

# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Subsection 14-49 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 14-49. Funds created; assets; assessments; appropriation by the city.

(a) There shall be in the city three (3) pension funds to be known as "The Pre-1967 Police Pension Fund of Danbury," "The 1967 Police Pension Fund of Danbury" and "The 1983 Police Pension Fund of Danbury," to consist of such sums of money as shall be appropriated or designated to such funds by the city, and such sums of money as are assessed against the salaries of the members of the police department.

(b) Assessments required under said funds shall be made by the Boards of Directors of said funds on the salaries of members of said Police Department, said assessments to be payable weekly or biweekly and to be deducted from the members' salaries. The assessments of the salaries of members of the Pre-1967 Police Pension Fund and the 1967 Pension Fund shall be at the rate of four (4) percent per annum. The assessments of the salaries of members of the 1983 Pension Fund shall be at the rate of four (4) percent per annum prior to July 1, 2006 and at the rate of four and one-half (4½) percent per annum on and after July 1, 2006.

(c) There shall be appropriated by the city each year for the funds amounts equal to the total amount of assessments of the salaries of such members of the police department during the preceding fiscal year.

(d) There shall also be appropriated annually by the city such additional sums of money as are necessary to keep these funds operating on a funded, actuarial basis.

(e) All costs associated with the administration of the three pension funds shall be charged to the pension funds. Such costs include but are not limited to: fees for actuarial, investment advisory, legal or other services; expenses associated with medical evaluations for disability pension applications; costs for producing and providing summary plan descriptions, pension estimates and/or other information to plan participants.

COPY SHOWING DELETIONS AND NEW LANGUAGE

Sec. 14-49. Funds created; assets; assessments; appropriation by the city.

(a) There shall be in the city three (3) pension funds to be known as "The Pre-1967 Police Pension Fund of Danbury," "The 1967 Police Pension Fund of Danbury" and "The 1983 Police Pension Fund of Danbury," to consist of such sums of money as shall be appropriated or designated to such funds by the city, and such sums of money as are assessed against the salaries of the members of the police department.

~~(b) Assessments required under these funds shall be made by the boards of directors of the funds on the salaries of such members of the police department at the rate of not more than four (4) percent per annum, payable weekly and to be deducted from their salaries by the city treasurer.~~

(B) ASSESSMENTS REQUIRED UNDER SAID FUNDS SHALL BE MADE BY THE BOARDS OF DIRECTORS OF SAID FUNDS ON THE SALARIES OF MEMBERS OF SAID POLICE DEPARTMENT, SAID ASSESSMENTS TO BE PAYABLE WEEKLY OR BIWEEKLY AND TO BE DEDUCTED FROM THE MEMBERS' SALARIES. THE ASSESSMENTS OF THE SALARIES OF MEMBERS OF THE PRE-1967 POLICE PENSION FUND AND THE 1967 PENSION FUND SHALL BE AT THE RATE OF FOUR (4) PERCENT PER ANNUM. THE ASSESSMENTS OF THE SALARIES OF MEMBERS OF THE 1983 PENSION FUND SHALL BE AT THE RATE OF FOUR (4) PERCENT PER ANNUM PRIOR TO JULY 1, 2006 AND AT THE RATE OF FOUR AND ONE-HALF (4½) PERCENT PER ANNUM ON AND AFTER JULY 1, 2006.

(c) There shall be appropriated by the city each year for the funds amounts equal to the total amount of assessments of the salaries of such members of the police department during the preceding fiscal year.

(d) There shall also be appropriated annually by the city such additional sums of money as are necessary to keep these funds operating on a funded, actuarial basis.

(E) ALL COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE THREE PENSION FUNDS SHALL BE CHARGED TO THE PENSION FUNDS. SUCH COSTS INCLUDE BUT ARE NOT LIMITED TO: FEES FOR ACTUARIAL, INVESTMENT ADVISORY, LEGAL OR OTHER SERVICES; EXPENSES ASSOCIATED WITH MEDICAL EVALUATIONS FOR DISABILITY PENSION APPLICATIONS; COSTS FOR PRODUCING AND PROVIDING SUMMARY PLAN DESCRIPTIONS, PENSION ESTIMATES AND/OR OTHER INFORMATION TO PLAN PARTICIPANTS.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Subsection 14-52 (c) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 14-52. Personnel covered; effect of military service; definition of pay; changes in pensions; duration, applications for retirement.

