

CHAPTER 407
FORMERLY
SENATE BILL NO. 324
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 8802, Chapter 88, Title 11 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

“§ 8802 Employment of Pensioners.

An individual shall not receive a service or disability pension under this chapter for any month during which the individual is an employee as defined in §8801 of this title, unless:

(1) the individual is a police officer who has retired from one county or municipal employer and has been appointed by the Executive branch and confirmed by the Legislative branch of a different county or municipal employer participating in the County Municipal Police/Firefighter Pension Plan; or

(2) the individual is a temporary employee whose earnings from such employment do not exceed the maximum allowed by Social Security without affecting Social Security benefits, and

(3) the individual’s employment under 11 Del. C. §8802(1) and (2) is not pension creditable service time and may not be used to earn any retirement benefits in the Delaware County and Municipal Police/Firefighter Pension Plan.”

Approved July 15, 2010