

File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2011

Bill No. 33

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Introduced by: Michael Fleck – October 12, 2011

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Enacted by Council:

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AN ORDINANCE: Amending Sections in Chapter 110, Pensions, of the Code of the City of Easton, Pa.

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Section 110-19 H, be and it is hereby added to read as follows:

(H). Military Service.

- (1) The rights of any returning Veteran who resumes employment with the City on or after December 12, 1994 shall be modified as set forth in this Subsection. Notwithstanding the foregoing, this Subsection shall not apply if the returning Veteran is not entitled to benefits under this plan but is instead entitled to benefits under the Pennsylvania Municipal Retirement System.
- (2) The following definitions shall apply for purposes of this Subsection:
 - (a) Qualified Military Service means any service (either voluntary or involuntary) by an individual in the Uniformed Services if such individual is entitled to reemployment rights with the City with respect to such service. An individual's Qualified Military Service shall include any absence from employment necessitated by service in the Uniformed Services, including absences required to prepare for service or to recuperate from injuries sustained in active duty.
 - (b) Returning Veteran means a former employee of the City who on or after December 12, 1994, returns from Qualified Military Service to employment by the City within the period of time during which his/her reemployment rights are protected by law.
 - (c) Uniformed Services means the Armed Forces, the Army National Guard and Air National Guard (when engaged in active duty for training, inactive duty training, or full-time National Guard duty), the commissioned corps of the Public Health Service, and any other category of persons designated

by the President of the United States in time of war or emergency.

- (3) For purposes of §110-11, a returning Veteran who was participating in the plan immediately prior to his Qualified Military Service shall be deemed to have continued participating in the plan throughout his Qualified Military Service. A returning Veteran who would have become eligible to participate in the plan during the period of his Qualified Military Service, but for the resulting absence from employment, shall be deemed to have commenced participation in the plan as of the date he would have commenced participation in the plan if he had not entered in Qualified Military Service.
- (4) A returning Veteran shall receive credit for vesting service under §110-12 for the period of his Qualified Military Service and will receive service increments under §110-15; provided he makes the contributions required under (5) below.
- (5) A Returning Veteran's benefit under the plan will be increased to reflect his period of Qualified Military Service once he has made the contributions required under §110-21 in an amount equal to those which he would have made during his/her period of Qualified Military Service. Such contributions must be made during the period starting with the date of reemployment with the City and ending with (1) the expiration of a period of five years, or (2) if shorter, a period of three times the period of Qualified Military Service. Such contributions may only be made while the returning Veteran is an employee of the City and shall not include interest.
- (6) For purposes of determining the amount of a Participant's "pensionable compensation," and for applying the limits of §110-15.E, a participant's compensation during any period of Qualified Military Service shall be deemed to equal either:
 - (a) the compensation he/she would have received but for such Qualified Military Service, based on the rate of pay he/she would have received from the City; or
 - (b) if the amount described in (a) above is not reasonably certain, his average compensation from the City during the 12-month period immediately preceding the Qualified Military Service (or, if shorter, the period of employment immediately preceding the Qualified Military Service). Such amount shall be adjusted as necessary to reflect the length of the participant's Qualified Military Service.
- (7) If a returning Veteran received a distribution of all or a portion of his/her benefit as a result of his Qualified Military Service, he shall be permitted to repay the amount of such distribution, plus interest. Such repayment shall be made during the period that begins with his/her

reemployment with the City and ends with (1) the expiration of a period of five years, or (2) if shorter, a period of three times the period of Qualified Military Service, and may only be made while the returning Veteran is an employee of the City.

- (8) Effective January 1, 2007, notwithstanding any provision of the plan to the contrary, in the case of a participant who dies while performing Qualified Military Service, the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the plan had the participant resumed then terminated employment on account of death. This provision shall be applied in accordance with guidance issued under Section 401(a)(37) of the Code.
- (9) The City shall establish such rules and procedures as it deems necessary or desirable to implement the provisions of this Article, provided that they are not in violation of the Uniformed Services Employment and Reemployment Rights Act of 1994, any regulations thereunder, or any other applicable law.