(c) With respect to The Pre-1967 Police Pension Fund of Danbury and to The 1967 Police Pension Fund of Danbury and to the pension benefits of their respective members, the term "pay," as used in any applicable section of this article, shall be defined as the highest salary or compensation received by any regular member of either fund during the years in which such member served the city; and such pension when determined by the appropriate board of directors shall not thereafter be reduced, but shall be increased to correspond to any increase in salary received by members of the same grade and rank of such member while in active service of the department.

Any regular member of the 1983 Pension Fund who retires on or after March 15, 2006 and who has twenty-five (25) years of service or is age 55 at the time of retirement shall be eligible for annual post-retirement adjustments to the member's pension benefit of two (2) percent per annum, payable starting the first of the month following the completion of five (5) years of retirement, except that adjustment to an eligible retiree's pension shall be two (2) percent per annum, payable starting the first of the month following the completion of one (1) year of retirement in the case of a retirement for disability incurred in the line of duty pursuant to Section 14-55, subsection (b).

With respect to The 1983 Police Pension Fund of Danbury and to the pension benefits of the membership of such fund, the term "pay," as used in any applicable section of this article, shall be defined as the average of the annual straight-time earnings received by any regular member of the fund during the three (3) years of highest compensation.

**COPY SHOWING DELETIONS AND NEW LANGUAGE**

Sec. 14-52. Personnel covered; effect of military service; definition of pay; changes in pensions; duration, applications for retirement.

(c) With respect to The Pre-1967 Police Pension Fund of Danbury and to The 1967 Police Pension Fund of Danbury and to the pension benefits of their respective members, the term "pay," as used in any applicable section of this article, shall be defined as the highest salary or compensation received by any regular member of either fund during the years in which such member served the city; and such pension when determined by the appropriate board of directors shall not thereafter be reduced, but shall be increased to correspond to any increase in salary received by members of the same grade and rank of such member while in active service of the department.

ANY REGULAR MEMBER OF THE 1983 PENSION FUND WHO RETIRES ON OR AFTER MARCH 15, 2006 AND WHO HAS TWENTY-FIVE (25) YEARS OF SERVICE OR IS AGE 55 AT THE TIME OF RETIREMENT SHALL BE ELIGIBLE FOR ANNUAL POST-RETIREMENT ADJUSTMENTS TO THE MEMBER'S PENSION BENEFIT OF TWO (2) PERCENT PER ANNUM, PAYABLE STARTING THE FIRST OF THE MONTH FOLLOWING THE COMPLETION OF FIVE (5) YEARS OF RETIREMENT, EXCEPT THAT ADJUSTMENT TO AN ELIGIBLE RETIREE'S PENSION SHALL BE TWO (2) PERCENT PER ANNUM, PAYABLE STARTING THE FIRST OF THE MONTH FOLLOWING THE COMPLETION OF ONE (1) YEAR OF RETIREMENT IN THE CASE OF A RETIREMENT FOR DISABILITY INCURRED IN THE LINE OF DUTY PURSUANT TO SECTION 14-55, SUBSECTION (B).

With respect to The 1983 Police Pension Fund of Danbury and to the pension benefits of the membership of such fund, the term "pay," as used in any applicable section of this article, shall be defined as the average of the annual straight-time earnings received by any regular member of the fund during the three (3) years of highest compensation.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Subsection 14-54 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows

Sec. 14-54. Optional retirement.

(a) When a regular member of either The Pre-1967 Police Pension Fund of Danbury or The 1967 Police Pension Fund of Danbury has completed twenty-seven (27) years of service, regardless of age, such member shall upon written application be retired on an annual pension, payable monthly, equal in amount to not less than one-half pay plus an additional two (2) percent of pay for each year of service in excess of twenty-five (25) years, but in no case shall such member's annual pension be greater than sixty-eight (68) percent of pay.

