

RESOLUTION NO. 3 - 2020

A RESOLUTION OF FOREST CITY BOROUGH, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES. IT IS HEREBY ORDAINED BY FOREST CITY BOROUGH, SUSQUEHANNA COUNTY, AS FOLLOWS:

SECTION I. Forest City Borough (the Borough), having established a non-uniform pension plan administered by the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Non-Uniform Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

SECTION II. As part of this Resolution, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Non-Uniform Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Borough effective as of the date specified in the adoption agreement (the Contract).

SECTION III. The Borough acknowledges that by passage and adoption of this Resolution, the Borough officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

SECTION IV. Payment for any obligation established by the adoption of this Resolution and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.


SECTION V. The Borough intends this Resolution to be the complete authorization of the Contract, as amended and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the Contract, as amended.

SECTION VI. A duly certified copy of this Resolution and an executed Contract shall be filed with the System.

ORDAINED this 11th day of May, 2020

TALLY OF VOTES – YEAS 4 NAYS 0

ATTEST:


Sharon M. Vannan, Borough Secretary/Treasurer


Nicholas H. Cost, Council President

Reviewed by PMRS Legal Counsel _____

**PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM
DEFINED BENEFIT PLAN
Adoption Agreement**

The undersigned, Forest City Borough, Pennsylvania ("Municipality"), by executing this Adoption Agreement, elects to establish its own single employer plan within the meaning of Code Section 401(a) in the Pennsylvania Municipal Retirement System (the "System") and hereby adopts the accompanying Base Plan Document and Trust documents in full as if the Municipality were a signatory to those agreements. The Municipality makes the following elections granted under the provisions of the Base Plan Document..

TYPE OF PLAN ADOPTION

- New Plan Effective Date:** _____
(Effective date of newly-adopted Plan. Date cannot be earlier than the first day of the initial Plan Year)
- Restatement Effective Date:** April 1, 2020
(Effective date of this Plan document which restates and supersedes previous PMRS Plan document or Original Plan document. Date cannot be earlier than (1) the first day of the 2008 Plan Year; or (2) the first day of the first Plan Year of the PMRS Plan or Original Plan as applicable.)
- PMRS Plan Effective Date:** November 1, 2000
(Effective date of Plan initially administered by PMRS and restated under this document.)
- Original Plan Effective Date:** November 1, 2000
(Effective date of Plan initially administered by Municipality or third party administrator or PMRS and restated under this document.)

ARTICLE I: DEFINITIONS

Any capitalized terms used in this Adoption Agreement but not defined herein shall be given the meaning set forth in the Base Plan Document and Trust.

1.23 COMPENSATION.

The total amount of all payments, direct or indirect, made by the Municipality to an Member for services rendered to the Municipality, for a calendar year which ends within a Plan Year, as defined in Code Section 3401(a) for purposes of tax withholding at the source (as reported to the Employee on Form W-2 for such year). Compensation shall include before-tax or salary deferral contributions made to this Plan or any other plan of the Municipality, under a Code Section 132(f)(4) qualified transportation plan or under Code Sections 125, 402(g)(3), 457 or 414(h), on behalf of a Member for such Plan Year. The term Compensation shall **exclude** the following (select all exclusions):

- Overtime (as defined under the Fair Labor Standards Act)
- Bonus Payments (Regular)
- Bonus Payments (Special)
- Unused Accrued Leave Payments
(if unused accrued leave is included for purposes of Compensation, it should be excluded for purposes of calculation of Credited Service under Section 1.24)
- Unused Sick Leave Payments
(if unused sick leave is included for purposes of Compensation, it should be excluded for purposes of calculation of Credited Service under Section 1.24)
- Payments under the "The Pennsylvania Workmen's Compensation Act"

- Incentive Payments
 - Education Incentive Payments
 - Longevity Payments
 - Payments in Lieu of Offered Benefits
 - Allowance for Meals
 - Allowance for Clothing and/or Equipment
 - All other Compensation except regular salary not otherwise enumerated in the Base Plan Document or in this Adoption Agreement
 - Other (Specify Short Name) : _____
- Definition:**

1.24 CREDITED SERVICE.

Method of Measurement (Select One)

- Hours of Service Method
- Elapsed Time Method

Adjustments to Credited Service

Include Exclude

Maximum years of Credited Service

-- X

Maximum Years: _____

Unused sick leave

-- X

(converted to Credited Service under the following formula:
_____)

(if included for purposes of Credited Service, should be excluded for purposes of Compensation under Section 1.23)

Unused annual leave

-- X

(converted to Credited Service under the following formula:
_____)

(if included for purposes of Credited Service, should be excluded for purposes of Compensation under Section 1.23)

