

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 469

(Duly Adopted December 26, 2007)

AN ORDINANCE REVISING THE COMPENSATION OR COMPENSATION RANGES FOR CERTAIN POSITIONS OF EMPLOYMENT OR APPOINTMENT BY THE BOROUGH, EFFECTIVE JANUARY 1, 2008, INCLUDING CERTAIN ADMINISTRATION EMPLOYEES, MAINTENANCE EMPLOYEES, POLICE DEPARTMENT EMPLOYEES, PROFESSIONALS, AND INSPECTORS; CHANGING THE HEALTH CARE PLAN TO THE KEYSTONE HEALTH PLAN CENTRAL HMO 10/10/35 DIRECT ACCESS WITH RX-OPTION 1 WITH LIFESTYLE; ELIMINATING THE REQUIREMENT FOR EMPLOYEES TO CONTRIBUTE TO HEALTH PLAN PREMIUMS; PERMITTING CERTAIN EMPLOYEES TO ELECT TO RECEIVE CASH IN THE AMOUNT OF \$250.00 PER MONTH IN LIEU OF RECEIVING HEALTH PLAN COVERAGE; MAKING CONFORMING CHANGES TO THE CAFETERIA PLAN; CONFIRMING THE EXISTING FIDELITY BOND REQUIREMENTS FOR CERTAIN BOROUGH EMPLOYEES; AND CHANGING THE TITLE OF THE "CLERK/ACCOUNTANT" TO "BOOKKEEPER/EARNED INCOME TAX OFFICER".

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

**SECTION 1.** Codified Ordinances §§ 11-104, 11-105, 11-106, 11-107, and 11-  
108 (relating to Salaries and Compensation—In General) are amended as follows (with  
deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 11-104 Administration.**

\* \* \*

(c) ~~Clerk/Accountant.~~ Bookkeeper/Earned Income Tax Offi-  
cer.

\* \* \*

(6) 2008. The rate of compensation of the Bookkeeper/ Earned Income Tax Officer for the year 2008 shall be within a range from \$14.58 to \$17.22 per hour, with individual rates to be established by motion or resolution of Council.

**§ 11-105 Police Department.**

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(c) 2008-20011. The rate of compensation for members of the Police Department for the years 2008 through 2011 shall be as provided in the Alburdis Police 2008-20011 Collective Bargaining Agreement. See § 11-201(c) (relating to Police Collective Bargaining Agreement).

**§ 11-106 Maintenance Department.**

\* \* \*

(f) 2008. The rate of compensation for each member of the Maintenance Department for the year 2008 shall be established by motion or resolution of Council within the following range of compensation for the person's employment classification:

<u>Maintenance Supervisor.....</u>	<u>\$16.13 - \$21.49 / hour</u>
<u>Maintenance Full Time A .....</u>	<u>\$15.45 - \$18.93 / hour</u>
<u>Maintenance Full Time B .....</u>	<u>\$14.94 - \$15.84 / hour</u>
<u>Maintenance Full Time C .....</u>	<u>\$13.39* - \$14.94 / hour</u>
<u>Maintenance Part Time .....</u>	<u>\$ 7.36 - \$10.82 / hour</u>

\* 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 \$14.42. 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 \$14.42 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.

**§ 11-107 Codes Enforcement.**

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**(b) Building Inspector.**

~~(1) 1/1/2003.~~ Effective January 1, 2003, the compensation of the Building Inspector/Code Official under the Building Code (*see* Chapter 31) and the Property Maintenance Code (*see* Chapter 35) shall be \$8.00 per hour worked plus \$30.00 for each inspection.

~~(2) 1/1/2003.~~ Effective January 1, 2005, the compensation of the Building Inspector/Code Official under the Uniform Construction Code (*see* Chapter 30), the Building Code (*see* Chapter 31), and the Property Maintenance Code (*see* Chapter 35) shall be \$150.00 per month plus \$30.00 for each inspection.

**(c) Plumbing Inspector.**

~~(1) 1/1/2005.~~ Effective January 1, 2005, the compensation of the Plumbing Inspector shall be \$30.00 for each inspection.

