

AMENDING SECTION 13-16; PROVIDING A DEFINITION FOR "IN LINE OF DUTY"

In Line of Duty Means an injury or illness arising out of and in the actual performance of duties required a member's employment, during such members regularly scheduled working hours or irregular working hours as required by the City. The Administrator may require such proof as he or she deems necessary as to the time, date and cause of any such injury or illness, including evidence from any available witnesses. Workers' Compensation records under the provisions of Chapter 440 may also be used. Disability arising from drug or alcohol abuse or use of tobacco products shall not be considered in the line of duty.

PROVIDING DEFINITION FOR ADMINISTRATOR

Administrator, means the director of finance for the City of Fort Pierce, or such directors designate.

Section 13-36 6(a)

(a) Such incapacity must be sufficient to render the employee incapable of performing any gainful, sedentary work on a sustained basis for pay within a fifty (50) mile radius of the member's residence, or the distance between the member's residence and City Hall, whichever is greater, and where the member is wholly and continuously unable to perform the essential duties of his or her employment, with or without a reasonable accommodation, or of any position to which he or she may be assigned upon the recommendation of the disability review committee, as approved by the administrative department head, by reason of a physical or mental impairment, as documented by objective medical evidence.

Section 13-36 6 (b)

(b) It is the intent of this section to provide whenever practical and feasible for placement within the city of employees who may become unable to perform duties of a particular job. If placement in another position with the City is not practical or possible, this fact does not in and of itself determine disability.

Section 13-36 7 (i)

The administrator shall require proof that the member is totally and permanently disabled as provided herein:

i.) Two physicians, one of whom shall be selected by the retirement board and paid by the retirement system, and another of whom shall be selected by the member and paid by the member, shall both report to the retirement board on the members physicals limitations, on a form typed by the board, and certify that the limitations are permanent. The administrator may further require, at the board's expense, a functional capacity evaluation, reports from vocational rehabilitation evaluation, or testing specialist, including examinations or tests conducted when the employee or member was evaluated originally for employment;

Section 13-36 7 (ii)

ii.) There must be documentation that the members medical condition occurred or became symptomatic during the time the member was employed as a regular employee of the City;

Section 13-36 7 (iii)

iii.) There must be documentation that the member was totally and permanently disabled at the time he or she terminated employment with the City.

Section 13-37 b(7)

(7) A finding under the workers' compensation system that a member is or is not permanently and totally disabled shall not be proof that the member either is or is not permanently and totally disabled for purposes of this Chapter, or that the illness or injury was incurred in line of duty. For purposes of in line of duty disability, the employment must be the major contributing cause of the members illness or injury. The term "major contributing cause" means the cause which is more than 50% responsible for the injury or illness as compared to all other causes combined for which treatment or benefits are sought. In those instances involving occupational disease or repetitive exposure, both causation and sufficient exposure to support causation must be established by clear and convincing evidence. Pain or other subjective complaints alone, in the absence of objective relevant medical findings, are not a basis for determining entitlement to in line of duty disability. Establishment of the causal relationship between employment and illness or injury which is not readily observable must be by medical evidence only, as demonstrated by physical examination findings or diagnostic testing. Major contributing cause may be demonstrated only by medical evidence.

Section 13-37 c(e)

In the event any portion of the condition giving rise to disability preexisted the employment then the disability retirement annuity otherwise payable shall be reduced in proportion to the same degree as the condition preexisted the employment.

Section 13-37 b(7)

The amount of the disability retirement annuity shall be reduced by his or her disability benefit percent up to a maximum of 50% multiplied by the monthly Social Security primary insurance amount (PIA) which the member is initially receiving from the Social Security Administration as a disabled worker, or the amount to which he or she would initially be entitled as a disability worker if the employee has willfully failed or refused to apply for, and in good faith pursue, obtaining such Social Security disability benefit, unless this requirement is waived by the administrator for good cause. This reduction, once determined, shall not be further adjusted by subsequent increases in Social Security primary insurance amounts.