When a regular member of The 1983 Police Pension Fund of Danbury has completed twenty-five (25) years of service, regardless of age, such member shall upon written application be retired on an annual pension payable monthly, equal in amount to three percent (3%) of pay per year of service for the final five (5) years of service, and two percent (2%) of pay per year of service for years prior to the final five (5) years, but in no case greater than sixty-eight percent (68%) of pay.

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Sec. 14-54. Optional retirement.

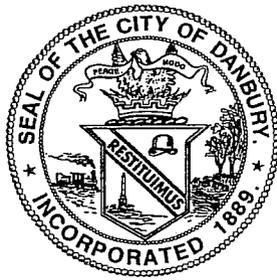
(a) When a regular member of either The Pre-1967 Police Pension Fund of Danbury or The 1967 Police Pension Fund of Danbury has completed twenty-seven (27) years of service, regardless of age, such member shall upon written application be retired on an annual pension, payable monthly, equal in amount to not less than one-half pay plus an additional two (2) percent of pay for each year of service in excess of twenty-five (25) years, but in no case shall such member's annual pension be greater than sixty-eight (68) percent of pay.

~~When a regular member of The 1983 Police Pension Fund of Danbury has completed twenty-five (25) years of service, regardless of age, such member shall upon written application be retired on an annual pension payable monthly equal in amount to two (2) percent of pay for each year of service, but in no case shall that member's annual pension be greater than sixty-eight (68) percent of pay.~~

WHEN A REGULAR MEMBER OF THE 1983 POLICE PENSION FUND OF DANBURY HAS COMPLETED TWENTY-FIVE (25) YEARS OF SERVICE, REGARDLESS OF AGE, SUCH MEMBER SHALL UPON WRITTEN APPLICATION BE RETIRED ON AN ANNUAL PENSION PAYABLE MONTHLY, EQUAL IN AMOUNT TO THREE PERCENT (3%) OF PAY PER YEAR OF SERVICE FOR THE FINAL FIVE (5) YEARS OF SERVICE, AND TWO PERCENT (2%) OF PAY PER YEAR OF SERVICE FOR YEARS PRIOR TO THE FINAL FIVE (5) YEARS, BUT IN NO CASE GREATER THAN SIXTY-EIGHT PERCENT (68%) OF PAY.

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# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Subsection 14-55 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows

Sec. 14-55. Retirement for disability incurred in line of duty.

(a) When a regular member of either The Pre-1967 Police Pension Fund of Danbury or of The 1967 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the police department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the appropriate board of directors and the board of directors shall retire such employee on an annual pension, payable monthly, equal in amount to sixty-six and two-thirds ( $66 \frac{2}{3}$ ) percent of pay, or in an amount computed in accordance with the provisions of subsection 14-54(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by these physicians to be unable to perform active service in the department.

(b) When a regular member of the 1983 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the Danbury Police Department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the Board of Directors of said fund and said Board of Directors shall retire such employee on an annual pension, payable monthly, equal in amount to fifty percent (50%) of the compensation being paid to said member at the time of disablement or in an amount computed in accordance with the provisions of subsection 14-54(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by such physicians to be unable to perform active service in said department, and the member's disability is not the result of refusal to obtain reasonable medical treatment\* that would permit the member to return to duty; and provided further that:

- (i) said benefits shall terminate after a period of two (2) years unless said member is then permanently and totally disabled so as to be unable to perform any suitable and comparable work; or
- (ii) said benefits shall terminate if the member refuses recall to work within five (5) years of the granting of the disability pension.

For a period of five years following the granting of a disability retirement:

- (i) The Board shall require a disability retiree to submit to an annual medical examination by an examiner, selected by the Board, who is Board Certified in the specialty related to the retiree's disability. The Board shall give the retiree a minimum of two (2) weeks notice of the scheduled medical examination. If the retiree has relocated and the new residence is more than two hundred fifty (250) miles from Danbury, the Board shall arrange to have the examination conducted at a location closer to the retiree's new residence or shall pay for the reasonable cost of transportation to the Danbury area for the examination.
- (ii) If the medical examination reveals that the retiree's disability has abated to a sufficient degree that he/she may return to work, the retiree shall be recalled to an available position in the department.