~~(d)~~ **(b) Other UCC and Property Maintenance Code Officials/Inspectors.** The compensation of ~~other~~ Code Officials, plan reviewers, and inspectors engaged by the Borough in its administration of the Uniform Commercial Construction Code (*see* Chapter 30), the Property Maintenance Code (*see* Chapter 35), and, where applicable, the Building Code (*see* Chapter 31) and the Plumbing Code (*see* Chapter 32), shall be established as such inspectors are engaged by the Borough and from time to time thereafter.

**§ 11-108 Professionals.**

**(a) Borough Solicitor.**

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**(5) 2008.** The rate of compensation of the Borough Solicitor for the year 2008 shall be \$120.00 per hour.

**(b) Borough Engineer.**

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**(3) 1/1/2008.** Effective January 1, 2008, the rate of compensation of the Borough Engineer shall be \$117.00 per hour, and the fees paid for services provided by other personnel in the Borough Engineer's firm and the amounts of reimbursable expenses shall be as provided in the fee schedule submitted from time to time by the Borough Engineer and approved by Council.

**SECTION 2.** Codified Ordinances § 12-206 (relating to Personnel Policies—General Working Time & Pay Rules—Pay Periods) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-206 Pay Periods.**

**(a) Full-time Employees.** All full-time employees of the Borough shall be paid every two weeks.

**(b)** [RESERVED]

**(c) Monthly Payments.** The Mayor, the Borough Treasurer, the Zoning Officer, ~~the Building Inspector,~~ and members of Council shall be paid their salaries in monthly installments.

**(d) ~~Other~~ UCC and Property Maintenance Code Officials.** ~~The Plumbing Inspector, and other authorized inspectors shall be paid upon presentation of forms indicating the number of hours worked or inspections completed.~~ The Code Officials, plan reviewers, and inspectors engaged by the Borough in its administration of the Uniform Construction Code (see Chapter 30), the Property Maintenance Code (see Chapter 35), and, where applicable, the Building Code (see Chapter 31) and the Plumbing Code (see Chapter 32), shall be paid at such times as provided in the terms of their engagement by the Borough.

**SECTION 3.** Codified Ordinances § 12-607 (relating to Personnel Policies—Employment Duties—Zoning and Code Officials) is amended by amending subsections (b) and (c) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-607 Zoning and Code Officials.**

\* \* \*

~~(b) **Plumbing Inspector.** In addition to all other required duties, the Plumbing Inspector shall perform all of the duties of the plumbing code official under the Uniform Construction Code (*see* Chapter 30), and also, where still applicable, the duties of the code official set forth in Chapter 32 (relating to Plumbing).~~

~~(c) **Building Inspector.** In addition to all other required duties, the Building Inspector shall perform all of the duties of the code official under the Uniform Construction Code (*see* Chapter 30) and under Chapter 35 (relating to Property Maintenance), and also, where still applicable, the duties of the code official set forth in Chapter 31 (relating to Building Construction).~~

(b) **UCC and Property Maintenance Code Officials.** The Code Officials, plan reviewers, and inspectors engaged by the Borough in its administration of the Uniform Construction Code (*see* Chapter 30), the Property Maintenance Code (*see* Chapter 35), and, where applicable, the Building Code (*see* Chapter 31) and the Plumbing Code (*see* Chapter 32), shall perform all of the duties for which they were engaged as provided in the respective Codes, and such other duties as may be agreed from time to time with Council.

**SECTION 4.** Codified Ordinances § 3-101 (relating to Fidelity Bonds) is ratified and confirmed for calendar year 2008.

**SECTION 5.** Effective January 1, 2008, Codified Ordinances § 12-403 (relating to Personnel Policies—Benefits—Health & Hospitalization) is amended by amending subsections (a) and (c) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-403 Health & Hospitalization.**

