

CHAPTER 2007-49

No. 494

AN ORDINANCE

IN AMENDMENT OF CERTAIN
SECTIONS OF CHAPTER 17, ARTICLE IV OF THE CODE OF
ORDINANCES ENTITLED "RETIREMENT SYSTEM"

NOVEMBER 8, 2007

Approved

SECTION 2. Section 17-189(3) of Article VI entitled "Benefits payable" is hereby
Be it ordained by the City of Providence:

amended to read as follows:

- (3) ***Disability Application Process: Members will have sixty (60) days from the date of application, in which to file with the Pension Administrator/Retirement Office a complete application. A completed application shall include the following: (1) disability application, (2) a statement from a physician stating that the member is physically or mentally incapacitated for the performance of duty and he or she shall be retired (3) a copy of a birth certificate, passport, or other documentation to establish date of birth. If applying for an accidental disability benefits, the applicant must provide an injury report of the incident. If after thirty (30) days, the Board has not received a completed application, the Board shall send by registered mail, a notice to the member indicating that the outstanding documentation needed in order to complete the application and that after thirty (30) additional days an incomplete application will be returned and that the Board shall not consider that member's request for a disability benefit. Any member unable to submit a complete application within the sixty (60) day period may request an additional time to complete an application and said request shall be granted provided there is good cause for the request and the timeframe is reasonable. The Disability Subcommittee shall approve the cancellation-continuation of all such incomplete***

applications. A member may re-apply for disability benefits as long as the application is complete and submitted in its entirety to the Pension Administrator/Retirement Office, ~~within the time period as prescribed by this Act.~~ Upon receipt of such completed application, the Pension Administrator shall schedule medical examinations for said applicant. Said medical examinations shall be made and reports of the same filed with the Pension Administrator. During said period the Pension Administrator shall compile such other documents or evidence as he or she shall deem appropriate in order that the Board shall have available all reasonably pertinent information so as to review said application.

The Board shall approve or deny said application within sixty (60) days of receipt of the completed application. Once the application has been submitted to the Board, said application may be continued for an additional thirty (30) days provided good cause is shown for the request. In no event shall the application be continued beyond ninety (90) days of the Board's receipt of the completed application. In the event that the Board does not approve said application within ninety (90) days of its receipt of the completed application, the application shall be automatically be deemed denied, ~~without prejudice.~~

The following paragraph is stricken and is replaced by the italicized paragraph which follows

~~In all cases of delayed medical reports, or where subsequent amendment of the issues is necessary, or where re-examination of said applicant is determined through no fault of the applicant, additional time shall be granted and the application shall appear on the Retirement Board Agenda every thirty (30) days for a status report until additional information has been provided to complete said application.~~

Additional time shall be granted and the application shall appear on the Retirement Board Agenda every thirty (30) days for a status report until additional information has been provided to complete said application for, but not limited to, the following: all cases of delayed medical reports, or where subsequent amendment of the issues is necessary, or where re-examination of said applicant is determined through no fault of the applicant.

SECTION 3. Section 17-189(5) of Article VI entitled "Benefits payable" is hereby amended to read as follows:

(5) (6) *Accidental disability retirement:* Medical examination of a member for accidental disability and investigation of all statements and certifications by him or in his behalf in connection therewith shall be made upon the application of the head of the department in which said member is employed, or upon the application of the member, or of a person acting in his behalf, stating that such member is physically or mentally incapacitated for the performance of the duties the member was performing at the time of the accident, as a natural and proximate result of an accident while in the performance of duty, and certifying the definite time, place and conditions of such duty performed by said member resulting in such alleged disability and that such alleged disability is not the result of willful negligence or misconduct on the part of said member and is not the result of age or length of service and that said member should, therefore, be retired. If a medical examination conducted by three (3) physicians engaged by the director of personnel and such investigation as the director of personnel may desire to make shall show that said member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident, while in the performance of duty, and that such disability is not the result of willful negligence or misconduct on the part of said member and is not the result of age or length of service, and that such member should be retired, and

the physicians who conducted the examination shall so certify to the retirement board stating the time, place and conditions of such service performed by said member resulting in such disability, the retirement board shall retire the said member for accidental disability. The application to accomplish such retirement must be filed within eighteen (18) months of the date of the accident. Notwithstanding any provision hereof, the director of personnel may use a physician who was engaged by the department to conduct an independent medical examination of the applicant provided that the physician is authorized to conduct independent medical examinations for Injured on Duty (IOD) for Class B members and/or approved by the Medical Advisory Board as an impartial medical examiner in the Workers' Compensation Court for Class A members.

