

Ronald E. Days – Disability Retirement Benefits Review

Disability Review Committee
City of Gainesville

CITY COMMISSION – BOARD OF TRUSTEES FOR THE GENERAL PENSION PLAN
MARCH 1, 2018

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Old Plan Disability Ordinance Termination of benefits

- “Sec. 2-556. Termination of disability pension. (a)
Upon recovery, the employee’s disability pension shall be continued temporarily (not to exceed six months) in order to give him/her an opportunity to find a position. If he/she is reemployed in the city service, his/her disability pension shall be discontinued as of the effective date of such reemployment. If he/she is not so reemployed, his/her disability pension shall be terminated at the expiration of the six-month period.”

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Old Plan Disability Ordinance

Termination of benefits

- “Sec. 2-556. Termination of disability pension. (b) A disabled pensioner shall be considered as no longer disabled nor entitled to the benefits of this division when the pensioner becomes able to satisfactorily perform duties similar to those required by the position from which he/she was retired, or duties of a position which shall become and is available to the person and deemed suitable by the city commission upon the recommendation of the disability review committee concurred in by the appropriate administrative department head..... The city commission shall make such termination of recovery based upon information provided by the disability review committee and other appropriate sources, and the determination shall be final and conclusive. (Code 1960, §20-78)”



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Chronological Timeline

- 1/5/93 – Hired Maintenance Worker I – Public Works
- 9/5/94 – Promoted to Motor Equipment Operator – Public Works
- 10/15/98 – Promoted to Motor Equipment Operator II – Public Works
- 4/21/99 – Date of Accident – Public Works
- 4/6/00 – LWOP (Workers’ Comp) – Public Works
- 8/28/00 – Return from LWOP – Public Works
- 6/4/01 – Applied for Disability Retirement – Public Works
- 8/22/01 – LWOP – Public Works
- 11/5/01 – Voluntary demotion to Transit operator trainee- Part-time (20) – RTS – Part of Disability process
- 2/1/02 – Termination from RTS
- 8/12/02 – Disability approved by Commission – Monthly amount of \$599.63 – Old Plan provisions apply
- 9/16/02 – Workers’ Comp Settlement – **Not return to City employment**
- 2/12/07 – Plan Changes – We required as part of certification process to designate employment status and social security waivers annually



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Recertification History

- 3/22/2006 Recertification for Days – work status showed as bus driver – Verification via Alachua County – not full-time
- Prior to 2007, Workers' Comp Offsets could be taken – offset not taken
- 2007 Plan Changes – We changed recertification process to include additional documents 1) SS Waivers and 2) Work Status
- 2011 Audit performed on Recertification Process
- 2012 Audit performed all General Plan Disability recipients for SS offset and accuracy of amount taken – confirmation from actuary and adjustments made
- 6/13/12 – Sent letter requesting Days make application for Social Security disability
- 7/10/12 – Days made application for Social Security disability
- 8/7/12 – Days application was denied by Social Security



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Recertification process – 2016


- 11/14/2016 – Recertification process began
- 1/9/17 – Recertified as working for School Board
\$16,000 annual salary
- 3/15/17 – Request to Ronald Days for Employer
verification–certification did not list name of employer
- 3/27/17 – Verification from Levy County School Board
as full-time making \$25,444.80 SY 16–17



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Recertification process – 2017

- 11/15/17– Recertification process began
- 11/21/17– Recertified as working for Levy County School Board \$17,000 annual salary
- 2/7/18 – Request to Levy County School Board for Employer Verification
- 2/7/18 – Verification from Levy County School Board as full-time \$26,769.12 SY 17-18



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Work History outside of City Employment

- Alachua County School Board – Dates of employment:
3/3/03 to 9/15/06 – Bus Driver – 6.7 hours per day
for 5 days per week, 10 months out of the year
- Levy County School Board – Dates of employment:
9/18/06 to present – Bus Driver – 8 hours per day for
186 days per School year



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Old Plan Disability Ordinance

- “Section 2-553. Disability benefits (a) Disabled employees. An employee of the city who becomes, in the opinion of the city commission, totally disabled and wholly and continuously unable to perform any and every duty of his/her employment or of a position to which he/she may be assigned on the recommendation of the disability review committee as approved by the administrative department head, shall be entitled to disability payments in accordance with the disability plan. 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 the duties of a particular job. If placement on another position is not practical or possible, this fact does not in itself determine disability.”



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Old Plan Disability Ordinance

Duration of benefits


- “Sec. 2-554., 4(c) Duration of payment. Disability payments shall continue until death of the employee or until termination of disability pension (as provided in Section 2-556), or until superseded by normal retirement benefits, as provided in section 2-554(b)(3)b. (Code 1960, §20-83)”



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Current Disability Benefit and Proposed Termination of Benefit Timeline

- Currently receiving \$599.63 per month for his lifetime or upon termination of disability benefits.
- Argument is that Mr. Days is performing similar full-time employment for which his disability was granted with the School Board of Levy County. Salary he is receiving is comparable to that of a Full-time RTS Transit Operator.
- Additionally, as required by the ordinance, Mr. Days should re-apply for disability benefits with Social Security if he is totally and wholly unable to perform work in which his disability was granted.
- If his benefits are terminated by the City Commission, Mr. Days could be given up to six months of additional disability benefits through September 30, 2018 (April – September).
- This would mean he would no longer be considered a disability retiree as of October 1, 2018 and no longer eligible to receive City provided life insurance or a contribution by the City for health insurance.
- Mr. Days would be eligible to receive a future vested benefit from the plan after reaching age 65 on February 1, 2026 of \$277.33* (*At this time, he can select one of three options; Life Annuity, Joint & Survivor, or Joint & Last Survivor. If he chooses any option other than the Life Annuity, his benefit would be actuarially recalculated based upon the Survivor option he chooses.)



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Discussion and vote



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