



## PA TURNPIKE COMMISSION POLICY

*This is a statement of official Pennsylvania Turnpike Policy*

**NUMBER:** 2.14

**APPROVAL DATE:** 09-05-2006

**EFFECTIVE DATE:** 09-05-2006

**REVISED DATE:** 00-00-0000

**POLICY SUBJECT:**

Public Employee Pension  
Forfeiture Act No. 1978-140

**RESPONSIBLE DEPARTMENT:**

Human Resources

**A. PURPOSE:**

To describe the duties and responsibilities of the Pennsylvania Turnpike Commission (Commission) for reporting to the State Employees' Retirement System (SERS) members who are convicted or plead guilty or no defense to certain crimes related to public office or public employment and to provide eligibility guidelines for continuation of Commission-provided health benefits for employees who are convicted or plead guilty or no defense to certain crimes related to public office or public employment.

**B. SCOPE:**

This policy applies to all employees of the Commission to the extent that its terms do not conflict with those of a current collective bargaining agreement.

**C. GENERAL POLICY:**

- a. As a reasonable condition of employment, an employee affirms and reaffirms his or her commitment to perform his or her job with honesty and integrity while employed by the Commission and as a member of SERS, regardless of whether the public employment is on a fulltime or part-time basis. The agreement to perform the term of public service without violating Act 1978-140 (The Pennsylvania Consolidated Statutes of July 8, 1978, (43 P.S. §§1311-1315), P.L. 140.) is in effect as long as the individual remains a member of SERS. As such, whether or not a public employee's right to receive a retirement benefit has vested or he or she is in actual receipt of benefits, all previous accumulated rights to receive such benefit are subject to forfeiture by and through the "renewed" agreement which is formed each time a person chooses to become a "public employee or public official" as defined by §1312, or is elected, appointed, promoted, or otherwise changes a job classification as a public official or public employee. For a forfeiture to occur, SERS member must be charged and convicted or plead guilty or no defense to a crime listed in Act 1978-140.
- b. The following criminal offenses as set forth in Title 18 of the Pennsylvania Consolidated Statutes or other enumerated statute when committed by a public official or public employee through his or

her public office or position or when his or her public employment places him or her in a position to commit one of the following criminal offenses, can trigger the application of Act 1978-140:

(1) §3922 (relating to theft by deception);

(2) §3923 (relating to theft by extortion);

(3) §3926 (relating to theft of services);

(4) §3927 (relating to theft by failure to make required disposition of funds received). The provisions of paragraphs (1) through (4) shall only apply when the criminal culpability (misconduct) reaches the level of a misdemeanor of the first degree or higher.

(5) §4101 (relating to forgery);

(6) §4104 (relating to tampering with records or identification);

(7) §4113 (relating to misapplication of entrusted property and property of government or financial institutions) when the criminal culpability (misconduct) reaches the level of misdemeanor of the second degree;

(8) §4701 (relating to bribery in official and political matters);

(9) §4702 (relating to threats and other improper influence in official and political matters);

(10) §4902 (relating to perjury);

(11) §4903(a) (relating to false swearing);

(12) §4904 (relating to unsworn falsification to authorities);

(13) §4906 (relating to false reports to law enforcement authorities);

(14) §4907 (relating to tampering with witnesses and informants);

(15) §4908 (relating to retaliation against witness or informant);

(16) §4909 (relating to witness or informant taking bribes);

(17) §4910 (relating to tampering with or fabricating physical evidence);

(18) §4911 (relating to tampering with public records or information);

(19) §5101 (relating to obstructing administration of law or other governmental function);

(20) §5301 (relating to official oppression);

(21) §5302 (relating to speculating or wagering on official action or information).

(22) Article III, Act of March 4, 1971 (P.L. 6., No. 2), known as the "Tax Reform Code of 1971".

- c. In addition to the foregoing specific crimes, also included are all criminal offenses as set forth in federal law substantially the same as the crimes listed above.
- d. If SERS determines that an employee's pension should be forfeited, the Commission will promptly terminate the employee's health coverage provided by the Commission or any of its health insurance providers. The termination of health coverage will be retroactive to the date of the criminal conviction, and any amount paid on behalf of the employee between the date of conviction and the date of pension forfeiture shall be promptly reimbursed to the Commission by the employee.
- e. This policy does not limit the Commission's ability to impose appropriate discipline, up to and including termination, on an employee following a criminal conviction.

**D. DEFINITIONS:**

COBRA – Consolidated Omnibus Budget Reconciliation Act which was passed in 1986. The law amends the Employee Retirement Income Security Act, the Internal Revenue Code and the Public Health Service Act to provide continuation of group health coverage that otherwise might be terminated.

Criminal Conviction – Conviction, a plea of guilty or a plea of no defense or no contest to a criminal offense.

Health Coverage – Medical, Prescription, Dental or Vision insurance.

SERS – State Employees' Retirement System

**E. PROCEDURES:**

**HR Director**

•Notifies SERS, Bureau of Benefit Administration and the Commission's Legal Department of any possible Act 1978-140 cases. Notification should be given as soon as the member is charged with a crime. If available, notification should include:

1. Location of crime and date
2. Court docket numbers
3. Newspaper articles regarding the crime and the member
4. Sentencing orders
5. Name of court in which proceedings occurred or will occur

6. Amount of any monetary loss to the Commission

- Upon notification by SERS of a pension forfeiture, cancels all health benefits effective as of the date of the criminal conviction.
- Sends the employee a benefit continuation notice in accordance with COBRA.

Health benefits will not continue during any appeal(s) of a conviction or of a pension forfeiture. Any health coverage claims incurred after the date of the criminal conviction shall be the responsibility of the employee. However, if the Commission is later notified by SERS of a pension reinstatement, the employee shall be entitled to reinstatement of Commission health benefits back to the date of cancellation.

**SERS**

- Upon notification, SERS will determine if the member is subject to pension forfeiture and follow internal procedures to forfeit the pension in accordance with Act 1978-140.

Any questions concerning the forfeiture of a member's pension should be directed to SERS, Bureau of Benefit Administration.

*This Policy Letter supersedes all previous Policy Letters on this subject.*