

City of Alexandria Firefighters and Police Officers Pension Plan

Steps Involved in Applying for a Service-Connected Disability Retirement

Revision Date: September 8, 2009

The following outlines in general terms 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. 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 needs to update the others. The covered employee shares responsibility with the employee's supervisor(s) and the employee's department representatives to determine what action they need to take to satisfy requirements of the employee's Department, Risk Management, Human Resources (including leave reporting), City Attorney's Office, and the Finance Department Pension Administration Division.

Covered employees who wish to apply for a disability retirement benefit under the Firefighters and Police Officers Pension 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 Finance 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.

The departments involved in this process may revise their procedures at any time. Their revised procedures will be reflected in this document when they provide such revised procedures to the Pension Administration Division.

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, 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.

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, 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 will 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 take place concurrently.

Initial Report of Injury: 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."

File a Workers' Compensation Claim: The covered employee is expected to promptly file a Workers' Compensation claim with the City Risk Management Office. Failure to do so 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).

City-Approved Physician Determines Employee Not Able 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 employee essential functions of the 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 Finance 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 Finance Pension Administration Division that the disability determination is eminent, then he or she may initiate the disability application process. However, the application process cannot be completed until the Finance Pension Administration Division receives information from Risk Management and verification of the medical determination. The employee may request a copy of the Finance Pension Administration Division's *Checklist* document. (In Fall 2009, this document will become 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.

Risk Management Determines if 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.

Chief May Request a Fitness for Duty Exam: At this time, the Chief may contact Human Resources to request that the employee have a Fitness For Duty Exam. However, the Chief may request a Fitness for Duty Exam at any time in this process. The City may elect to use the employee's physician's reports but is not obliged to do so.

Employee Fails 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 Finance Pension Administration Division and Human Resources. The Chief should refer the employee to contact the Finance Pension Administration Division and Human Resources to discuss disability benefits.

Employee Contacts Finance Pension Administration Division to Apply for Disability Retirement: The covered employee should contact the Finance Pension Administration Division to apply for a service connected disability retirement. The Finance Pension Administration Division will:

- Assist the employee in completing the disability application;
- Review with the employee the requirements for the Total and Partial Disability retirement;
- Discuss the coordination of disability and Workers' Compensation
- Discuss death benefits;
- Discuss how working impacts Workers' Compensation and disability retirement benefits;
- Estimate monthly disability retirement benefits; and
- Possibly advise covered employee to apply for Social Security Disability.

Finance Pension Administration Division Contacts Risk Management, Human Resources, and Employee: The Finance Pension Administration Division will:

- Contact Risk Management for documentation that the Workers' Compensation claim is compensable
- Work with Human Resources and the Chief to determine the Covered employee's last day of employment. The employee may retire immediately or may be kept on light duty as determined by the department. Subject to budgetary constraints and staffing needs, the use of light duty assignments and 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, but light duty determinations are made at the discretion of the Police and Fire Departments.

Human Resources is responsible for processing the actual medical termination and any other normal steps in a separation of employment.

Covered Employee May Apply for Disability Retirement at Any Time: This document has outlined 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 Finance 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.

Covered Employee Notifies Finance Administration of 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 will need to contact the Finance Pension Administration Division as soon as they receive 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 as of the time Social Security payments begin or retroactively.