SECTION 2. Section 110-34, be and it is hereby amended to include the following:

B. Requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

- (1) The rights of any returning Veteran who resumes employment with the City on or after December 12, 1994 shall be modified as set forth in this Subsection, Notwithstanding the foregoing, this Subsection shall not apply if the returning Veteran is not entitled to benefits under this plan but is instead entitled to benefits under the Pennsylvania Municipal Retirement System.
- (2) The following definitions shall apply for purposes of this Subsection:
 - (a) Qualified Military Service means any service (either voluntary or involuntary) by an individual in the Uniformed Services if such individual is entitled to reemployment rights with the City with respect to such service. An individual's Qualified Military Service shall include any absence from employment necessitated by service in the Uniformed Services, including absences required to prepare for service or to recuperate from injuries sustained in active duty.
 - (b) Returning Veteran means a former employee of the City who on or after December 12, 1994, returns from Qualified Military Service to employment by the City within the period of time during which his/her reemployment rights are protected by law.
 - (c) Uniformed Services means the Armed Forces, the Army National Guard and Air National Guard (when engaged in active duty for training, inactive duty training, or full-time

National Guard duty), the commissioned corps of Public Health Service, and any other category of persons designated by the President of the United States in time of war or emergency.

- (3) A Returning Veteran who was participating in the plan immediately prior to his/her Qualified Military Service shall be deemed to have continued participating in the Plan throughout his/her Qualified Military Service. A returning veteran who would have become eligible to participate in the Plan during the period of his/her Qualified Military Service, but for the resulting absence from employment, shall be deemed to have commenced participation in the Plan as of the date he would have commenced participation in the Plan if he/she had not entered into Qualified Military Service.
- (4) A returning Veteran shall receive credit for “years of service” for the period of his/her Qualified Military Service and will receive service increments under §110-30; provided he/she makes the contributions required under (5) below.
- (5) A returning Veteran’s benefit under the plan will be increased to reflect his/her period of Qualified Military Service once he/she has made the contributions required under §§ 110-28, 110-29.C, and 110-36 in an amount equal to those which he/she would have made during his/her period of Qualified Military Service. Such contributions must be made during a period starting with the date of reemployment with the City and ending with (1) the expiration of a period of five years, or (2) if shorter, a period of three times the period of Qualified Military Service. Such contributions may only be made while the returning Veteran is an employee of the City and shall not include interest.
- (6) For purposes of determining the amount of a Participant’s compensation, and for applying the limits of §110-38, a participant’s compensation during any period of Qualified Military Service shall be deemed to equal either:
 - (a) the compensation he/she would have received but for such Qualified Military Service, based on the rate of pay he/she would have received from the City; or
 - (b) if the amount described in (a) above is not reasonably certain, his average compensation from the City during the 12-month period immediately preceding the Qualified Military Service (or, if shorter, the period of employment immediately preceding the Qualified Military Service). Such amount shall be adjusted as necessary to reflect the length of the participant’s Qualified Military Service.
- (7) If a returning Veteran received a distribution of all or a portion of his/her benefit as a result of his/her Qualified Military Service, he/she shall be permitted to repay the amount of such distribution, plus interest. Such repayment shall be made during the period that begins

with his reemployment with the City and ends with (1) the expiration of a period of five years, or (2) if shorter, a period of three times the period of Qualified Military Service, and may only be made with the returning Veteran is an employee of the City.

- (8) The City shall establish such rules and procedures as it deems necessary or desirable to implement the provisions of this Article, provided that they are not in violation of the Uniformed Services Employment and Reemployment Rights Act of 1994, any regulations thereunder, or any other applicable law.
- C. Effective January 1, 2007, notwithstanding any provision of the Plan to the contrary, in the case of a participant who dies while performing Qualified Military Service, the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the plan had the participant resumed then terminated employment on account of death. This provision shall be applied in accordance with guidance issued under Section 401(a)(37) of the Internal Revenue Code.

