

## **PART VIII: What Happens If I Become Disabled Before I Retire?**

### **Total and Permanent Disability**

You will be considered to be ***totally and permanently disabled*** under the plan if:

#### **GROUP A**

Your disability is determined to be a continuous state of incapacity due to illness or injury such that: (a) you are prevented from performing your regular assigned or comparable duties during your first 12 months of disability, and (b) are thereafter prevented from engaging in any occupation for which you have become reasonably qualified by education, training, or experience.

**OR**

#### **GROUP B**

Your disability is determined to be a total and permanent physical or mental inability to perform your regular assigned or comparable duties as a police officer with the City.

The Board of Trustees has the right, at least once a year, to require you to submit to a medical examination in order to determine if you continue to qualify as being totally and permanently disabled as defined by the plan.

### **Disability Incurred In the Line of Duty**

You will be considered to have incurred a service-related disability in the line of duty if your disability is a direct result of a traumatic event or events occurring in the course of and as a direct result of the performance of your regular or assigned duties and excluding any disability resulting from:

- a) willful negligence; or
- b) a cardiovascular or muscular-skeletal condition that is not a direct result of traumatic event(s) occurring in the performance of duties; or
- c) a pre-existing condition that is not a direct result of traumatic event(s) occurring in the performance of duties.

If you become totally and permanently disabled in the line of duty as a police officer with the City, you will be eligible to receive a monthly disability retirement benefit calculated as follows:

## GROUP A

The greater of: (a) your monthly accrued benefit determined as of your date of disability, or (b) 50% of your average monthly earnings determined as of your date of disability. However, your benefit will be re-calculated when you reach age 55. The re-calculated amount will include creditable service for your period of disability, but will not include any cost-of-living adjustments that were applied to your previous disability benefit.

## OR

## GROUP B

The greater of: (a) your monthly accrued benefit determined as of the date of your disability, or (b) 70% of the top salary for the grade and position that you occupy as a police officer with the City as determined on the day before your date of disability.

### **Catastrophic Disability Incurred in the Line of Duty**

You will be considered to have sustained a service-related catastrophic disability if your disability is a sudden, violent, life-threatening injury incurred in the line of duty where the injury includes, but is not specifically limited to, one of the conditions described below:

- a) a loss of sight in one or both eyes; or
- b) a loss of one or both feet at or above the ankle; or
- c) a loss of one or both hands at or above the wrist; or
- d) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg; or
- e) an externally caused traumatic injury to the brain or skull that renders you physically or mentally unable to perform two or more activities of daily living (feeding oneself, dressing, continence, bathing, getting in and out of bed, driving a motor vehicle, etc.); or

- f) any other permanently and severely disabling injury or disorder that compromises your ability to carry out the activities of daily living to such a degree that you require personal or mechanical assistance to leave home or bed or you require constant supervision to avoid physical harm to yourself and others.

The determination of whether a disability is catastrophic shall be made at the sole discretion of the Board of Trustees, taking into account official medical records, qualified medical expert opinions, sworn testimony or other reliable sources acceptable to the Board.

If you incur a catastrophic injury in the line of duty as a police officer with the City, you will receive a monthly disability benefit equal to **100%** of the top salary for the grade and position that you occupied at the time of your injury. This catastrophic disability benefit will be provided in lieu of the other disability benefits described in this booklet.

**Disability Not Incurred in the Line of Duty**

If you become totally and permanently disabled from a non-service related injury while an active employee of the City with **at least five years of creditable service**, you may be eligible to receive a monthly disability retirement benefit from the plan calculated as follows:

**GROUP A**

Same as for a non-catastrophic disability incurred in the line of duty.

**OR**

**GROUP B**

Your monthly accrued benefit determined as of the date of your disability.

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**Payment of Your Disability Retirement Benefit**

The fund will pay a disability benefit to you until you either reach age 55 or recover from your disability as described below. You are covered by Group A or Group B benefits, as follows:

**GROUP A**

Disability retirement benefits will stop if you recover from your disability prior to age 55. Otherwise, disability retirement benefits are payable until age 55, at which time your benefit will convert to a normal, early, or vested deferred retirement benefit, whichever you are eligible for. Your re-calculated retirement benefit will be determined by the plan provisions in effect at the time you last worked in active service and will reflect creditable service for the period of time while you were disabled, but will not include any cost-of-living adjustments that were applied to your previous disability benefit.

**OR****GROUP B**

Disability retirement benefits will stop if you recover from your disability prior to age 55. Otherwise, disability retirement benefits are payable for your lifetime. If you do recover from your disability prior to age 55, then your payments will resume at your regular early, normal, or deferred vested retirement age, along with any additional benefits that you have earned after your recovery. In this case, your normal, early, or deferred vested retirement benefit will be calculated to reflect your total creditable service both before and after your period of disability and your benefit will be adjusted, if necessary, to reflect any applicable early retirement reduction.

You will be considered to have recovered from your disability when you are no longer “totally and permanently disabled” as defined on page 28.

If you die while in receipt of a disability retirement benefit, your spouse, domestic partner, or dependent children will be eligible to receive a death benefit from the plan as described in Part V, “*How Are My Retirement Benefits Paid?*”, on page 10.

**Limitations on Your Disability Retirement Benefit**

Your disability retirement benefit under the plan is offset by any worker's compensation payments that you receive such that the combination of your disability retirement benefit calculated without any subsequent cost-of-living adjustments plus your worker's compensation payments cannot exceed:

**GROUP A**

75% of your salary at the time of your disability retirement.

(However, if you die while in receipt of a service-related disability retirement benefit, any death benefit payable to an eligible beneficiary is similarly limited to 60% of your salary at the time of your disability retirement or death.)

**OR**

**GROUP B**

100% of your salary at the time of your disability retirement.