

CHAPTER 232
FORMERLY
HOUSE BILL NO. 218

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DELAWARE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE :

Section 1. Amend § 8825, Title 11 of the Delaware Code by adding a new subsection (c) thereto as follows:

“(c) The value of lost compensation as a result of mandatory leave without pay not associated with disciplinary action may be added to an employee’s final average compensation for the period in time the employee would have been paid. The employer will pay to the Fund, on or before the date of issuance of the individual's first benefit check, a single lump sum payment equal to the sum of the employee and employer contributions that would have been paid into the fund based on the value of lost compensation.”.

Section 2. This Act shall become effective following receipt of a favorable Private Letter Ruling by the Internal Revenue Service, which provides that the implementation of 11 Del. C. §8825(c) would not affect the qualified plan status of the Delaware County and Municipal Police/Firefighter Pension Plan. Further, upon receipt of the Private Letter Ruling, 11 Del. C. §8825(c) shall be applied retroactively in calculating pension benefits for those employees required to take a salary reduction as described in Section 1, for pensions effective on or after August 1, 2009.

Approved February 23, 2010