- (iii) The retiree who accepts recall shall be given years of credited service for time spent on disability pension provided he/she shall make contributions for those years within the same number of years as the period of disability. If the retiree refuses to return to work, the Board shall terminate his/her disability pension and the retiree may apply for a non-disability pension based on years of service prior to the period of the disability pension.

\*Whether medical treatment is "reasonable" shall be determined in accordance with the standards applied in workers' compensation cases. In the event of a dispute, the determination of whether the member is refusing "reasonable medical treatment shall be made by an arbitrator who has experience in cases involving medical or disability issues. The arbitrator shall be selected by mutual agreement of the Danbury Police Union and the Mayor or his/her designee if the member/retiree is/was represented by the Union, or by mutual agreement of the member/retiree and the Mayor or his/her designee if not represented by the Union.

In no event shall workers' compensation when combined with the pension benefits provided for herein exceed 100% of the compensation being paid to the member at the time of disablement.

This amended Section 14-55(b) is effective and applicable to all applications for service connected disability pensions on and after April 1, 2007. Prior to the effective date, the provisions of the ordinance in effect prior to the amendment shall apply.

**COPY SHOWING DELETIONS AND NEW LANGUAGE**

**Sec. 14-55. Retirement for disability incurred in line of duty.**

(a) When a regular member of either The Pre-1967 Police Pension Fund of Danbury or of The 1967 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the police department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the appropriate board of directors and the board of directors shall retire such employee on an annual pension, payable monthly, equal in amount to sixty-six and two-thirds (66 2/3) percent of pay, or in an amount computed in accordance with the provisions of subsection 14-54(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by these physicians to be unable to perform active service in the department.

~~(b) When a regular member of The 1983 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the board of directors of that fund and the board of directors shall retire such employee on an annual pension, payable monthly, equal in amount to fifty (50) percent of the compensation being paid to the member at the time of disablement or in an amount computed in accordance with the provisions of subsection 14-54(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by these physicians to be unable to perform active service in the department; and provided further, that the benefits shall terminate after a period of two (2) years unless the member is then permanently and totally disabled so as to be unable to perform any suitable and comparable work. In no event shall Workers' Compensation, when combined with the pension benefits provided for herein, exceed one hundred (100) percent of the compensation being paid to the member at the time of disablement.~~

(B) WHEN A REGULAR MEMBER OF THE 1983 POLICE PENSION FUND OF DANBURY SHALL BECOME PERMANENTLY DISABLED SO AS TO BE UNABLE TO PERFORM ACTIVE SERVICE IN THE DANBURY POLICE DEPARTMENT BY REASON OF MENTAL OR PHYSICAL DISABILITY RESULTING FROM INJURY RECEIVED OR EXPOSURE ENDURED IN THE PERFORMANCE OF SUCH MEMBER'S DUTY. SUCH MEMBER MAY MAKE APPLICATION FOR RETIREMENT TO THE BOARD OF DIRECTORS OF SAID FUND AND SAID BOARD OF DIRECTORS SHALL RETIRE SUCH EMPLOYEE ON AN ANNUAL PENSION, PAYABLE MONTHLY, EQUAL IN AMOUNT TO FIFTY PERCENT (50%) OF THE COMPENSATION BEING PAID TO SAID MEMBER AT THE TIME OF DISABLEMENT OR IN AN AMOUNT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION 14-54(B), WHICHEVER IS GREATER; PROVIDED SUCH MEMBER HAS BEEN EXAMINED BY TWO (2) PHYSICIANS AND SUCH MEMBER HAS BEEN FOUND BY SUCH PHYSICIANS TO BE UNABLE TO PERFORM ACTIVE SERVICE IN SAID DEPARTMENT, AND THE MEMBER'S DISABILITY IS NOT THE RESULT OF REFUSAL TO OBTAIN REASONABLE MEDICAL TREATMENT\* THAT WOULD PERMIT THE MEMBER TO RETURN TO DUTY; AND PROVIDED FURTHER THAT:

- (I) SAID BENEFITS SHALL TERMINATE AFTER A PERIOD OF TWO (2) YEARS UNLESS SAID MEMBER IS THEN PERMANENTLY AND TOTALLY DISABLED SO AS TO BE UNABLE TO PERFORM ANY SUITABLE AND COMPARABLE WORK: OR
- (II) SAID BENEFITS SHALL TERMINATE IF THE MEMBER REFUSES RECALL TO WORK WITHIN FIVE (5) YEARS OF THE GRANTING OF THE DISABILITY PENSION.

