

Article II — Participation & Service

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§ 17-201 Participation.

(a) Active Participants.

(1) **Eligibility Conditions.** In order to be eligible to become an Active Participant in this Plan, a person must be a Qualified Employee.

(2) Entry Dates.

(A) **Continuing Active Participants.** A Qualified Employee who was actively participating under the Prior Provisions of the Plan immediately before the Effective Date shall continue as an Active Participant under this amended and restated Plan.

(B) **New Employees.** A person shall become an Active Participant as of the date he becomes a Qualified Employee.

(C) **Returning Employees.** Notwithstanding subparagraph (B), if a person who was an Active Participant ceases to be a Qualified Employee and then becomes a Qualified Employee again, he/she shall become an Active Participant again as of the date he again becomes a Qualified Employee.

(b) **Discontinuation.** A Participant shall remain an Active Participant only so long as he remains a Qualified Employee. After he ceases to be a Qualified Employee, he shall become an Inactive Participant until all of his/her Plan benefits are distributed, or until he becomes an Active Participant again.

(c) **Required Information.** The Administrator may require a Qualified Employee to submit relevant information to the Plan in connection with his/her entry into participation. The Administrator shall be fully protected from any loss which may result from the Qualified Employee's failure to submit such information or from the Plan's reliance on incorrect information.

§ 17-202 Years of Service.

The number of Years of Service credited to a Participant as of any given date (the "**Determination Date**") shall be determined as follows:

(a) **Complete Years.** One (1.0000) Year of Service shall be credited for each Computation Period (*see* § 17-204) ending before the Determination Date during which the Participant is credited with a Day of Service (*see* § 17-203) for each day within the Computation Period.

(b) **Incomplete Years.** In addition to the number of Years of Service credited under subsection (a), a Participant shall receive credit for a number of Years of Service equal to—

(1) the number of Days of Service credited to the Participant on or before the Determination Date during Computation Periods *other than* those for which service is credited under subsection (a); **divided by**

(2) three hundred sixty-five and one-quarter (365.2500);

(3) with the result rounded to four decimal places (the nearest 0.0001).

(c) **Interrupted Service.** Notwithstanding subsections (a) and (b) and § 17-203, if a person who was a Participant—

(1) Separates from Service;

(2) receives a distribution of Accumulated Contributions under § 17-304 with respect to the period of service prior to the Separation from Service; and

(3) later becomes an Active Participant again,

then no Days of Service and Years of Service with respect to the period before the Separation from Service shall be credited for purposes of receiving any further benefits under this Plan **unless** and **until** the Participant repays the Plan the amount of Accumulated Contributions received *plus* interest from the date of distribution to the date of repayment at the rate(s) in effect during such period under § 17-115(b). **All repayments under this subsection must be made no later than one (1) year after the person becomes a Qualified Employee again and returns to Active Participation in this Plan.**

§ 17-203 Days of Service.

(a) **In General.** Except as provided in subsection (f) and § 17-202(c), a person is credited with one Day of Service for each calendar day in which he/she is employed by the Employer (or any Related Employer) as a Qualified Employee, including working days, vacations, sick days, holidays, bereavement days, jury duty time, and nonscheduled days (such as weekends or the equivalent).

(b) **Military Service.** A person is also credited with one Day of Service for each calendar day of service in the uniformed services of the United States, *provided that*—

(1) such service immediately follows service with the Employer (or any Related Employer) as a Qualified Employee; and

(2) the person returns to employment with the Employer (or any Related Employer) at a time when the Employer (or any Related Employer) is legally obligated to reemploy the person under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 *et seq.*, and any amendments, supplements, or successor legislation.

Credit under this subsection (b) shall be granted upon the person's return to employment with the Employer (or any Related Employer).

(c) **Paid Temporary Disability.** A person is also credited with one Day of Service for each calendar day during a period of time for which he/she is entitled to receive—

(1) compensation from the Employer (or any Related Employer) under the Heart and Lung Act, 53 PA. STAT. ANN. § 637; or

(2) compensation or benefits under the Employer's (or any Related Employer's) sick leave policy or short-term disability plan, *provided that*—

(A) no more than 180 Days of Service may be credited under this paragraph (2) for any one continuous period of temporary disability, **and**

(B) no credit may be received under this paragraph (2) for any period after the person has become Disabled.

(d) **Permanent Disability.** A person is also credited with one Day of Service for each calendar day during any period—

(1) in which he/she is considered Disabled, if **either**—

(A) he/she became Disabled due to injuries incurred while performing the duties of his/her employment as a Qualified Employee, **or**

(B) he/she was a Participant on the Effective Date,

(2) **but in any case only if** the Participant ceases to be Disabled and returns immediately thereafter to employment as a Qualified Employee.

(e) **Back Pay.** A person is also credited with one Day of Service for each calendar day during any period for which back pay, irrespective of mitigation of damages, is either awarded or agreed to by the Employer.

(f) **Exclusions.** Notwithstanding anything to the contrary contained in this Chapter, a Day of Service shall *not* be credited for any day—

(1) during any lay-off, including temporary lay-offs under § 17-129(b);

(2) during any period of military service longer than fourteen (14) days, *except* as provided in subsection (b);

(3) within any period of temporary or permanent disability longer than fourteen (14) days, *except* as provided in subsections (c) and (d); or

(4) within any unpaid leave of absence, *except* as provided in subsections (b), (c), and (d).

§ 17-204 Computation Period.

Computation Periods shall be determined separately for each person. Each of the following periods of time shall constitute a Computation Period for any given person:

(a) The one year period which begins on the first day the person is credited with one Day of Service for the performance of duties as a full-time police officer of the Employer or any Related Employer.

(b) Each one year period which begins on an anniversary of the date described in subsection (a).