SECTION 3. Section 110-54 F, be and it is hereby amended to read as follows:

F. Military Service:

- (1) The rights of any Returning Veteran who resumes employment with the City on or after December 12, 1994 shall be modified as set forth in this Subsection.
- (2) The following definitions shall apply for purposes of this Subsection:
 - (a) Qualified Military Service means any service (either voluntary or involuntary) by an individual in the Uniformed Services if such individual is entitled to reemployment rights with the City with respect to such service. An individual's Qualified Military Service shall include any absence from employment necessitated by service in the Uniformed Services, including absences required to prepare for service or to recuperate from injuries sustained in active duty.
 - (b) Returning Veteran means a former employee of the City who on or after December 12, 1994, returns from Qualified Military Service to employment by the City within the period of time during which his/her reemployment rights are protected by law.
 - (c) Uniformed Services means the Armed Forces, the Army National Guard and Air National Guard (when engaged in active duty for training, inactive duty training, or full-time National Guard duty), the commissioned corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or emergency.

- (3) For purposes of §110-53.A, a Returning Veteran who was participating in the plan immediately prior to hi/her Qualified Military Service shall be deemed to have continued participating in the plan throughout his/her Qualified Military Service. A Returning Veteran who would have become eligible to participate in the plan during the period of his/her Qualified Military Service, but for the resulting absence from employment, shall be deemed to have commenced participation in the plan as of the date he/she would have commenced participation in the plan if he/she had not entered into Qualified Military Service.
- (4) A Returning Veteran shall receive credit for “years of service” under §110-51.B for the period of his/her Qualified Military Service and will receive service increments under §110-54.B; provided he/she makes the contributions required under (5) below.
- (5) A Returning Veteran’s benefit under the plan will be increased to reflect his/her period of Qualified Military Service once he has made the contributions required under §110-53.B in an amount equal to those which he/she would have made during his/her period of Qualified Military Service. Such contributions must be made during a period starting with the date of reemployment with the City and ending with (1) the expiration of a period of five years, or (2) if shorter, a period of three times the period of Qualified Military Service. Such contributions may only be made while the Returning Veteran is an employee of the City and shall not include interest.
- (6) For purposes of determining the amount of a Participant’s “pensionable compensation,” and for applying the limits of §110-54.B(5), a participant’s compensation during any period of Qualified Military Service shall be deemed to equal either:
 - (a) the Compensation he/she would have received but for such Qualified Military Service, based on the rate of pay he/she would have received from the City; or
 - (b) if the amount described in (a) above is not reasonably certain, his average compensation from the City during the 12-month period immediately preceding the Qualified Military Service (or, if shorter, the period of employment immediately preceding the Qualified Military Service). Such amount shall be adjusted as necessary to reflect the length of the participant’s Qualified Military Service.
- (7) If a Returning Veteran received a distribution of all or a portion of his/her benefit as a result of his/her Qualified Military Service, he/she shall be permitted to repay the amount of such distribution, plus interest. Such repayment shall be made during the period that begins with his/her reemployment with the City and ends with (1) the expiration of a period of five years, or (2) if shorter, a period of three

Resolution
of the
City of Easton, Pennsylvania

No. -2011

Date: October 12, 2011

Introduced by: Salvatore J. Panto Jr.

RESOLVED, that the Council of the City of Easton, Pa. hereby authorizes the waiving of parking meter fees for November 25th and 26th, December 3rd, 10th, 17th And 24th, 2011.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
City Clerk

Signed: _____
Mayor

Resolution
of the
City of Easton, Pennsylvania

No. -2011

Date: October 12, 2011

Introduced by: Salvatore J. Panto, Jr.

RESOLVED that the Council of the City of Easton, Pa., approves the appointment of Robert Walker, 2764 Queen Street, Easton Pa. to the Easton Suburban Water Authority with a term of office to expire on the 1st Monday of January 2016.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
City Clerk

Signed: _____
Mayor

Resolution
of the
City of Easton, Pennsylvania

No.

Date: October 12, 2011

Introduced by: Kenneth Brown

RESOLVED, that the Council of the City of Easton, Pa. has reviewed and approves a Contract, copy attached hereto, between the City of Easton and Crimson Fire Inc., for the purchase of a Crimson Transformer Rescue Pumper, at a cost not to exceed \$493,352.

BE IT FURTHER RESOLVED, that Council authorizes the Mayor and City Controller to sign said Contract on behalf of the City and the City Clerk to attest to same.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
City Clerk

Signed: _____
Mayor