

CHAPTER 83. MUNICIPAL EMPLOYES

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Cross References

This chapter cited in 16 Pa. Code § 81.2 (relating to applicability of regulations).

§ 83.1. [Reserved].

§ 83.2. [Reserved].

§ 83.3. Compulsory and optional membership.

(a) Each municipality shall determine, subject to review and approval by the Board, the eligibility of its employes for membership in the System.

(b) If membership in a plan is optional, the municipality shall advise affected employes of the option and, within 1 year after the optional membership is available to the employe, the employe shall exercise the option or indicate in writing that membership in the plan is not elected. The action is irrevocable during the period of the continuous service of the employe.

(c) Each municipality shall supply the Board with its rules regarding a probationary period for plan membership and the period shall be uniform for all employes. An employe in the probationary status, if subsequently enrolled as a member may not be eligible for service credit for the time served in the probationary period.

Source

The provisions of this § 83.3 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260165) to (260166).

§ 83.4. [Reserved].

Source

The provisions of this § 83.4 reserved June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260166) to (260168).

§ 83.5. [Reserved].**Source**

The provisions of this § 83.5 reserved June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial page (260168).

§ 83.6. Contributions by members.

Contributions required to be made by a member may not be paid by the municipality under any circumstances other than the provisions of section 414(h)(2) of the Internal Revenue Code (26 U.S.C.A. § 414(h)(2)). If an employe is simultaneously employed by more than one municipality or in positions that make the individual eligible for membership in more than one plan, the member shall receive credit for concurrent service for each plan and the member's compensation for each plan shall be considered separately for benefit purposes.

Source

The provisions of this § 83.6 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260168) to (260169).

§ 83.7. Purchase requirements for previous service.

A former contributor who has withdrawn total accumulated deductions may, upon a subsequent return to service, restore to the Fund those accumulated deductions representing that member's previous service and continue accruing service credits for service rendered subsequent to the return to service, provided the member pays the amount due thereon plus regular interest up to the date of purchase in a lump sum within 30 days after billing, or through salary deductions amortized with regular interest through a repayment period of not more than 5 years, provided that regular interest is charged through the repayment period chosen by the member and approved by the Board.

Source

The provisions of this § 83.7 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260169) to (260170).

§§ 83.8—83.10. [Reserved].**Source**

The provisions of these §§ 83.8—83.10 reserved June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260170) to (260171).

§ 83.11. Options on superannuation or early retirement.

(a) Once a member has filed an application for a benefit, and the member has received and cashed the first benefit payment check, the selected retirement benefit option of the member shall be irrevocable unless the retired member returns

to active service to the plan from which the member retired. Only the member may change a benefit option.

(b) A plan enrolled in the system may not allow for the present value of a living member's benefit to be paid in one lump sum. The municipal portion of the annuity payment shall be paid in a monthly annuity payment option.

Source

The provisions of this § 83.11 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial page (260171).

§ 83.12. Disability retirement.

(a) Disability applications shall be accompanied by medical documentation on forms supplied by the Board to enable the Board's medical examiners to review and determine whether the applicant is medically disabled and prohibited from engaging in a gainful occupation.

(b) The Board may require the earnings reports as it deems necessary to insure that a disability annuitant is unable to engage in a gainful occupation.

Source

The provisions of this § 83.12 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260171) to (260172).

§ 83.13. [Reserved].

Source

The provisions of this § 83.13 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial page (260172).

§ 83.14. [Reserved].

Source

The provisions of this § 83.14 amended June 23, 2000, effective June 24, 2000, 30 Pa.B. 3168. Immediately preceding text appears at serial pages (260172) to (260173).

§ 83.15. Procedures for amending contracts.

Upon application, a municipality may upgrade its benefits under Article II of the law (53 P. S. §§ 881.201—881.215) by entering into a contract with the Board under the benefit provisions available under Article IV of the law (53 P. S. §§ 881.401—881.413). The Board will not, and the municipality may not, enter into a contract which decreases benefits or which provides benefits in excess of that available under the law or another existing law pertaining to that class of municipality. A plan to upgrade benefits shall, prior to its approval, be determined by the actuary to be actuarially sound. Additional costs or benefit increases shall be the responsibility of the municipality and its member employees based upon the benefit plan selected and approved by the Board.

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