Worker's Compensation Leave

X --

Service as Employee before the Municipality's PMRS Plan Enrollment Date

X --

Service as Employee before the Original Plan Effective Date

X --

Service as Employee under the non-PMRS Original Plan

-- X

Service as Employee before the terminated Prior Plan of Municipality

-- X

Service as Employee under the terminated Prior Plan of Municipality

-- X

Service as Employee after the terminated Prior Plan of Municipality

-- X

Name of terminated Prior Plan: _____

Service as Employee before the merged Prior Plan of Municipality

-- X

Service as Employee under the merged Prior Plan of Municipality

-- X

Service as Employee after the merged Prior Plan of Municipality

-- X

Name of merged Prior Plan: _____

1.34 ELIGIBILITY SERVICE.

Method of Measurement (Select One)

- Hours of Service Method
- Elapsed Time Method

1.35 EMPLOYEE.

Plan Type (Select one)

- Municipal Police Officers
- Municipal Firefighters
- Non-Uniform Municipal Employees (Select all that apply)

Eligible Employees for Mandatory Membership (Select all that apply)

- Full-time Employees not subject to a collective bargaining agreement with a bargaining unit authorized with the Municipality
Defined as regularly scheduled to perform at least forty (40) Hours of Service per week

- Full-time Employees subject to a collective bargaining agreement with one of the specified bargaining units below authorized with the Municipality:
Defined as regularly scheduled to perform at least _____ (_____) Hours of Service per week

- Elected Officials (Employee employed exclusively by virtue of election and employed concurrent with a term of office)
- Temporary Employees (Employee expressly hired for a definite period less than _____ (_____) months (must be less than twelve (12))
- Seasonal Employees (Employee expressly hired for a specific task for a duration of less than twelve (12) months)
- Part-time Employees regularly scheduled for _____ (_____) or more hours per week

Eligible Employees for Optional Membership/Employee Election (Select all that apply)

- No Eligible Employees
- Elected Officials (Employees employed exclusively by virtue of election and employed concurrent with a term of office)
- Temporary Employees (Employee expressly hired for a definite period less than _____ (_____) months (must be less than twelve (12))
- Seasonal Employees (Employee expressly hired for a specific task for a duration of less than twelve (12) months)
- Part-time Employees regularly scheduled for _____ (_____) or more hours per week

Ineligible Employees

- All individuals not otherwise identified as Eligible Employees in this Section
- Individuals specified as follows:

(Category cannot be age or service-based and cannot name specific individuals or a finite group)
The average annual annualized Compensation earned and paid during the:

1.38 FINAL AVERAGE SALARY. (Select One)

The average annual annualized Compensation earned and paid during the:

- Average Monthly Compensation
_____ (____) consecutive calendar months of the most recent _____ (____)
consecutive calendar months of Credited Service which produces the highest Final Average Salary
- Average Annual Compensation
_____ (____) consecutive calendar years of the most recent _____ (____)
consecutive calendar years of Credited Service which produces the highest Final Average Salary
- Final Monthly Compensation
Thirty-six (36) most recent consecutive calendar months of Credited Service
which determines the Final Average Salary

1.41 HOURS OF SERVICE.

- An Employee shall be awarded a Year of Service upon completion of _____ (____) Hours
of Service.
(The number of Hours of Service cannot exceed 2,000.) .

1.61 NORMAL RETIREMENT AGE (Applicable to In-Service Distributions)

- In-Service Distributions Not Allowed
- In-Service Distributions Allowed in Accordance with Section 10.05
(Continuing Employment after Normal Retirement Age)
- In-Service Distributions Allowed in Accordance with Section 10.06
(Re-employment after Benefit Commencement Date)

Normal Retirement Age for Allowable In-Service Distributions

- Eligible Employees (Select all that apply below)
 - Date the Member attains age sixty-five (65)
 - Date the Member attains age sixty-two (62)
 - The later of the date:
 - Member attains age sixty (60) and
 - Member completes five (5) Years of Vesting Service
 - The later of the date:
 - Member attains age fifty-five (55) and
 - Member completes ten (10) Years of Vesting Service

- Date the Member's age plus completed Years of Vesting Service equals or exceeds eighty (80)
- Date the Member's age plus completed Years of Vesting Service equals or exceeds _____ (____) (The numerical value shall not be less than eighty (80))
- Date the Member completes twenty-five (25) Years of Vesting Service (Must be combined with one of the other options)

To use the three options below, the date the Member meets the specified conditions cannot be greater than the date the member attains age 65 nor less than the date the member attains age 55 and, in any event, may not be less than the representative typical retirement date for such Member's occupation.

- Date the Member attains age _____ (____):
- The later of the date:
 - Member attains age _____ (____)
 - Member completes _____ (____) Years of Vesting Service

-- Other: _____

-- Police Officers, Firefighters and other qualified public safety employees as defined under Code Section 72(t)(10) have the following additional options (Select all that apply below)

- Date the Member attains age fifty (50)
- Date the Member completes twenty (20) Years of Vesting Service
- Date the Member's age plus completed Years of Vesting Service equals or exceeds seventy (70)
- Date the Member's age plus completed Years of Vesting Service equals or exceeds _____ (____) (The numerical value shall not be less than seventy (70))

To use the three options below, the date the Member meets the specified conditions cannot be greater than the date the member attains age 65 nor less than the date the member attains age 50 and, in any event, may not be less than the representative typical retirement date for such Member's occupation.

