

PROPOSED POLICY OF THE BOARD OF TRUSTEES OF THE POLICEMEN AND FIREMEN'S PENSION FUND REGARDING INCOME CAP WAIVERS

BACKGROUND

Both the Police and Firefighters' collective bargaining agreements provide the Board of Trustees of the Policemen and Firemen's Pension Fund (the "Board") with discretion to waive the income cap provisions in the pension plan for retirees who (i) retire with service connected disability pension funds, (ii) have fewer than 13 years of service, and (iii) are under the age of 65, upon certification from the Chief of the retiree's department that the retiree's service-connected injuries meet the criteria for a waiver from the income cap requirements set forth in the Pension Plan (the "Certification"). See Article XV, Section 1(S)4 of the Bargaining Agreement with New Haven Police Union Elm City Local, CACP and Article 32.9(D)4 of the Bargaining Agreement with New Have Fire Union, Local 825. The criteria for the waiver of the income cap for a retiree who was a firefighter are set forth in Exhibit A to this Policy, and the criteria for the waiver of the income cap for a retiree who was a police officer are set forth in Exhibit B to this Policy.

In the past, the Board has exercised its discretion upon receiving a Certification from the Chiefs of the Police and Fire Departments, as the case may be, that a retiree meets the criteria in Exhibit A or Exhibit B, as applicable. The Board wishes to adopt a policy to set forth a more formal procedure for it a review of requests for waivers of the income cap and is authorized to adopt reasonable rules and regulations for the administration of the Policemen and Firemen's Pension Fund under the provisions of the pension plan.

PROPOSED PROCEDURE

Application

A retiree who wishes to have the Board waive the income cap (the "Applicant") will be required to complete an application form (the "Application"). The Application will require the Applicant to describe in detail why s/he believes his or her service connected disability meets the requirements in Exhibit A or Exhibit B, as applicable, and to state his or her years of service and age (the "Application"). The Application will also include a medical release to be signed by the Applicant that will allow the Pension Division to provide the Chief of the Department in which the Applicant worked (the "Chief") with the Applicant's medical records. The Application will require the Applicant to provide a copy of the Application to the Chief and to request in writing that the Chief certify that the Applicant meets the applicable criteria for a waiver of the income cap as set forth in Exhibit A or Exhibit B, as applicable.

Upon receipt of the Application, the Pension Division will forward the Applicant's medical records to the Chief with a letter requesting that if the Chief certifies that the Applicant has met the applicable criteria for an income cap waiver, the Chief shall make the Certification in writing and provide a detailed explanation for the Certification.

The Board's Exercise of Discretion

Upon receipt of the Certification, the Applicant's request for a waiver of the income cap will be placed on the agenda for the next Board meeting. At the meeting, the Board will review the Application, the Applicant's medical records and the Certification (in Executive Session if medical information will be discussed). The Board will then exercise its discretion to determine if the Applicant's service connected disability or disabilities meet the criteria for a waiver of the income cap, as set forth in Exhibit A or Exhibit B, as applicable. If the Application is approved, the income cap waiver will be effective as the first day of the month following the Board's meeting.

EFFECTIVE DATE OF POLICY

This Policy shall apply to all decisions on requests for income cap waivers made after the date of adoption of this policy, including any pending requests.

Duly adopted at a meeting of the Board of Trustees of the Policemen and Firemen's Pension Fund on this _____ day of _____, 2020.

Michael Gormany
Clerk

EXHIBIT A

Article 32.9(D)4 of the Collective Bargaining Agreement with New Haven Fire Union Local 825

4. The Pension Board shall have the sole discretion to waive the provisions of (d) (1), (2) and (3) above upon certification by the Chief that the disability was service-connected and occurred while the retiree was rendering "Fire Duties as defined in the By-Laws of the Connecticut State Firemen's Association. In such case the Disability Pension shall not be subject to such cap on earnings nor to any Cost of Living increase.

Connecticut State Firefighters Association, Inc. Bylaws Article VIII, Section 1

The term fire duties include duties performed while at fires, while answering alarms of fires, while directly returning from fires, while at fire drills or parades, while going directly to or returning directly from fire drills or parades, while at tests or trials of any of the apparatus or equipment normally used by the Fire Department, while going directly to or directly returning from such test or trials, while instructing or being instructed in fire duties, while answering or returning from ambulance calls, where the ambulance service is part of the fire service, while answering or returning from fire department emergency calls and any other fire duty, ordered to be performed by a Superior or Commanding Officer in the Fire Department: also any duty in connection with requirements in construction and maintenance of apparatus and appliances, operation and upkeep of the fire alarm telegraph, engagement in fire protection activities and investigation.

EXHIBIT B

**Section 1(S)4 of the Bargaining Agreement with
New Haven Police Union Elm City Local, CACP**

4. The Pension Board shall have the sole discretion to waive the provisions of (S), (1), (2) and (3) above, upon certification by the Chief that the disability was service-connected and occurred while the employee was affecting an arrest, while participating in departmental training, while responding to calls for Police Service or while handling calls for Police Service of a hazardous nature. In such case, the disability pension shall not be subject to such cap on earnings nor to any cost of living increase.