (50%) of the Member's salary on the date the disability occurred, reduced by the amount of Social Security disability benefits received for the same injury. Disabilitants shall not be eligible for any cost of living increase. Disability pension benefits shall commence on the first of the month coincident with or next following the date of disability, as determined by a qualified physician selected by the Employer. Such determination shall be final and conclusive.

For all officers hired on or after January 1, 2020, the Total and Permanent Disability benefit paid from the pension plan for officers who are permanently disabled from performing police work due to an injury suffered in service in accordance with the Act 600 shall be no more than 50% of the officer's salary at the time of such disability. However, if the disabled officer also qualifies for a disability benefit under the Social Security Act due to the same injury and is deemed to be unable to engage in any gainful employment because of the disability incurred while in service as a police officer, such officer shall be entitled to a benefit equal to 65% of his or her salary at the time the disability was incurred. Any disability benefit paid under this provision shall be offset by the amount of any benefits that the officer received under the Social Security Act for the same injury.

The Employer shall have the right to require the disabled Member to undergo medical examination at monthly intervals. Disability benefit payments shall cease upon recovery from disability as determined by the Employer's physician. Disability benefit payments shall also cease upon death.

Notwithstanding the above, the wife of Ruben Heffelfinger shall receive the disability benefit described in the October 21, 2004 Settlement Agreement between Lehigh Township and the Lehigh Township Police Association.

Section 2 Effective Date

This Ordinance shall become effective immediately upon the adoption of the same by the Board of Supervisors.

Section 3, Severability

If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impact any other remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4: Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

DULY ENACTED AND ORDAINED this 3rd day of January, 2023, by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, in lawful session duly assembled.

LEHIGH TOWNSHIP
BOARD OF SUPERVISORS

Attest:



Michael Jones, Chairman



Alice A. Rehrig, Secretary