SECTION 4. Section 17-189(6) of Article VI entitled "Benefits payable" is hereby amended to read as follows:

- (6) (7) *Allowance on accidental disability retirement:* Upon retirement for accidental disability a member shall receive a retirement allowance which shall consist of:
 - (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and
 - (b) A pension, in addition to the annuity, of sixty-six and two-thirds ($66 \frac{2}{3}$) percentum of his final compensation, or a pension equal to the amount of retirement allowance provided in subsection (2) of this section, whichever is greater.
- (c) Any member who retires pursuant to section 17-189(6) Accidental Disability Retirement, in light of said member's receipt of an unreduced pension in the amount of Sixty-six and two-thirds ($66 \frac{2}{3}\%$) of retirement pay, said member shall not be entitled to his/her accumulated pension contributions, *with interest*, in any form, including but not limited to a lump sum or an actuarially calculated annuity.

(e) (d) Upon the death of a member within five (5) years after accidental disability retirement, provided that evidence shall be submitted to the retirement board proving that the death of such member was the natural and proximate result of an accident while in the performance of duty at some definite time and place, and that such death was not the result of willful negligence on his part, and upon application by or on behalf of the dependents of such deceased member the retirement board shall grant a pension of one-half the final compensation of such member:

1. To his/her widow/widower, to continue during his/her widowhood/widowhood; or
2. If there be no widow/widower, or if the widow/widower dies or remarries before any child of such deceased member shall have attained the age of nineteen (19) years, then to his child or children under said age, divided in such manner as the retirement board in its discretion, shall determine, to continue as a joint and survivor pension of one-half of his final compensation until every such child dies or attains said age; or
3. If there be no widow/widower or child under the age of nineteen (19) years surviving such deceased member, then to his dependent father or mother, as the deceased member shall have nominated by written designation, duly acknowledged and filed with the retirement board; or if there be no such nomination, then to his dependent father or to his dependent mother, as the retirement board in its discretion shall direct, to continue for life.

SECTION 5. Section 17-189(7) of Article VI entitled "Benefits payable" is hereby amended to read as follows:

~~(7)~~ **(8)** *Re-examination of members retired on account of disability:* Once each year the director of personnel may, and upon application by a disability pensioner shall, require said pensioner to undergo a medical examination, such examination to be made at the place of residence of the pensioner or other place mutually agreed upon, by a physician or physicians engaged by the director of personnel. **In accordance with this section, said pensioner**

shall annually provide certification from a physician of their disability.

Should any such pensioner refuse to submit to such examination, his pension ~~may~~ shall be discontinued until his withdrawal of such refusal, and should his refusal continue for a year, all his rights in and to such pension may shall be revoked by the retirement board. If said examination indicates that the disability of the pensioner has been removed and said pensioner has attained the age of service retirement said pension will be converted to the normal retirement benefit as if he or she had not been disabled. If the examination indicates that the disability of the pensioner has been removed and said pensioner is under the age of service retirement, his name shall be placed on such appropriate lists of candidates as are prepared for appointment to a position in his department for which he is stated to be qualified in a salary grade comparable to that from which he was last retired. Upon reinstatement to active service at the salary grade comparable to that from which he was last retired, he shall be reinstated as a member and participate in the benefits of the retirement system with credit for service rendered prior to disability retirement and for the period during which he received the disability retirement allowance, provided that he did not refuse to accept such reinstatement when it was first offered to him; in the event of such refusal, the pension shall be discontinued and any rights to further benefits under the retirement system shall be based solely on his service rendered prior to his disability.

IN CITY COUNCIL
OCT 18 2007
FIRST READING
READ AND PASSED

Ann M. Steh CLERK

IN CITY
COUNCIL
NOV 1 2007
FINAL READING
READ AND PASSED

Robert Mancini PRESIDENT
Ann M. Steh CLERK

APPROVED

[Signature]

MAYOR 11/8/07