

The City of Alexandria Firefighters and Police Officers Pension Plan

Steps Involved in Applying for a Non-Service-Connected Disability Retirement

Revision Date: September 2009

The following outlines the steps involved from the time the covered employee (participant in the Firefighters and Police Officers Pension Plan) is injured or has a disabling illness until the employee starts receiving disability retirement benefits. Since each disabled employee's situation is unique, the steps may not occur exactly as listed below. A disabled employee should contact their supervisor or designated department representative, the Finance Department's Pension Administration Division, and Human Resources with any questions related to the disability.

This document is written with the assumption that the covered employee is eligible for disability retirement benefits. However, a covered employee who applies for disability retirement benefits is not guaranteed those benefits. To be eligible for the benefits, the covered employee must satisfy the requirements listed in the plan document.

A covered employee with any length of service is eligible to apply for a non-service-connected *total* disability retirement. The employee must have at least five (5) years of covered service in the Firefighters and Police Officers Pension Plan (as of the date of disability) to be eligible to apply for a non-service-connected *partial* disability retirement.

Covered employees who wish to apply for a disability retirement benefit under the Plan should become familiar with the disability provisions in the plan document. All of Article 5, some parts of Article 6, and some of the definitions in Section 1.6 relate to disability retirement benefits. Employees should contact the Pension Administration Division with any questions on disability retirement. The covered employee should also become familiar with any relevant department procedures.

This document outlines how the process should work for a covered employee who applies and receives a non-service-connected disability retirement benefit. A covered employee may apply to the Pension Administration Division at any time for the disability retirement benefits, even after leaving covered employment. However, if the application is made after the person leaves employment, the burden of proof of eligibility is significantly greater for the employee than it would be if he or she applied while still working as a covered employee.

The departments involved in this process may revise their procedures at any time. Any department specific revisions will be reflected in this document as soon as practicable.

All parties in this process are expected to:

- Maintain the appropriate level of confidentiality;

- Keep appropriate parties informed of the progress;
- Schedule and attend all medical and physical therapy appointments promptly;
- Provide required medical reports upon request; and
- Meet with the Department, the Pension Administration Division, Human Resources, Risk Management, or the City Attorney’s Office as requested.

DEFINITIONS AND KEY TERMS:

The following four terms are defined in the plan document of the City of Alexandria Firefighters and Police Officers Pension Plan as of the date of this revision.

Partial Disability or Partially Disabled: “Partial Disability” or “Partially Disabled” means an illness or injury which prevents a Covered Employee from performing the duties of the job that the Covered Employee was assigned by the City at the time of suffering such illness or injury, as determined by the Administrator on the basis of a medical examination performed by an independent diagnostic clinic or physician(s) selected by the Administrator or a diagnostic clinic or physician(s) selected by the Participant, if acceptable to the Administrator.

Total Disability or Totally Disabled: “Total Disability” or “Totally Disabled” means an illness or injury which prevents a Covered Employee from performing the duties of all jobs for which the Covered Employee is otherwise qualified or any job for which the Covered Employee could become qualified by rehabilitation or retraining, as determined by the Administrator on the basis of a medical examination performed by a independent diagnostic clinic or physician(s) selected by the Administrator, or a diagnostic clinic or physician(s) selected by the Participant, if acceptable to the Administrator.

Non-Service Connected Partial Disability: “Non-Service Connected Partial Disability” means a Partial Disability which meets the requirements of Section 5.4 of the Plan Document.

Non-Service Connected Total and Permanent Disability: “Non-Service Connected Total and Permanent Disability” means a Total Disability which meets the requirements of Section 5.2 of the Plan Document.

The following terms are used throughout this document.

Chief: The employee’s department head, i.e. the Fire Chief or the Chief of Police, or any person designated to act on the Chief’s behalf.

Covered Employee: An employee of the Fire or Police Department who is covered under the City of Alexandria Firefighters and Police Officers Pension Plan.

This is not the same as the Pension Plan for Firefighters and Police Officers (often called the Old Plan).

Date of Disability: For an accident or disability caused by a single event, the Date of Disability shall be the date of the event. For a disability caused by a chronic condition, disease, or repetitive use, the Date of Disability will be the date of the physician's report.

Department: The covered employee's department, i.e. the Police Department or the Fire Department.

Essential Functions: A task, function or responsibility of an employment position that an employee in that position must be capable of performing, because; (1) the employment position exists to perform this function; (2) the demands of the department's operations require that the employee occasionally perform this function, as circumstances warrant; or (3) the employment position requires special expertise not possessed by other employees.

Medical Termination: Termination of employment based upon a fitness-for-duty examination that concludes that a physical, medical, or psychological impairment renders the employee unable to perform one or more of the essential functions of the employee's position, either permanently or for the reasonably foreseeable future.