- Date the Member attains age _____ (____):
- The later of the date:
 - Member attains age _____ (____)
 - Member completes _____ (____) Years of Vesting Service

-- Other: _____

(Normal Retirement Age designation cannot be earlier than Superannuation Retirement Pension eligibility under Section 5.01.)

1.69 PLAN.

Plan name as adopted by the Municipality:

Forest City Borough Non-Uniform Defined Benefit Plan

1.70 PLAN ENTRY DATE.

- Employee's Employment Commencement Date
- After Completion of Eligibility Criteria under Section 2.01
 - First day
 - First day of the following month
 - First day of the following calendar year quarter
 - First day of following calendar year
 - Other: _____

(Option must be completed in a manner that results in Member entering Plan on the earlier of: (i) the first day of the plan year beginning after the date on which the employee has met the minimum age and service requirements; or (ii) six month after the date the requirements are met.)

1.71 PLAN YEAR

The Plan Year shall be the:

- Calendar Year
- Twelve month period beginning _____ and ending _____

1.97 VESTING SERVICE.

Method of Measurement (Select One)

- Hours of Service Method
- Elapsed Time Method

Adjustments to Vesting Service

	<u>Include</u>	<u>Exclude</u>
Service as Employee before the Municipality's PMRS Plan Enrollment Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Service as Employee before the Original Plan Effective Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Service as Employee under the non-PMRS Original Plan	<input type="checkbox"/>	<input type="checkbox"/>
Service as Employee before the terminated Prior Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service as Employee under the terminated Prior Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service as Employee after the terminated Prior Plan Name of terminated Prior Plan: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service as Employee before the merged Prior Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service as Employee under the merged Prior Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service as Employee after the merged Prior Plan Name of merged Prior Plan: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ARTICLE II: MEMBERSHIP

2.01 MEMBERSHIP ELIGIBILITY.

Eligibility Date (Select One)

- Employee's Employment Commencement Date
- Date on which the Employee completes _____ (____) months of Eligibility Service
- Date on which the Employee completes _____ (____) days of Eligibility Service
- Other date (specify): _____
(Service requirements cannot exceed twelve (12) months.)

ARTICLE III: MUNICIPALITY CONTRIBUTIONS

3.03 TIME OF PAYMENT OF CONTRIBUTION.

Contribution And Reporting Remittance (Select One)

- On an annual basis (not later than December 31)
- At the same time and frequency of Member's contributions as specified in Section 4.01 or Section 4.02

ARTICLE IV: MEMBER CONTRIBUTIONS

4.01 MEMBER PRE-TAX PICK-UP CONTRIBUTIONS.

Contribution Requirement (Select One)

- Not Required
- Required in an amount equal to _____ percent (____%) of Compensation

Contribution And Reporting Remittance (Select One)

- On a payroll basis
- Per Weekly Period
 - Per Bi-Weekly Period
 - Per Semi-Monthly Period
 - Per Monthly Period
 - Per Other Period: _____
- On a monthly basis
- On a quarterly basis

4.02 MEMBER AFTER-TAX CONTRIBUTIONS.

Contribution Requirement (Select all that apply)

- Not Permitted
- Required in an amount equal to five percent (5.00) of Compensation (Section 4.02(a))

Contribution And Reporting Remittance (Select One)

- On a payroll basis
- Per Weekly Period
 - Per Bi-Weekly Period
 - Per Semi-Monthly Period
 - Per Monthly Period
 - Per Other Period: _____
- On a monthly basis
- On a quarterly basis

4.03 OTHER MEMBER CONTRIBUTIONS.

Service Purchase Contributions (Select one)

- Not Permitted
- Permitted

Prior Plan Transfer Contributions (Select one)

- Not Permitted
- Permitted

Prior Plan Termination Contributions (Select one)

- Not Permitted
- Permitted

(Such contributions shall be subject to the limits on the purchased Permissive Service Credit (including Non-Qualified Service Credit) set forth in Article XI of the Base Plan Document.)

