

ORDINANCE NO. 51

TOWNSHIP OF HAYCOCK

ORDINANCE PROVIDING FOR THE ADOPTION AND  
REGULATION OF AN EMPLOYEE PENSION PROGRAM  
FOR THE FULL-TIME NON-UNIFORMED EMPLOYEES  
OF HAYCOCK TOWNSHIP, PENNSYLVANIA.

WHEREAS, it is deemed in the best interest of Haycock Township (hereinafter referred to as "Municipality") and the maintenance of good government that a pension plan be established to provide for the retirement of certain members of the non-uniformed employees;

NOW, THEREFORE, BE IT ORDAINED by the governing body of this Municipality as follows:

SECTION 1 - ELIGIBILITY

1.00 The following persons shall be entitled to receive pension or retirement benefits as hereinafter provided:

(a) Each non-uniformed employee employed by this Municipality on a full-time basis (at least thirty-five (35) regularly scheduled hours per week) who shall have completed twenty (20) years of service and has attained the age of sixty-five (65) years, whichever comes later.

1.01 Any non-uniformed employee who has been a regularly appointed employee of this Municipality for a period of at least six (6) months and who thereafter shall enter into the military service of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six (6) months after his separation from the service.

SECTION 2 - RETIREMENT BENEFITS

2.00 The amount of the pension or retirement benefit payable to any non-uniformed employee under this program shall be a sum equal to one-half of one percent (1%) for each year of service (to a maximum of forty (40) years) times the average compensation for the twenty-four (24) month period immediately preceding retirement. Pension payments made under the provisions of this Ordinance shall not be a charge on any other fund in the treasury of the Municipality or under its control, save the non-uniformed pension fund.

### SECTION 3 - EARLY RETIREMENT

3.00 A participant may retire early after he or she has attained the age of fifty-five (55) years and has completed twenty (20) years of service, whichever comes later.

### SECTION 4 - CONTRIBUTIONS

4.00 No participant shall be required to contribute into the pension fund established hereunder.

### SECTION 5 - VESTING

5.00 The Municipality shall be the owner of all monies or property paid into the fund or annuities or policies purchased from insurance companies hereunder and the owner of any insurance and retirement income contracts acquired hereunder, and no participant prior to retirement shall have any right or interest in any portion of said monies or property, provided, however, that each participant shall be entitled to designate a beneficiary. In the event of the termination or discontinuance of his employment with the Municipality for reasons other than retirement or death, each participant whose employment equals or exceeds twelve (12) years shall be entitled to retain a non-forfeitable right to a percentage (equal to the number of years of employment over the number of years the participant would have had to work to reach normal retirement age) of the retirement income attributable to employer contributions and accrued before termination.

### SECTION 6 - PRE-RETIREMENT DEATH BENEFIT

6.00 In the event any participant dies prior to his or her retirement or termination of employment, his or her designated beneficiary shall receive a pre-retirement death benefit in the amount of \$10,000.00.

### SECTION 7 - ADMINISTRATION

7.00 The employee pension fund shall be under the direction of the governing body of the Municipality or such committee or persons as the governing body of the Municipality may from time to time designate by Ordinance, who shall act as Trustees of the pension fund. The governing body or its Trustees shall have full responsibility for administration of the program established hereunder and shall hold, invest, reinvest, and distribute all funds or other property received pursuant hereto in trust for the purposes of this Ordinance. The Board of Supervisors or their designated Trustees may receive at any time and from time to time, gifts, grants, devices or bequests to the pension fund of any money or property, real, personal or mixed, to be held by them in trust for the benefit of this fund and in accordance with the provisions hereof.

## SECTION 8 - TRANSFER OR ASSIGNMENT

8.00 The pension payments, herein provided for, shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the participant or his designated beneficiary. No participant or his beneficiary shall have the right to alienate, encumber, or assign any assets of the fund held by the Municipality on his behalf, or any of the benefits or payments or proceeds of any contract or agreement purchased or acquired by the Municipality hereunder.

8.01 Any contract or agreement purchased or acquired pursuant to this Ordinance upon the life of such participant shall contain a provision, in substance, that to the extent permitted by law, none of the benefits or payments or proceeds of such contract or agreement shall be subject to any legal process by any creditor of such participant or beneficiary of such participant.

## SECTION 9 - PRIOR PENSION ASSETS AND BENEFITS

9.00 All contracts, agreements or funds held by the Municipality for the purpose of providing pensions, annuities or retirement income or any of them, on any non-uniformed employees who shall be a participant in the program herein established shall be and hereby are transferred and assigned to the fund herein created. After such transfer, the employee pension fund shall assume the liability, if any, of continuing the payment of pensions to employee's retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

## SECTION 10 - EXPENSE OF ADMINISTRATION

10.00 The expense of administering this pension fund program, including compensation of any actuary, any custodian of the fund and any other charges or expenses related thereto, exclusive of the payment of pensions, shall be paid by the Municipality by appropriations made by the governing body of the Municipality.

## SECTION 11 - VALIDITY

11.00 Should any section or any provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such invalidity shall not affect the Ordinance as a whole or any part thereof.

## SECTION 12 - EFFECTIVE DATE

12.00 This Ordinance shall become effective as of <sup>25</sup>January 1, 1986.

SECTION 13 - REPEALER

13.00 Any Ordinance and/or Resolution or part of any Ordinance and/or Resolution conflicting with the provisions of this Ordinance shall be and the same is hereby repealed, insofar as the same affects this Ordinance.

BE IT SO ORDAINED THIS 17th day of March, 1986.

WITNESS:

Joyce R. Hunsberger  
Joyce R. Hunsberger  
Secretary

TOWNSHIP OF ~~MAYCOCK~~

Nathaniel Ostroff  
Nathaniel Ostroff

Ronald W. Walters  
Ronald Walters

Kathleen Babb  
Kathleen Babb

PENSION PLAN EFFECTIVE DATE (1-1-85)