

City of Alexandria Firefighters and Police Officers Pension Plan

Steps Involved in Applying for a 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 job-related disabling illness until the employee starts receiving disability retirement. 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.

Several City departments may be involved when a covered employee is injured on the job or has a job-related disabling illness. Each of these departments works independently of each other and must update the others. The covered employee shares responsibility with the employee's supervisor(s) and the employee's department representatives to determine what actions they must take to satisfy requirements of the employee's department, Risk Management, Human Resources (including leave reporting), City Attorney's Office, and the Pension Administration Division.

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 and some parts of Article 6 relate to disability benefits. Employees should contact the Pension Administration Division with any questions on disability retirement. The covered employee should also become familiar with A.R. 6-27, "Workers' Compensation," and any relevant Department procedures.

This document outlines how the process should work for a covered employee who applies and receives a 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 City Attorney's Office, Human Resources, the Pension Administration Division, Risk Management, or the Department 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 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.

Service-Connected Partial Disability: "Service-Connected Partial Disability" means a Partial Disability that meets the requirements of Section 5.3 of the Plan Document.

Service-Connected Total and Permanent Disability: "Service-Connected Total and Permanent Disability" means a Total Disability that meets the requirements of Section 5.1 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 if a physician's report is accepted.

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 steps are listed sequentially; however, some of the steps may occur concurrently with other steps.

1. The Covered Employee reports the injury or illness.

If in the course of or as a result of performing his or her job, an employee suffers a job-related illness or injury, the employee is required to immediately notify his or her supervisor. If notice is not given within thirty days of the incident, the employee's ability to subsequently claim for compensation or medical benefits could be voided. The notified supervisor will follow the procedures for documenting such illness or injury that are outlined in the department's written policies and A.R. 6-27, "Workers' Compensation."

2. The Covered Employee files a Workers' Compensation Claim.

The covered employee must contact Risk Management as soon as practicable to file a Workers' Compensation claim with the City's Risk Management Office. In addition, the

employee must file a Claim for Benefits with the Virginia Workers' Compensation Commission. Failure to provide written notice to the City or to file a Claim for Benefits with the Virginia Workers' Compensation Commission in a timely manner may limit the employee's future benefits. Upon receipt of the claim, Risk Management will investigate the circumstances surrounding the occurrence of the injury or illness and will determine whether the injury or illness is compensable under the Virginia Workers' Compensation Act.

If Risk Management determines that the illness or injury is job-related, the covered employee will receive reasonable medical treatment, at City expense, in accordance with the State's Workers' Compensation standards. The employee's department may place the employee on disability leave or light duty status while the illness or injury is treated and/or managed by the selected City physician(s).

3. The City-approved physician determines that the employee is unable to complete all essential functions.

If after reasonable treatment, the selected City-authorized treating physician makes a medical determination that the covered employee cannot and will not likely ever be able to complete all the essential functions of the employee's position, the City physician will inform the employee and City Risk Management. Risk Management would then notify the Human Resources Department, the Department Chief, and the Pension Administration Division of the medical determination.

The covered employee may contact the Pension Administration Division, Human Resources, and his Department Commander to obtain information on benefits associated with this determination. If the participant provides evidence to the Pension Administration Division that the disability determination is imminent, then he or she may initiate the disability application process. However, the application process cannot be completed until the Pension Administration Division receives information from Risk Management and verification of the medical determination. 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).

4. Risk Management determines if the Workers' Compensation Claim is compensable.

If Risk Management concludes that the claim is compensable, a mutually agreed upon Workers' Compensation award is prepared, signed by the employee, and filed with the Virginia Worker's Compensation Commission. If Risk Management concludes that the injury or illness is not compensable as a work-related illness or injury, the claim is denied. If the claim is denied or there is a lack of agreement on the award, the employee has the

right to request a hearing on the merits of the claim before the Virginia Workers' Compensation Commission, whose ruling will be final.

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

At this time or at any time during 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 obliged to do so.

6. 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.

7. 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 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 the coordination of disability and Workers' Compensation
- Discuss death benefits;
- Discuss how working affects Workers' Compensation and disability retirement benefits;
- Estimate monthly disability retirement benefits; and
- Advise the covered employee to apply for Social Security Disability, if applicable.

8. 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, Section 5.1 and 5.3, of the Plan.

- a) Service-Connected Total Disability: The covered employee's disability is ruled by the Virginia State Industrial Commission as being a total and permanent disability and is compensable as Worker's Compensation; and the employee receives an award for Social Security Disability. (The Pension Administration Division will contact Risk Management for documentation that the Workers' Compensation Claim is compensable. The employee must provide the Pension Administration Division with a copy of the Social Security Disability Award letter.)

- b) Service-Connected Partial Disability: The covered employee's disability is certified by the Plan's Administrator as a 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.

9. 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 employment terminates and the time that the retirement checks commence, but 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.

10. 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.

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

A Social Security Disability award is required for Service-Connected *Total* Disability. The Social Security Disability award may not be granted immediately or may be denied. Therefore, the covered employee may be granted a 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.