(a) **In General.** ~~Subject to the payment of employee premium contributions as set forth in subsection (c), health~~ Health and hospitalization coverage is provided to full-time Borough employees effective sixty (60) days after initial employment as a full-time Borough employee. The employee may elect, from time to time, whether this coverage is to be provided to the employee alone or to the employee and one or more of the employee's eligible family members, except as otherwise provided in subsection (d). After the last paycheck issued in 2007, a full-time Borough employee need not make any contribution towards the premium cost for this coverage, although to receive the coverage the employee must forego making the election to receive cash in lieu of this coverage which is described in subsection (c). The terms, conditions, limitations, restrictions, deductibles, co-payments, and scope of coverage, as well as the persons eligible for coverage, are described in the summary plan descriptions distributed from time to time to employees and in the health policies and contracts obtained by the Borough from time to time. Nothing in this Chapter shall provide any specific health or hospitalization benefits; all such benefits shall be provided by policies as authorized from time to time by action of Council. As of January 1, 2008, the coverage provided under this Section is the Keystone Health Plan Central HMO 10/10/35 Direct Access with Rx-Option 1 with Lifestyle.

\* \* \*

**(c) Employee Contributions to Premiums.**

~~(1) **In General.** A full-time Borough employee who desires coverage under the Borough's health plan after January 31, 2007 (other than as the spouse or dependent of another full-time Borough employee) must contribute towards the premium cost for such coverage as provided in paragraph (2). The employee contributions may be made through a salary reduction agreement and employer contributions through the Cafeteria Plan (see Chapter 14) in accordance with the terms, conditions, and limitations of the Cafeteria Plan, or may be made on an after-tax basis through payroll deduction (if possible, or if not, through direct payment to the Borough).~~

~~(2) **Amount of Employee Contribution.** The amount which an employee must contribute on each regular bi-weekly payday for health coverage shall be:~~

~~(A) **2/1/07.** Effective for paydays after February 1, 2007:~~

~~(i) Twenty Dollars (\$20.00) if only the employee is covered (e.g., single coverage, individual coverage, employee-only coverage);~~

~~(ii) Twenty-five Dollars (\$25.00) if the employee and only one other individual are covered (e.g., husband/wife coverage, parent/child coverage);~~

~~(iii) Thirty Dollars (\$30.00) if the employee and two or more other individuals are covered (e.g., family coverage, parent/children coverage).~~

~~(3) **Changes in Coverage.** In the event of a change in coverage (e.g., a change from single coverage to family coverage, a change from no coverage to single coverage, or a change from family coverage to no coverage), a change in the amount of employee contributions shall take effect beginning with the first payday on or after the date of the change in coverage. This paragraph (3) may be illustrated by the following examples:~~

~~(A) An employee changes from single coverage to family coverage effective April 1, 2007. The employee contribution amount changes beginning with the payday of April 6, 2007. Thus, \$20.00 is withheld from the paycheck of March 23, 2007, and \$30.00 is withheld from the paycheck of April 6, 2007 and following paychecks.~~

~~(B) A new employee is hired on March 11, 2007, is first eligible for coverage on May 10, 2007, and elects husband and wife coverage effective that date. The employee contribution amount changes beginning with the payday of May 18, 2007. Thus, nothing is withheld from the paycheck of May 4, 2007, and \$25.00 is withheld from the paycheck of May 18, 2007 and following paychecks.~~

~~(C) An employee changes from family coverage to no coverage effective June 1, 2007. The employee contribution amount changes beginning with the payday of June 1, 2007. Thus, \$30.00 is withheld from the paycheck of May 18, 2007, and nothing is withheld from the paycheck of June 1, 2007 and following paychecks.~~

~~(4) **Insufficient Paycheck.** If the amount of a paycheck for an employee is less than the amount of the required payment for that payday, the employee must pay the deficiency on or before the next payday (together with the amount due on that next payday), either through an additional deduction from the next paycheck, or by a direct payment to the Borough. Otherwise, the health coverage will terminate as of the day after the next payday. However, if the deficiency occurs in the paycheck for last payday of a calendar year, the deficiency may not be paid on a pre-tax basis through the Cafeteria Plan in the following calendar year, but must be paid on an after-tax basis, either by after-tax payroll deduction or by direct payment to the Borough.~~

~~(5) **Attribution of Contributions.** All employee contributions due during a particular calendar month are used to provide health coverage for that particular calendar month, and not for a previous or succeeding calendar month, regardless of whether there are two or three paydays in that calendar month.~~



**(c) Election to Receive Cash in Lieu of Coverage.**

**(1) In General.** A full-time Borough employee may elect to receive cash in the amount of Two Hundred Fifty Dollars (\$250.00) per month in lieu of receiving the health and hospitalization coverage provided under subsection (a), provided that the full-time employee's election does not cause the Borough to fail the minimum participation requirements established by the insurance carrier/health maintenance organization/paid provider organization for the Borough to be able to offer the coverage provided from time to time under subsection (a). Payment for any given month shall be made with the first paycheck in that month. Any election under this subsection (c) shall be made in accordance with the provisions of Chapter 14 (relating to Cafeteria Plan).