4.08 REPAYMENT OF MEMBER ACCOUNT.

Minimum Repayment Amount (Select one)

- An amount not less than one-hundred percent (100 %) of the previously refunded amount including interest
- An amount equal to the lesser of (a): the repayment for one (1) year of Credited Service or (b): 100% of the previously refunded amount including interest

Repayment Time Period (Select one)

- At any time between the Member's Reemployment Commencement Date and the Member's subsequent Termination of Employment
- Repayment (not to exceed five (5) years) must be made within (complete only one) :
- Ninety (90) days of the Member's Reemployment Commencement Date
 - _____ (_____) months of the Member's Reemployment Commencement Date
 - _____ (_____) years of the Member's Reemployment Commencement Date

ARTICLE V: SUPERANNUATION RETIREMENT PENSION

5.01 OFFERING OF SUPERANNUATION RETIREMENT PENSION.

- Eligible Employees (Select all that apply below)
 - Date the Member attains age sixty-five (65)
 - Date the Member attains age sixty-two (62)
 - The later of the date:
 - Member attains age sixty (60) and
 - Member completes five (5) Years of Vesting Service
 - The later of the date:
 - Member attains age fifty-five (55) and
 - Member completes ten (10) Years of Vesting Service
 - Date the Member's age plus completed Years of Vesting Service equals or exceeds eighty (80)
 - Date the Member's age plus completed Years of Vesting Service equals or exceeds _____ (____) (The numerical value shall not be less than eighty (80))
 - Date the Member completes twenty-five (25) Years of Vesting Service (Must be combined with one of the other options)

To use the three options below, the date the Member meets the specified conditions cannot be greater than the date the member attains age 65 nor less than the date the member attains age 55 and, in any event, may not be less than the representative typical retirement date for such Member's occupation.

- Date the Member attains age _____ (____):
- The later of the date:
 - Member attains age _____ (____)
 - Member completes _____ (____) Years of Vesting Service
- Other: _____
- Police Officers, Firefighters and other qualified public safety employees as defined under Code Section 72(t)(10) shall have the following additional options (Select all that apply below)
 - Date the Member attains age fifty (50)
 - Date the Member completes twenty (20) Years of Vesting Service
 - Date the Member's age plus completed Years of Vesting Service equals or exceeds seventy (70)
 - Date the Member's age plus completed Years of Vesting Service equals or exceeds _____ (____) (The numerical value shall not be less than seventy (70))

To use the three options below, the date the Member meets the specified conditions cannot be greater than the date the member attains age 65 nor less than the date the member attains age 50 and, in any event, may not be less than the representative typical retirement date for such Member's occupation.

- Date the Member attains age _____ (____):

- The later of the date:
 Member attains age _____ (____)
 Member completes _____ (____) Years of Vesting Service
- Other: _____

5.02 AMOUNT OF SUPERANNUATION RETIREMENT PENSION.

Shall be calculated using the following Pension Benefit Formula(s):

For Basic Benefit (Select all that apply)

- Maximum Annual Benefit Amount
 _____ percent (____%) of Member Final Average Salary
- Single Tiered Formula (Unit Credit Plan)
 Member Final Average Salary multiplied by **one** _____ percent
 (**1.00** %) multiplied by the Member Years of Credited Service
 Fixed amount of _____ dollars (\$ _____) multiplied by the Member
 Years of Credited Service
- Multi-Tiered Formula (Unit Credit Plan)
 Member Final Average Salary multiplied by _____ percent (____%)
 multiplied by the Member Years of Credited Service during the period
 _____ to _____
 Member Final Average Salary multiplied by _____ percent (____%)
 multiplied by the Member Years of Credited Service during the period
 _____ to _____
 Member Final Average Salary multiplied by _____ percent (____%)
 multiplied by the Member Years of Credited Service during the period
 _____ to _____

For Service Increment Benefit (Select one)

- Not Permitted
- Two and one half percent (2.5%) of the Basic Benefit multiplied by completed Years of Credited Service in excess of twenty-five (25) subject to a maximum Service Increment Benefit of one-thousand two hundred dollars (\$1,200) annually
- Two and one half percent (2.5%) of the Basic Benefit multiplied by completed Years of Credited Service in excess of twenty-five (25) subject to a maximum Service Increment Benefit of one-thousand two hundred dollars (\$1,200) annually for each year of applicable Credited Service up to a maximum five (5) additional years of such Credited Service
- Fixed dollar amount of one-thousand two hundred dollars (\$1,200) annually after completion of one (1) Year of Credited Service in excess of twenty-five (25)

(Benefit accrual rate must be no less than 0.5% of Final Average Salary per year of Credited Service inclusive of Service Increment Benefit, if any)

5.04 INVOLUNTARY/VOLUNTARY LUMP SUM PAYMENT OF SUPERANNUATION RETIREMENT PENSION.

Involuntary Lump Sum Payment (Amounts less than \$5,000)

- Required
- Not Required

Voluntary Lump Sum Payment (Amounts less than \$5,000)

- Permitted
- Not Permitted

ARTICLE VI: EARLY RETIREMENT PENSION

6.01 OFFERING OF EARLY RETIREMENT PENSIONS.

The Plan offers: (Select all that apply)

- No Early Retirement Pension
- An Unreduced Early Retirement Pension
- A Reduced Early Retirement Pension

6.02 ELIGIBILITY FOR EARLY RETIREMENT PENSION.

For Unreduced Early Retirement Pension (Select all that apply)

