

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 04-11

ORDINANCE NO. 04-12

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 00-10 OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA TO REDEFINE "COMPENSATION" FOR POLICE PENSION BENEFIT CALCULATION PURPOSES.

WHEREAS, the Council of the City of Jeannette enacted Ordinance No. 00-01 on or about December 27, 2000, said Ordinance amending, supplementing and restating the City of Jeannette Police Pension Ordinance previously enacted in 1959; and

WHEREAS, the Council of the City of Jeannette desires to amend various Sections of Ordinance No. 00-10 to modify and adjust the definition of "compensation" consistent with the terms and provisions of 53 P.S. §39303 and existing case law.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ORDAINS AND ENACTS AS FOLLOWS:

1. Paragraph 1.07 of Ordinance No. 00-10 is hereby amended to read as follows:

"Average Compensation" shall mean the average of the monthly compensation of the participant during any five (5) continuous years of accredited service prior to termination of employment which provides the highest average, *or* the monthly *salary* of such participant at the termination from employment, which ever produces the highest rate of monthly compensation."

2. Section 1.13 of Ordinance No. 00-10 is hereby amended to read as follows:

“Compensation” shall mean the basic rate of remuneration plus longevity pay, holiday pay, night time differential, or any other over time pay (including Court time), paid to the Employee by the Employer with respect to personal services rendered as an Employee. It shall not include expense reimbursements, prescription or other healthcare reimbursements or other forms of remuneration. Amounts paid as lump sums for back pay damage awards or settlements other than to the extent that such amounts are credited to periods of time when they would have accrued or been earned, shall be excluded such that no amounts are credited in a manner which would result in duplication or remuneration for any particular period of time.

Compensation shall be limited on an annual basis for purposes of this plan to the amount specified in accordance with Code Section 401(a)(17) for government plans as adjusted under Code Section 415(d).”

3. Ordinance No. 00-10 is hereby amended to add the following paragraph 1.36:

“Salary” shall mean the basic rate of remuneration plus longevity pay, holiday pay and night time differential paid to the Employee by the Employer with respect to personal services rendered as an Employee and shall exclude all other forms of remuneration including, but not limited to overtime and expense reimbursements.”


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4. All other provisions of Ordinance No. 00-10 not referenced herein shall remain in full force and effect.


THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 13th DAY OF OCTOBER 2004, SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



John J. Kasic, Mayor/President of Council