**(2) Preference Rules.** It is understood that the minimum participation requirements of the carrier/organization may require a certain minimum number or percentage of Borough employees to be covered, and that certain employees might not be counted for purposes of that calculation (such as a rule that would not count employees who decline coverage because they are covered under the plan of their spouse's employer). If the minimum participation requirements would permit an election under this subsection (c) for some, but not all, of the full-time Borough employees who must be counted for purposes of such a calculation and who desire to make the election, then as among those employees—

**(A)** the Chief of Police shall have the first right to make this election;

**(B)** the remaining full-time police officers shall have the next preference to make this election, in order of seniority (as established in the Collective Bargaining Agreement between the Borough and the collective bargaining representative of the police officers);

**(C)** finally, the nonuniformed full-time Borough employees shall have preference to make this election in order of their seniority, determined based on their first date of employment as a full-time employee of the Borough which has continued without interruption thereafter.

\* \* \*

**SECTION 6.** Effective January 1, 2008, Codified Ordinances § 14-109 (relating to Cafeteria Plan—Title, Establishment, and General Definitions—Health Plan) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 14-109 Health Plan.**

The term “Health Plan” shall mean the health/medical/hospitalization coverage plan provided from time to time under § 12-403 (relating to Personnel Policies—Benefits—Health & Hospitalization). ~~As of the Effective Date, the Health Plan is the Capital Blue Cross PPO 250 Plan with the Option One Card Plan for prescription drug coverage January 1, 2008,~~ the Health Plan is the HMO 10/10/35 Direct Access with Rx-Option 1 with lifestyle, as provided for the Borough of Alburtis under applicable documents with ~~Capital Blue Cross and its affiliates~~ Keystone Health Plan Central, but the specific plan and/or the coverages available under the plan may change from time to time.

**SECTION 7.** Effective January 1, 2008, Codified Ordinances § 14-303 (relating to Cafeteria Plan—Election of Optional Benefits—Election of Optional Coverages in Lieu of Cash—Health Plan) is amended by amending the introductory sentence and subsection (a) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 14-303 Election of Optional Coverages in Lieu of Cash.**

A Participant may elect under this Plan to receive one or more of the optional coverages described in § 14-301, to the extent available to the Participant under the applicable plans (and not precluded under § 12-403

((relating to Personnel Policies—Benefits—Health & Hospitalization)), in accordance with the following procedures:

**(a) Health Plan.**

~~(1) **In General.** If a Participant elects coverage for a Plan Year under the Health Plan, the Participant's regular cash compensation for the Plan Year will be reduced in an amount equal to the sum of the amounts which the Participant is required to contribute for Health Plan coverage with respect to the paydays during the Plan Year. The amount of the required employee contribution for any given payday is determined under § 12-403(c)(2), (3) (relating to Personal Policies—Benefits—Health & Hospitalization—Employee Contributions to Premiums). The balance of the cost of such coverage shall be paid by the Employer with nonelective Employer contributions.~~

~~(2) **Compensation Reductions Per Payday.** The amount of compensation to reduced from any given paycheck for the Health Plan shall be shall be equal to the amount which the Participant must contribute for that payday under § 12-403(c)(2), (3) (relating to Personal Policies—Benefits—Health & Hospitalization—Employee Contributions to Premiums).~~

(1) **Bonus.** Each calendar month, a Participant is credited with a bonus from the Employer in the amount of Two Hundred Fifty Dollars (\$250.00), which is in addition to all other compensation otherwise provided to the Participant in connection with his or her employment by the Employer.