- Date the Member attains _____ (____) years of age
- Date the Member completes _____ (____) years of Vesting Service
- Date the Member age plus the Member Years of Vesting Service equals or exceeds _____ (____)
- The later of the date:
 - Member attains _____ (____) years of age
 - Member completes _____ (____) years of Vesting Service
- Date the Member is involuntarily terminated (provided that the Member has at least eight (8) years of Vesting Service)

For Reduced Early Retirement Pension (Select all that apply)

- Date the Member attains _____ (____) years of age
- Date the Member completes twenty (20) years of Vesting Service
- Date the Member age plus the Member Years of Vesting Service equals or exceeds _____ (____)
- The later of the date:
 - Member attains _____ (____) years of age
 - Member completes _____ (____) years of Vesting Service
- Date the Member is involuntarily terminated (provided that the Member has at least eight (8) years of Vesting Service)

(Eligibility criteria selected must be earlier than eligibility criteria for Superannuation Retirement Pension under Section 5.01.)

6.03 AMOUNT OF EARLY RETIREMENT PENSION.

For Reduced Early Retirement Pension/Pension Benefit Reduction Factors (Select one)

Pension benefit reduction for each month between the Benefit Commencement Date and the Member Superannuation Retirement Date

- Actuarial Reduction using Actuarial Equivalence as defined in Section 1.04 of the Base Plan Document
- Annual rate of _____ percent (____ %)
- Other reductive factor or schedule (must be uniform to all Members) (specify):

ARTICLE VII: DISABILITY PENSION

7.01 OFFERING OF DISABILITY PENSION.

The Plan offers: (Select all that apply)

- No Disability Pension
- Disability Pension
- Service-Connected Disability Pension

7.02 ELIGIBILITY FOR DISABILITY PENSION.

For Disability Pension: (Select all that apply)

- Member's Plan Entry Date
- Date the Member attains _____ (____) years of age
- Member completes **ten** (**10**) years of Vesting Service
- The later of the date:
 - Member attains _____ (____) years of age
 - Member completes _____ (____) years of Vesting Service

For Service Connected Disability Pension: (Select all that apply)

- Member's Plan Entry Date
- Date the Member attains _____ (____) years of age
- Date the Member completes _____ (____) years of Vesting Service
- The later of the date:
 - Member attains _____ (____) years of age
 - Member completes _____ (____) years of Vesting Service

7.03 AMOUNT OF DISABILITY PENSION.

For Disability Pension (Select all that apply)

Benefit Formula:

- Thirty percent (30 %) of Final Average Salary
- _____ percent (____%) of Superannuation Retirement Pension calculated to reflect the Member's Final Average Salary and Credited Service as of the date of Disability.

Adjustments/Reductions to the Benefit Payments:

- No adjustments or reductions
- Payments under the "The Pennsylvania Workmen's Compensation Act"
- Payments under the "The Pennsylvania Occupational Disease Act"
- Payments under the Social Security Disability Insurance (SSDI) Program

For Service Connected Disability Pension (Select all that apply)

Benefit Formula:

- Fifty percent (50 %) of Final Average Salary
- _____ percent (____%) of Superannuation Retirement Pension calculated to reflect the Member's Final Average Salary and Credited Service as of the date of Disability.

Adjustments/Reductions to the Benefit Payments:

- No adjustments or reductions
- Payments under the "The Pennsylvania Workmen's Compensation Act"
- Payments under the "The Pennsylvania Occupational Disease Act"
- Payments under the Social Security Disability Insurance (SSDI) Program

ARTICLE VIII: DEFERRED VESTED PENSION

8.04 COMPUTATION AND PAYMENT OF DEFERRED VESTED PENSION.

Involuntary Lump Sum Payment (Amounts less than \$5,000)

- Permitted
- Not Permitted

Voluntary Lump Sum Payment (Amounts less than \$5,000)

- Permitted
- Not Permitted

8.05 VESTING SCHEDULE.

<input type="checkbox"/>	100% Vested upon Plan Entry Date	
<input checked="" type="checkbox"/>	100% Vested upon Specified Years of Vesting Service	% Vested
	Less than <u>five</u> (<u>5</u>) years of Vesting Service	0%
	Equal to or greater than <u>five</u> (<u>5</u>) years of Vesting Service (Not to exceed fifteen (15) years of Vesting Service)	100%
<input type="checkbox"/>	Percent Vested upon Completed Years of Vesting Service	% Vested
	_____ (_____) years	_____ %
	_____ (_____) years	_____ %
	_____ (_____) years	_____ %
	_____ (_____) years	_____ %
	_____ (_____) years	_____ %
	_____ (_____) years	_____ %
	(Not to exceed twenty (20) years of Vesting Service)	

