

DISABILITY RETIREMENT AT A GLANCE

In September 2004 the Council of the District of Columbia enacted D.C. Law 15-194, the "Omnibus Public Safety Agency Reform Amendment Act of 2004". This law made several changes governing the circumstances under which the Metropolitan Police Department ("MPD") is required to present a member to the District of Columbia Police and Firefighters Retirement and Relief Board ("Retirement Board") for disability retirement. In summary, the Act **limits** the number of days a member can remain in sick or limited duty status for a performance of duty ("POD") or non-performance of duty ("non-POD") injury or illness, after which point in time the member must be referred to the Retirement Board for disability retirement.

- ✓ Generally speaking, any member who spends 172 work days in a less than full duty status over any two-year period due to any one POD or non-POD medical condition must be referred to the Retirement Board to be considered for disability retirement.
- ✓ Members reaching the 172 less than full duty work days limit must be referred to the Retirement Board for disability retirement, regardless of the likelihood of being able to return to full duty once fully recovered.
- ✓ Non chargeable, or POD, medical leave is limited to a maximum of two years, inclusive of the 172 less than full duty work days, and the time it takes to process a disability retirement recommendation (i.e. hearings, hearing continuances, etc.).
- ✓ The Chief of Police can consider allowing more than two years for recovery for those members who sustain a serious or life-threatening **POD** injury or illness, if the member is likely to be able to return to full duty upon recovery.
- ✓ Chargeable, or non-POD, medical leave is limited to that which a member has in his or her sick leave and annual leave accounts, and as governed by rules established by the Mayor under the District of Columbia Merit Personnel Act.
- ✓ Members who cannot perform at full duty after reaching full recovery from a POD or non-POD injury or illness, must be referred to the Retirement Board to be considered for disability retirement, even if the 172 less than full duty work days limit has not been reached.
- ✓ The requirement to refer for disability retirement those members who spend 172 work days in a less than full duty status does not apply to members who are unable to perform full duty as a result of pregnancy.

The following example describes the disability retirement benefit you might be eligible for if you were to be retired on disability. Your benefit is based on your base pay at the time you retire, and your degree of disability as determined by the Retirement Board. If you are eligible, longevity pay is included in your base pay. The basic formula is 70% of base pay multiplied by your disability rating. The minimum disability benefit for a POD disability is 40% of base pay. The minimum disability benefit for a non-POD disability is 30% of base pay. Whether your disability retirement is POD or non-POD is determined by the Retirement Board.

- Example: Officer Miller's base pay at the time he is retired on disability is \$65,000, and the Retirement Board determines that Officer Miller's degree of disability is 55%, Officer Miller's disability benefit would be \$25,025 [$70\% \times \text{Officer Miller's base pay of } \$65,000 = \$45,500$; then $55\% \text{ degree of disability} \times \$45,500 = \$25,025$]. If the minimum POD disability benefit of 40% of base pay for a performance of duty disability turned out to be more than the calculated benefit, then Officer Miller would receive the larger benefit payment. Similarly, if the minimum non-POD disability benefit of 30% of base pay for a non-POD disability turned out to be more than the calculated benefit, then Officer Miller would receive the larger benefit payment.