(2) **Election of Cash in Lieu of Coverage.** If a Participant is eligible under § 12-403(c) (relating to Personnel Policies—Benefits—Health & Hospitalization—Election to Receive Cash in Lieu of Coverage) to receive cash in lieu of any coverage under the Health Plan, and the Participant so elects to receive the cash payment for a Plan Year, the Employer will pay the bonus provided under paragraph (1) each month to the Participant as part of the first paycheck issued to the Participant in that month, less any applicable taxes and other deductions. The Participant will not receive any coverage under the Health Plan for any such month.

**(3) Election of Health Plan Coverage.** If a Participant elects any type of coverage for a Plan Year under the Health Plan, or is not eligible under § 12-403(c) to elect cash in lieu of coverage under the Health Plan, the Participant must surrender the bonus provided under paragraph (1) each month as the Participant's contribution for the Health Plan coverage for that month. Accordingly, there will be no payment of the bonus to the Participant and no deduction from the remainder of the Participant's compensation (not including the bonus under paragraph (1)) for the Health Plan coverage, which will be provided.

\* \* \*

**SECTION 8.** Effective January 1, 2008, Codified Ordinances § 14-304(c)(2) (relating to Cafeteria Plan—Election of Optional Benefits—Election Procedures—Failure to Return Election Forms—Health Plan Coverage) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 14-304 Election Procedure.**

\* \* \*

**(c) Failure to Return Election Forms.**

\* \* \*

**(2) Health Plan Coverage.** A Participant's failure to return a completed election form to the Administrator relating to coverage under the Health Plan on or before the due date for any Plan Year after the first Plan Year of this Cafeteria Plan shall constitute—

**(A)** if the Participant is eligible to make an election under § 12-403(c) (relating to Personnel Policies—Benefits—Health & Hospitalization—Election to Receive Cash in Lieu of Coverage): a re-election of the same coverage or coverages, if any, as was in effect just prior to the end of the preceding Plan Year (to the extent such coverage(s) remain available under the Health Plan and this Cafeteria Plan), and a re-

election of any election to receive cash in lieu of coverage which was in effect just prior to the end of the Preceding Plan Year; ~~and~~

(B) if the Participant is not eligible to make an election under § 12-403(c): a re-election of the same coverage or coverages, if any, as was in effect just prior to the end of the preceding Plan Year (to the extent such coverage(s) remain available under the Health Plan and this Cafeteria Plan), but if there is no such coverage or coverages, then an election of Single coverage (for the Participant only) under the Health Plan.

~~(B) an agreement to a reduction in the Participant's compensation for the Plan Year in the amount determined under § 14-303.~~

**SECTION 9.** Codified Ordinances §§ 3-101 (relating to Appointed Officials—Bonds—Fidelity Bonds), 12-201(a) (relating to Personnel Policies—General Working Time & Pay Rules—Working Hours—Office Employees), 12-508(b) (relating to Personnel Policies—Miscellaneous Employment Policies—Access to Borough Hall—Keys to Borough Hall), 12-508(c) (relating to Personnel Policies—Miscellaneous Employment Policies—Access to Borough Hall—Keys to the Administration Office Section of Borough Hall), 12-508(e)(1) (relating to Personnel Policies—Miscellaneous Employment Policies—Access to Borough Hall—Access Codes for Entrance to Borough Hall—Persons with Codes), 12-603(s), (t), and (gg) (relating to Personnel Policies—Employment Duties—Executive Secretary), 12-604 (relating to Personnel Policies—Employment Duties—Clerk/Accountant), 12-605 (relating to Personnel Policies—Employment Duties—Borough Treasurer), and 12-702 (relating to Personnel Policies—Essential Job Functions—Office Staff), are hereby amended by replacing the term “Clerk/Accountant” with “Bookkeeper/Earned Income Tax Officer” each time the former appears in the title or text of such sections of the Codified Ordinances.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 26<sup>th</sup> day of December, 2007, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

\_\_\_\_\_  
Steven R. Hill, President

Attest:

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Sharon Trexler, Executive Secretary

**AND NOW**, this 26<sup>th</sup> day of December, 2007, the above Ordinance is hereby  
APPROVED.

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Robert W. Mader, Mayor