ARTICLE IX: DEATH BENEFITS

9.01 PRE-RETIREMENT DEATH BENEFIT.

Offering of Pre-Retirement Death Benefit

<input type="checkbox"/>	Not Offered (Distribution of Minimum Death Benefit only)
<input checked="" type="checkbox"/>	Offered to a Member who has met the requirements: (Select all that apply)
<input checked="" type="checkbox"/>	To receive a Superannuation Retirement Pension under Section 5.01
<input type="checkbox"/>	To receive an Early Retirement Pension under Section 6.02
<input checked="" type="checkbox"/>	Of minimum Vesting Service under Section 8.05
<input type="checkbox"/>	Completion of _____ (_____) Years of Vesting Service under Section 8.05

ARTICLE X: PAYMENT OF RETIREMENT BENEFIT – NORMAL & OPTIONAL FORMS OF DISTRIBUTION

10.01 NORMAL FORM OF BENEFIT.

<input checked="" type="checkbox"/>	Single Life Annuity for the life of the Member
<input type="checkbox"/>	Single Life Annuity with 50% Spouse/Minor Children Survivor Payable for the life of the Member, and one-half the monthly amount payable for the life of the Spouse or Minor Children as applicable following the death of the Member.
<input type="checkbox"/>	Single Life Annuity with 100% Spouse/Minor Children Survivor Payable for the life of the Member, and the same monthly amount payable for the life of the Spouse or Minor Children as applicable following the death of the Member.

(All Normal Form payments shall be adjusted as appropriate to comply with Code Section 415(b))

10.02 OPTIONAL FORMS OF BENEFIT.

The optional forms of benefit offered to the Member.

- Single Life Annuity with Minimum Net Present Value.
Single life annuity with guaranteed total payment equal to the Actuarial Equivalence of straight life annuity determining as Benefit Commencement Date
- Single Life Annuity with Ten (10) Years of Certain Payments
Payable for the life of the Member, with a minimum 120 monthly payments if the Member death occurs prior to 120 monthly payments being paid to the Member
- Single Life Annuity with Twenty (20) Years of Certain Payments
Payable for the life of the Member, with a minimum 240 monthly payments if the Member death occurs prior to 240 monthly payments being paid to the Member
- Joint Life Annuity with 50% Survivor Annuitant Benefit
Payable for both the life of the Member and the Survivor Annuitant, with the Survivor Annuitant receiving 50% of the monthly benefit that had been received by the Member
- Joint Life Annuity with 100% Survivor Annuitant Benefit
Payable for both the life of the Member and the Survivor Annuitant, with the Survivor Annuitant receiving 100% of the monthly benefit that had been received by the Member
- Lump Sum Payment of Employee Contributions and Excess Interest Investment Account with a Normal or Optional Form of Annuity Benefit
The Normal or Optional Form of Benefit will be actuarially reduced in an amount equal to the lump sum payment.

10.03 COST OF LIVING ADJUSTMENT.

Offering of Cost of Living Adjustment ("COLA")

- Not Offered
- Offered at the Discretion of the Municipality
An ad hoc, one-time adjustment elected by the Municipality and implemented with a Plan amendment or addendum specifying the COLA amount, the eligible payees and the beginning adjustment date.
- Offered upon allocation of Excess Interest under Section 15.10
 - Proportionately by Monthly Retirement Benefit (equal percentage)
 - In Equal Dollar Amounts per Eligible Payee
- Offered on a Continuing Basis and Applied Every _____ (____) Year(s)
 - Fixed applied rate in the amount of _____ percent (____%)
 - Adjustable rate in an amount equal to the most recent calendar year annual change in the Consumer Price Index ("CPI COLA")

Maximum and Minimum Limits on CPI COLA

- No Maximum and Minimum Limits
Maximum and Minimum Annual Limits Follows: (Select all that apply)
 - Maximum limit of _____ percent (____%)
 - Minimum limit of _____ percent (____%)
- Maximum Cumulative Limits Based on: (Select all that apply)
 - _____ percent (____%) of Final Average Salary
 - _____ percent (____%) of Initial Monthly Retirement Benefit
 - _____ percent (____%) of Simple Addition of COLA Percentage Rates

Payees Eligible for COLA (Select all that apply)

- All Retired Members
- Retired Members having Retired on or before: _____ (insert date)
- Retired Members having Retired on or after: _____ (insert date)
- Other Eligibility for Retired Members: **Having a balance in an Excess Interest Account in accordance with Section 15.10**

10.05 CONTINUATION OF EMPLOYMENT AFTER NORMAL RETIREMENT AGE.

A Member continuing as an Employee (as defined in Section 1.34 of this Adoption Agreement) after Normal Retirement Age:

- May elect to Retire and commence payment of Superannuation Retirement Benefit without a Severance from Credited Service or a Termination of Employment
- Shall not be able to commence Superannuation Retirement Benefit without a Termination of Employment or Retirement

10.06 REEMPLOYMENT OF RETIRED MEMBER.

After Reemployment Commencement Date as an Employee (as defined in Section 1.34), the Retired Member:

- Shall elect to continue or cease receiving his Accrued Benefit
- X Shall cease receiving his Accrued Benefit

