

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 458

(Duly Adopted February 28, 2007)

AN ORDINANCE INCREASING THE COMPENSATION RANGES FOR CERTAIN MAINTENANCE DEPARTMENT POSITIONS; REQUIRING ALL MAINTENANCE DEPARTMENT EMPLOYEES TO OBTAIN A COMMERCIAL DRIVER'S LICENSE (CDL) WITHIN SIX (6) MONTHS AFTER HIRE; AND MAKING TECHNICAL CORRECTIONS TO ALBURTIS CODIFIED ORDINANCES § 14-305 (RELATING TO CAFETERIA PLAN—ELECTION OF OPTIONAL BENEFITS—REVOCATION OR CHANGE OF ELECTION BY THE PARTICIPANT DURING THE PLAN YEAR) SO THAT THE RESTRICTION ON A NEW COVERAGE AMOUNT UNDER THE MEDICAL EXPENSE REIMBURSEMENT PLAN APPLIES TO ALL CHANGES BY THE PARTICIPANT DURING THE PLAN YEAR, NOT JUST CHANGES DUE TO A "CHANGE IN STATUS."

**BE IT ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** Codified Ordinances § 11-106(e) (relating to Salaries and Compensation—In General—Maintenance Department—2007) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 11-106 Maintenance Department.**

\* \* \*

(e) **2007.** The rate of compensation for each member of the Maintenance Department for the year 2007 shall be established by motion or resolution of Council within the following range of compensation for the person's employment classification:

Maintenance Supervisor.....	\$15.66 - \$20.86 / hour
Maintenance Full Time A .....	<del>\$14.50</del> <u>15.00</u> - \$18.38 / hour
Maintenance Full Time B .....	<del>\$12.88</del> <u>14.50</u> - \$15.38 / hour

Maintenance Full Time C .....~~\$10.33~~ 13.00\* - ~~\$13.26~~ 14.50 / hour  
Maintenance Part Time .....\$ 7.15 - \$10.50 / hour

\* In the case of a person who has a current Class A or Class B commercial driver's license (CDL) when first hired by the Borough, the minimum hourly rate shall be \$14.00. In the case of a person who obtains such a license after being hired by the Borough, the minimum hourly rate shall be increased to \$14.00 after the later of the date the person obtains the license or the date three months after the person's first day of employment as a Borough maintenance department employee.

**SECTION 2.** Codified Ordinances § 12-606(d)(2) (relating to Personnel Policies—Employment Duties—Maintenance Department Employees—Maintenance Full Time C) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-606 Maintenance Department Employees.**

\* \* \*

**(d) Maintenance Full Time C.** In addition to all other required duties, a level C full time maintenance department employee shall:

\* \* \*

**(2)** Obtain a Class A or Class B commercial driver's license (CDL) issued by the Commonwealth of Pennsylvania by the ~~first anniversary of~~ date six months after his/her first day of employment as a level C maintenance department employee, and maintain such a license continuously thereafter.

**SECTION 3.** Codified Ordinances § 14-305 (relating to Cafeteria Plan—Election of Optional Benefits—Revocation or Change of Election by the Participant During

the Plan Year) is amended by amending subsections (a) and (b)(1) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 14-305 Revocation or Change of Election by the Participant During the Plan Year.**

**(a) In General.**

**(1) Elections Are Ordinarily Irrevocable.** Any election made under the Plan (including an election through inaction under § 14-304(c)) for a given Plan Year shall be *irrevocable* by the Participant during the Plan Year, except as otherwise provided in this § 14-305.

**(2) Restriction on Changes to Elections Under the Medical Expense Reimbursement Plan.** Notwithstanding anything to the contrary in the § 14-305, a Participant may not revoke an election for the balance of the Plan Year and/or file a new election for the balance of the Plan Year unless any new coverage amount elected under the Medical Expense Reimbursement Plan is either higher than the former coverage amount or is not less than the amount of Qualifying Medical Care Expenses (as defined in § 20-118) incurred by the Participant for the Plan Year through the effective date of the new election. (The new coverage amount selected shall reflect a total amount of coverage for the entire Plan Year, including both benefits paid through the effective date of the new election and the amount of additional reimbursements potentially available for the Plan Year.) If the Participant submits reimbursement claims which demonstrate that the revocation and new election are in violation of the provisions of this paragraph (2), the Plan Administrator shall automatically increase the Participant's coverage amount for the Plan Year to the amount which would have satisfied this paragraph (2), and shall adjust the amount withheld from each paycheck after the date of the adjustment under the provisions of § 14-303(b)(2)(D) as if there had been a new coverage election filed on the date of the adjustment.

**(b) Change in Status.**

**(1) In General.** A Participant may revoke an election in writing for the balance of the Plan Year, and, if desired, file a new election in writing if, under the facts and circumstances—

(A) a “change in status” occurs within the meaning of paragraph (2);

(B) the requested revocation and new election are “consistent” with the change in status, in accordance with the rules of paragraph (3); and

(C) the change is consistent with the terms of the plan(s) in question; and,

~~(D) any new coverage amount elected under the Medical Expense Reimbursement Plan is *either* higher than the former coverage amount *or* is not less than the amount of Qualifying Medical Care Expenses (as defined in § 20-118) incurred by the Participant for the Plan Year through the effective date of the new election. (The new coverage amount selected shall reflect a total amount of coverage for the entire Plan Year, including both benefits paid through the effective date of the new election and the amount of additional reimbursements potentially available for the Plan Year.) If the Participant submits reimbursement claims which demonstrate that the revocation and new election are in violation of the provisions of this paragraph (2), the Plan Administrator shall automatically increase the Participant’s coverage amount for the Plan Year to the amount which would have satisfied this paragraph (2), and shall adjust the amount withheld from each paycheck after the date of the adjustment under the provisions of § 14-303(b)(2)(D) as if there had been a new coverage election filed on the date of the adjustment.~~

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**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 28<sup>th</sup> day of February, 2007, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

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Steven R. Hill, President

Attest:

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Melanie Hansen, Executive Secretary

**AND NOW**, this 28<sup>th</sup> day of February, 2007, the above Ordinance is hereby  
APPROVED.

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Russell J. Afflerbach, Mayor