FOR A PERIOD OF FIVE YEARS FOLLOWING THE GRANTING OF A DISABILITY RETIREMENT:

- (I) THE BOARD SHALL REQUIRE A DISABILITY RETIREE TO SUBMIT TO AN ANNUAL MEDICAL EXAMINATION BY AN EXAMINER, SELECTED BY THE BOARD, WHO IS BOARD CERTIFIED IN THE SPECIALTY RELATED TO THE RETIREE'S DISABILITY. THE BOARD SHALL GIVE THE RETIREE A MINIMUM OF TWO (2) WEEKS NOTICE OF THE SCHEDULED MEDICAL EXAMINATION. IF THE RETIREE HAS RELOCATED AND THE NEW RESIDENCE IS MORE THAN TWO HUNDRED FIFTY (250) MILES FROM DANBURY, THE BOARD SHALL ARRANGE TO HAVE THE EXAMINATION CONDUCTED AT A LOCATION CLOSER TO THE RETIREE'S NEW RESIDENCE OR SHALL PAY FOR THE REASONABLE COST OF TRANSPORTATION TO THE DANBURY AREA FOR THE EXAMINATION.
- (II) IF THE MEDICAL EXAMINATION REVEALS THAT THE RETIREE'S DISABILITY HAS ABATED TO A SUFFICIENT DEGREE THAT HE/SHE MAY RETURN TO WORK, THE RETIREE SHALL BE RECALLED TO AN AVAILABLE POSITION IN THE DEPARTMENT.
- (III) THE RETIREE WHO ACCEPTS RECALL SHALL BE GIVEN YEARS OF CREDITED SERVICE FOR TIME SPENT ON DISABILITY PENSION PROVIDED HE/SHE SHALL MAKE CONTRIBUTIONS FOR THOSE YEARS WITHIN THE SAME NUMBER OF YEARS AS THE PERIOD OF DISABILITY. IF THE RETIREE REFUSES TO RETURN TO WORK, THE BOARD SHALL TERMINATE HIS/HER DISABILITY PENSION AND THE RETIREE MAY APPLY FOR A NON-DISABILITY PENSION BASED ON YEARS OF SERVICE PRIOR TO THE PERIOD OF THE DISABILITY PENSION.

\*WHETHER MEDICAL TREATMENT IS "REASONABLE" SHALL BE DETERMINED IN ACCORDANCE WITH THE STANDARDS APPLIED IN WORKERS' COMPENSATION CASES. IN THE EVENT OF A DISPUTE, THE DETERMINATION OF WHETHER THE MEMBER IS REFUSING "REASONABLE MEDICAL TREATMENT SHALL BE MADE BY AN ARBITRATOR WHO HAS EXPERIENCE IN CASES INVOLVING MEDICAL OR DISABILITY ISSUES. THE ARBITRATOR SHALL BE SELECTED BY MUTUAL AGREEMENT OF THE DANBURY POLICE UNION AND THE MAYOR OR HIS/HER DESIGNEE IF THE MEMBER/RETIREE IS/WAS REPRESENTED BY THE UNION, OR BY MUTUAL AGREEMENT OF THE MEMBER/RETIREE AND THE MAYOR OR HIS/HER DESIGNEE IF NOT REPRESENTED BY THE UNION.

IN NO EVENT SHALL WORKERS' COMPENSATION WHEN COMBINED WITH THE PENSION BENEFITS PROVIDED FOR HEREIN EXCEED 100% OF THE COMPENSATION BEING PAID TO THE MEMBER AT THE TIME OF DISABLEMENT.

THIS AMENDED SECTION 14-55(B) IS EFFECTIVE AND APPLICABLE TO ALL APPLICATIONS FOR SERVICE CONNECTED DISABILITY PENSIONS ON AND AFTER APRIL 1, 2007. PRIOR TO THE EFFECTIVE DATE, THE PROVISIONS OF THE ORDINANCE IN EFFECT PRIOR TO THE AMENDMENT SHALL APPLY.

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