

ORDINANCE NO. 2014- 2
BOROUGH OF PORT CARBON
SCHUYLKILL COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE BOROUGH OF PORT CARBON,
SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE CODE OF
ORDINANCES, 2008-1, ENTITLED POLICE PENSION FUND, BY
PROVIDING CHANGES TO THE DEFINITION OF DISABILITY.**

WHEREAS, the Borough of Port Carbon previously established the Borough of Port Carbon Police Pension Plan; and

WHEREAS, the Borough of Port Carbon wishes to amend the definition of disability as provided by the Borough of Port Carbon Police Pension Plan; and;

NOW THEREFORE, be it ordained and enacted by the Borough of Port Carbon as authorized by Section 9.2 of the Borough of Port Carbon Police Pension Plan ("Plan") as previously amended and restated, the Plan .is hereby amended in the following manner:

FIRST: Section 3.6 is amended to read as follows:

Section 3.6-Disability Retirement

If an actively employed participant suffers a service-connected disability and is unable to perform his normal duties prior to his normal retirement date, he may receive a disability benefit under the plan. Such disabled participant shall be entitled to a monthly disability benefit equal to 50% of average monthly compensation, or 50% of the participant's monthly salary at the time the disability was incurred, if greater.

Disability benefit payments shall cease upon death or upon recovery from disability prior to the date on which the disabled participant would have reached his normal retirement date if he had continued as an active participant under the plan. If disability benefits cease due to death before the participant's attainment of his normal retirement date, the death benefit payable shall be the survivor's benefit (if any) described in Section 4.2(b), without any reduction with respect to disability payments that have been made. For the purpose of determining whether there has been a recovery, the plan administrator may require evidence of continued disability. Such evidence may include examination by a doctor selected by the plan administrator. The participant's refusal to submit to medical examinations shall render him ineligible for disability benefits.

If disability continues until attainment of normal retirement date, the disability benefit shall continue until death.

Disability means inability to engage in any substantial gainful activity for which the participant is reasonably fitted through training, education, and experience by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months and that is the result of the performance of police services for the employer. The permanence and degree of the impairment shall be supported by medical evidence. The plan administrator shall determine whether the participant is disabled as defined hereunder after consultation with a physician chosen by the plan administrator. The physician shall examine the participant at the participant's place of residence or at a place mutually agreed upon. In the administration of this Section, all employees shall be treated in a uniform manner in similar circumstances.

In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

ORDAINED AND ENACTED into an Ordinance this 11th day of November 2014.

PORT CARBON BOROUGH

ATTEST:



SANDRA PALOKAS

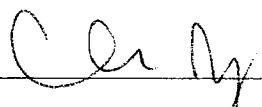
Borough Secretary

(Seal)

BY: 

HAROLD HERNDON, Council President

APPROVED on the date above written.



CHARLES JOY, Mayor