ARTICLE XI: MISCELLANEOUS PROVISIONS AFFECTING THE CREDITING OF SERVICE

11.01 SERVICE UPON REEMPLOYMENT. (Select one)

- X Not Applicable; Plan has Member Contributions
- Credited Service shall be restored regardless of Breaks in Service
- Credited Service shall be restored if the Member has incurred less than _____ (____) consecutive Breaks in Service (must be equal to or greater than five (5))

11.02 SERVICE PRIOR TO ORIGINAL PLAN EFFECTIVE DATE.

Inclusion of Credited Service Prior to the Original Plan

- Not Included
- X Included subject to the following limits: (Select all that apply)
 - X No limit on Credited Service Prior to Original Plan
 - A maximum _____ percent (____%) of such Credited Service
 - A maximum _____ (____) years of such Credited Service
 - Excluding such Prior Credited Service as follows:

Member Purchase of Credited Service Prior to Original Plan

- X Not permitted to purchase such Credited Service
- Member is permitted to purchase such Credited Service as follows: (Select one)
 - _____ percent (____%) of the Actuarial Equivalence of the Service to be purchased.
 - Other method or formula as follows:

Member Payment Time Period for Purchase of Credited Service Prior to Original Plan
 (Select all that apply)

- Member payment must be made in whole within _____ (____) days of payment notification amount by the Municipality
- Member may elect to make the required payment by payroll deduction for a period not to exceed _____ (____) years (maximum five (5) years).
 The payment will be adjusted to include interest at the rate established by the Board compounded annually. Interest shall begin on the first day of the month following the month of notification of the payment amount by the Municipality shall end on the last day of the month preceding the final payment
- Other time period as follows:

Payments over multiple periods will be adjusted to include interest at the rate established by the Board compounded annually. Interest shall begin on the first day of the month following the month of notification of the payment amount by the Municipality shall end on the last day of the month preceding the final payment

11.03 QUALIFIED MILITARY SERVICE.

Non Intervening Military Service

<u>Return to Employment</u>	Yes	No
Repayment of Mandatory Employee Contributions required to receive Credited Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Death During Military Service</u>		
Credited Service granted to Members who die during Qualified Credited Military Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Disability During Military Service</u>		
Credited Service granted to Members who become Disabled during Qualified Credited Military Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vesting Service granted to Members who become Disabled during Qualified Credited Military Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11.04 TRANSFER OF SERVICE AND ASSETS FROM ANOTHER SYSTEM PLAN.

- X Plan will allow the transfer of Member Credited Service, Vesting Service and Contribution Account assets from or to other System Plans
- Plan will not allow the transfer of Member Credited Service, Vesting Service and Contribution Account assets from or to other System Plans

11.05 PRIOR PLAN SERVICE CREDIT.

Transfer Contributions

- Credited Service Purchase allowed (Subject to the limits of Section 11.02)
- Credited Service Purchase not allowed

Termination Contributions

- Credited Service Conversion allowed (Subject to the limits of Section 11.02)
- Credited Service Conversion not allowed

Inclusion of Prior Plan Credited Service

- Not Included
- Included subject to the following limits: (Select all that apply)
 - Limited to Credited Service Before the Prior Plan
 - Limited to Credited Service During the Prior Plan
 - Limited to Credited Service After the Prior Plan
 - A maximum _____ percent (____%) of such Limited Credited Service
 - A maximum _____ (____) years of such Limited Credited Service
 - Excluding such Limited Credited Service as follows:

Member Purchase of such Prior Plan Credited Service

- Not permitted to purchase such Credited Service
- Member is permitted to purchase such Credited Service as follows: (Select one)
 - _____ percent (____%) of the Actuarial Equivalence of the Service to be purchased.
 - Other method or formula as follows:

Member Payment Time Period for Purchase of Prior Plan Credited Service
(Select all that apply)

- Member payment must be made in whole within _____ (____) days of payment notification amount by the Municipality
- Member may elect to make the required payment by payroll deduction for a period not to exceed _____ (____) years (maximum five (5) years).

Payments over multiple periods will be adjusted to include interest at the rate established by the Board compounded annually. Interest shall begin on the first day of the month following the month of notification of the payment amount by the Municipality shall end on the last day of the month preceding the final payment.
- Other time period as follows:

Payments over multiple periods will be adjusted to include interest at the rate established by the Board compounded annually. Interest shall begin on the first day of the month following the month of notification of the payment amount by the Municipality shall end on the last day of the month preceding the final payment

11.06 TRANSFER OF LOANS.

Transferred from Prior Plan

- Shall be permitted
- X Shall not be permitted

11.07 PERMISSIVE SERVICE CREDIT.

- X The Plan will not allow the purchase of Permissive Service Credit
- The Plan will allow the purchase of Permissive Service Credit

Maximum Amount of Allowable Permissive Service Credit

- No limit on allowable years of service
- Years of service allowed to be purchased shall not exceed _____ (____) years

Applicable Service Types (Select all that apply)