PROCEDURES:

The following are the steps involved in applying for disability retirement benefits. Some steps may occur concurrently with other steps.

1. The Covered Employee reports the non-service-related disabling illness or injury to the Department.

If in the course of activity not related to his or her job, a covered employee suffers a non-service-related disabling illness or injury and that illness or injury that causes him or her to be absent from duty, he or she must provide an explanation to the Department and the request the appropriate leave.

Any treatment or management for the non-service connected disabling illness or injury will be provided by the covered employee's private physician.

2. The Covered Employee's physician determines employee is unable to perform one or more essential functions.

If that private physician determines and informs the covered employee that he or she cannot, and will not likely ever be able to, perform one or more of the essential functions

of the employee's position, the employee must provide such documentation to his or her supervisor or designated Department representative.

The covered employee may contact the Pension Administration Division and Human Resources to obtain information on benefits associated with this determination. If the covered employee provides evidence to the Pension Administration Division that the disability determination is imminent, the covered employee may initiate the disability application process. The employee may request a copy of the Pension Administration Division's *Checklist* document. (This document will soon be available on the Division's web site at alexandriava.gov/Pension.) This document discusses in some detail the application process, the choices the member will make, the required documentation, and the later conversion of benefits from disability to retirement at Normal Retirement Date (age 55.)

3. The Chief may request a Fitness-for-Duty Exam

At this time or at any time in this process, the Chief may contact Human Resources to request that the employee have a Fitness-for-Duty Exam. The Chief may elect to use the employee's physician's reports but is not obligated to do so. The Chief may also consult with Risk Management in reviewing the covered employee's personal physician's reports or the Fitness-for-Duty report.

4. The employee fails the Fitness-for-Duty Exam.

The Chief may accept a City-approved physician's report that determines that the covered employee meets the criteria for Medical Termination. The Chief will then notify the employee and copy the Pension Administration Division, Human Resources, and City Attorney, as appropriate. The Chief should refer the employee to the Pension Administration Division and Human Resources to discuss disability benefits.

5. The employee contacts the Pension Administration Division to apply for disability retirement.

The covered employee should contact the Pension Administration Division to apply for a non-service-connected disability retirement. The Pension Administration Division will:

- Assist the employee in completing the disability application;
- Review the requirements for the Total and Partial Disability retirement with the employee;
- Discuss death benefits;
- Discuss how working affects disability retirement benefits;
- Estimate monthly disability retirement benefits; and
- Advise the covered employee to apply for Social Security Disability, if applicable.

6. The Pension Administration Division reviews all of the documentation to determine if the covered employee has satisfied all of the criteria for one of the

following disability retirement benefits described in Article 5, Sections 5.2 and 5.4, of the Plan.

- a) Non-Service-Connected Total Disability: The covered employee provides a copy of the Social Security Disability Award letter to the Pension Administration Division.
- b) Non-Service-Connected Partial Disability: The covered employee's disability is certified by the pension plan's Administrator as a Non-Service-Connected Partial Disability. The Administrator may seek advice from the City's Risk Management Office, Human Resources, the Office of the City Attorney, or any other parties in making this decision.

7. The Pension Administration Division contacts Human Resources and the Chief to determine the employee's last day of employment.

The employee may retire immediately or may be kept on light duty as determined by the employee's department. Subject to budgetary constraints and staffing needs, the use of light duty assignments and the determination of the employee's termination date will ideally be set to minimize the gap between the date that the employment terminates and the time that the retirement checks commence. However, light duty determinations are made at the discretion of the Department. An employee typically receives the maximum monthly retirement benefit by working through the last scheduled day of the month, but an employee who works on the first day of the month may pay a smaller health insurance premium for that month. If the last day of work is either the first or last day of the calendar month, the employee must stop work no later than 11:59 p.m. on that day.

8. Human Resources processes the actual medical termination.

Human Resources processes the actual medical termination and completes any other normal steps taken in a separation of employment.

9. The Covered Employee notifies the Pension Administration of the Social Security Disability Award.

A Social Security Disability award is required for a covered employee to receive a Non-Service-Connected *Total* Disability retirement benefit. The Social Security Disability award may not be granted immediately or may be denied. Therefore, the covered employee may be granted a Non-Service-Connected *Partial* Disability benefit while waiting for the Social Security Disability Award. The covered employee must contact the Pension Administration Division as soon as he or she receives notice of the Social Security Disability Award. Depending on the facts and circumstances of the Social Security Disability Award, the *Partial* benefit will be converted to a *Total* benefit effective either at the time Social Security payments begin or retroactively.