

ORDINANCE NO. _____

1 AN ORDINANCE amending Sections 2.62.090, 2.65.090, and 2.66.085 of the
2 Lincoln Municipal Code to increase the review period for Disability Retirement Benefits for the
3 Police and Fire Pension Plans A, B and C, respectively, from three to five years; and repealing
4 Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 2.62.090 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **2.62.090 Review of Disability Retirement Benefit.**

9 (a) For a period of ~~three~~ five years from the date of a former member's retirement for a
10 disability, the Plan Administrator shall be authorized, not more often than annually, to require the
11 former member to submit to an examination by a physician, of the Plan Administrator's choice, to
12 determine whether the former member is still totally disabled. The Plan Administrator may also
13 request such an examination upon receipt, from the former member, of a written request to return
14 to duty.

15 (b) The payment of disability retirement benefits shall cease if it is determined by the Mayor,
16 upon the recommendation of the Disability Pension Review Committee, that the former member is
17 no longer totally disabled by the injury or condition for which such former member was retired, and
18 the former member (i) has been restored to active duty in the same rank held as of the date of
19 retirement; or (ii) has been ordered restored to active duty in such same rank and shall have declined,
20 refused or neglected to report for duty; or (iii) has been ordered restored to active duty in such same
21 rank and shall have been unable to meet minimum departmental performance standards. In the event
22 of (ii) and (iii), such employee shall thereafter be entitled only to the benefit earned by age and
23 service.

24 (c) The pension contributions and interest of such former member restored to active duty
25 shall be restored to the same values in existence as of the date of the disability retirement. Pension
26 contributions by such former member shall recommence in accordance with Section 2.62.160.

1 Section 2. That Section 2.65.090 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **2.65.090 Review of Disability Retirement Benefits.**

4 (a) For a period of ~~three~~ five years from the date of a member’s retirement for a disability,
5 the Plan Administrator shall be authorized, not more often than annually, to require the former
6 member to submit to an examination by a physician of the Plan Administrator’s choice to determine
7 whether the former member is still permanently and totally disabled. The Plan Administrator may
8 also request such an examination upon receipt of a written request of the former member to return
9 to duty.

10 (b) The payment of disability retirement benefits shall cease if it is determined by the Mayor,
11 upon the recommendation of the Disability Pension Review Committee, that the former member is
12 no longer totally disabled by the injury or condition for which such former member was retired and
13 the former member (i) has been restored to active duty in the same rank held as of the date of
14 retirement; or (ii) has been ordered restored to active duty in such same rank and shall have declined,
15 refused or neglected to report for duty; or (iii) has been ordered restored to active duty in such same
16 rank and shall have been unable to meet minimum departmental performance standards. In the event
17 of (ii) and (iii), such employee shall thereafter be entitled only to the benefit earned by age and
18 service.

19 (c) The pension contributions and interest of such former member restored to active duty
20 shall be restored to the same values in existence as of the date of retirement. Pension contributions
21 by such former member shall recommence in accordance with § 2.65.160.

22 Section 3. That Section 2.66.085 of the Lincoln Municipal Code be amended to read
23 as follows:

24 **2.66.085 Review of Disability Retirement Benefits.**

25 (a) For a period of ~~three~~ five years from the date of a former member’s retirement for a
26 disability, the Plan Administrator shall be authorized, not more often than annually, to require the
27 former member to submit to an examination by a physician of the Plan Administrator’s choice to
28 determine whether the former member is still permanently and totally disabled. The Plan

1 Administrator may also request such an examination upon receipt of a written request of the former
2 member to return to duty.

3 (b) The payment of disability retirement benefits shall cease if it is determined by the
4 Mayor, upon the recommendation of the Disability Pension Review Committee, that the former
5 member is no longer permanently and totally disabled by the injury or condition for which such
6 former member was retired and the former member (i) has been restored to active duty in the same
7 rank held as of the date of retirement; or (ii) has been ordered restored to active duty in such same
8 rank and shall have declined, refused or neglected to report for duty; or (iii) has been ordered
9 restored to active duty in such same rank and shall have been unable to meet minimum departmental
10 performance standards. In the event of (ii) and (iii), such employee shall thereafter be entitled only
11 to the benefit earned by age and service.

12 (c) The pension contributions and interest of such former member restored to active duty
13 shall be restored to the same values in existence as of the date of retirement. Pension contributions
14 by such former member shall recommence in accordance with Section 2.66.120.

15 Section 4. That Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal
16 Code as hitherto existing be and the same are hereby repealed.

17 Section 5. That this ordinance shall take effect and be in force from and after passage
18 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
19 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor