

ORDINANCE NO. 2025-05

AN ORDINANCE OF PLUMSTEAD TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING ITS CODE OF ORDINANCES, CHAPTER 1, PART 6, ARTICLE A, CLARIFYING THE EXCLUSION OF LUMP-SUM PAYMENTS INTO THE CALCULATION OF SALARY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

BACKGROUND

**WHEREAS**, Plumstead Township, by Ordinance No. 2005-08, declared its intent to withdraw its police pension plan from the Pennsylvania Municipal Retirement System, and to provide for an Act 600 police pension plan; and

**WHEREAS**, Plumstead Township, in consultation with the police Collective Bargaining Unit, has created a police pension plan in accordance with the Police Pension Fund Act, 53 P.S. 767, *et seq.* ("**Act 600**"); and

**WHEREAS**, Article A of the Police Pension Ordinance, §§1-601 to 1-610.1 of the Plumstead Township Code, defines "salary" to the exclusion of lump sum payments; and

**WHEREAS**, since the amendment of the Police Pension Ordinance to exclude lump sum payments from "salary," ambiguity has developed with respect to whether said lump sum payments were meant to exclude all lump-sum payments or just those based upon paid time off accrued outside of the years for which salary is to be determined; and

**WHEREAS**, the current Collective Bargaining Agreement limits the amount of vacation buyback available to an officer to up to ninety-six (96) hours per year and limits vacation carry over to forty-eight (48) hours per year (*see* Collective Bargaining Agreement 2024-2027 Article VII); and

**WHEREAS**, the terms of the Collective Bargaining Agreement restrict the ability of an officer to bank years of paid time off and artificially skew salary calculations.

**NOW, THEREFORE**, the Board of Supervisors of Plumstead Township hereby **ORDAINS** and **ENACTS** the following Ordinance:

**I. SALARY DEFINITION AMENDMENT**

Chapter 1, Part 6, Article A, Section 1-604.2B of the Plumstead Township Code, relating to "Calculation of Benefit" shall be revised to clarify the prohibition of utilizing lump-sum payouts toward the calculation of average monthly salary. The revised §1-604.2B shall read as follows, with stricken language removed and italicized language added:

- B. For the purposes of computing the average monthly salary under this section and § 1-605, Subsection 2 (Disability Retirement), the term "salary" shall mean and include the following: regular base pay or base salary, longevity salary, overtime pay for overtime worked in the line of duty, holiday shift pay, callback pay, court appearance pay for a court appearance in the line of duty but while off duty, and education pay. However, one-time lump-sum payments for accrued but unused leave time, such as remuneration for unused vacation days or sick time, shall not be counted as salary *unless said payments result from unused leave time accrued in the calendar year for which salary is to be determined* ~~and shall not be used in making the computation, nor shall any member contributions required under § 1-603, Subsection 2, above be withheld from such sums. Lump-sum payments which compensate for unused leave time accrued outside of the time period set forth in §1-604.2A shall not be used in the computation of "salary," nor shall any member contributions for that time period otherwise required under §1-603, Subsection 2, above.~~

## II. REPEALER

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed only to the extent of any inconsistency.

## III. SEVERABILITY

The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.

## IV. EFFECTIVE DATE

This Ordinance shall be effective immediately after enactment.

**ENACTED** and **ORDAINED** this 13 day of August, 2025.

SIGNATURE PAGE

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PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS

  
James McComb, Chair

  
Daniel Hilferty, Vice Chair

  
Gregory Bankos, Member

  
Matthew Given, Member

  
Kenneth Lichtenstein, Member

Attest:   
Stacey Mulholland  
Township Manager