- Federal government service
- Commonwealth of Pennsylvania government service (including school district service)
- Government service with Municipalities located within the Commonwealth of Pennsylvania
- Government service with states other than the Commonwealth of Pennsylvania:
- Government service with other municipalities located outside the Commonwealth of Pennsylvania:

11.08 NON-QUALIFYING SERVICE CREDIT.

- X The Plan will not allow the purchase of Nonqualified Service Credit
- The Plan will allow the purchase of Nonqualified Service Credit

Maximum Amount of Allowable Nonqualified Service Credit

- Years of Nonqualified Service Credit allowed to be purchased shall not exceed _____ (____) years (maximum of five (5))

ARTICLE XIII: ADMINISTRATION

13.04 NOTICE TO MUNICIPALITY.

Municipality: Forest City Borough, Pennsylvania

Employer Identification Number: 24-6000592

Address 1: P.O. Box 63

Address 2: _____

City, ST Zip: Forest City, PA 18421

Contact Name: Sharon Vannon

Contact Position: Secretary/Treasurer

Phone Number: (570) 785 - 3326 Fax Number: (570) 785 - 9595

Email Address: fcboro@nep.net

ARTICLE XV: PENNSYLVANIA MUNICIPAL RETIREMENT FUND

15.10 ALLOCATION OF EXCESS INTEREST.

Municipality Allocation

Between three account types: Municipal Account, Active and Deferred Vested Member Accounts and Payee Accounts (Select one)

- Proportionately by Aggregate Account Balances (equal percentage)
- Proportionately between Active and Deferred Vested Member Accounts and Payee Accounts only
- In Equal Dollar Amounts per Account Type
- Specified Percentage by Account Type
- _____ percent (____ %) to the Municipal Account
- _____ percent (____ %) to the Active and Deferred Vested Member Accounts
- _____ percent (____ %) to the Payee Accounts (See Section 10.03 for Payee Allocation)

Active and Deferred Vested Member Allocation

If allocated an amount of Excess Interest (Select one)

- Proportionately by Account Balance (equal percentage)
- In Equal Dollar Amounts per Member
- Proportionately by Credited Service

ADDENDUM C: DEFERRED RETIREMENT OPTION PROGRAM (DROP)

MUNICIPAL PARTICIPATION IN DROP.

- The Municipality shall offer DROP participation to Eligible Members who Retire on or after _____ January _____ 1, 2020
- The Municipality shall not offer DROP participation to Eligible Members

The PMRS Base Plan and Adoption Agreements have been [approved by the IRS][submitted to the IRS for approval] as satisfying the “volume submitter” documentation requirements for tax-qualification under the Internal Revenue Code. A plan adopted under a pre-approved volume submitter document is deemed to be automatically “tax-qualified.”

The IRS does not, however, extend automatic tax-qualified status to a plan that contains a DROP, even if established under pre-approved volume submitter documents. Therefore, a Municipality that establishes a plan that contains a DROP cannot rely on the IRS approval granted to the PMRS Base Plan and Adoption Agreements for tax qualification purposes.

A Municipality can, however, obtain a tax-qualification determination for a plan with a DROP feature by submitting an application to the IRS as an “individually designed plan” as documented by the appropriate PMRS Adoption Agreement and the PMRS Base Plan with the additional Addendum C containing the necessary DROP language.

[Signatures on the following page]

The Municipality hereby agrees to the provisions of this Adoption Agreement, Base Plan Document and Trust, and in witness of its agreement, the Municipality by its duly authorized officers has executed this Adoption Agreement, on the date specified below.

IN WITNESS WHEREOF, we have hereunto set our hands and seal the day, month and year above written.

ATTEST:

BY: *Sharon McManis*

FOREST CITY BOROUGH
BY: *Nicholas H. Cost*
Head of Governing Authority

DATE: *May 11, 2020*

ATTEST

PENNSYLVANIA MUNICIPAL
RETIREMENT BOARD

BY: _____
PMRS Secretary

BY: _____
PMRS Board Chair

DATE: _____

Approved as to form and legality:

BY: _____
Chief Counsel, PMRS

BY: 49-FA-1.0
Office of General Counsel

BY: 49-FA-1.0
Office of Attorney General

This Plan is an important legal document. Failure to properly fill out this Adoption Agreement may result in disqualification of this Plan. PMRS will inform you of any amendments made to the Base Plan Document. The PMRS mailing address for U.S. Postal Service delivery is P.O. Box 1165, Harrisburg, PA 17108-1165. The PMRS street address for overnight/courier service delivery is 1721 N. Front Street, 3rd Floor, Harrisburg, PA 17102-2315.

You may rely on an opinion letter issued by the Internal Revenue Service as evidence that this Plan is qualified under Code Section 401 only to the extent provided in Revenue Procedure 2015-36.

You may not rely on the opinion letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the opinion letter issued with respect to the Plan and in Revenue Procedure 2015-36. In order to have reliance in such cases, an individual application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service.