

## **Town of East Hartford, Ct.**

### **Section 15-23. Disability Retirement Benefits.**

(a) If the Retirement Board of the Town of East Hartford determines, in its sole and absolute discretion, that an eligible employee has become and totally disabled, the employee may retire with a disability benefit in accordance with the provisions of subsection (b) of this section. In determining that an eligible employee has become permanently and totally disabled, the Retirement Board must decide that on the basis of medical evidence, the eligible employee is physically or mentally unable, as a result of bodily injury or disease, to engage in or perform the regular duties of any position in the Are [sic] Department if the eligible employee is a member of the Are [sic] Department or the Police Department if the eligible employee is a member of the Police Department, and such disability was not the result of the eligible employee's own willful misconduct and will be permanent and continuous for the remainder of the life of the eligible employee. Willful misconduct includes but is not limited to (1) disability resulting from an intentionally self-inflicted injury; (2) disability which was contracted, suffered or incurred while the eligible employee was engaged in or resulted from having engaged in a felonious enterprise; and (3) disability resulting from chronic alcoholism or addiction to narcotics.

(b) If the eligible employee became permanently and totally disabled during the performance of essential duties pertaining to the eligible employee's employment as a firefighter or police officer, as the case may be, the eligible employee is eligible to retire and receive a monthly service-connected disability benefit. The monthly amount of such disability benefit will be one-twelfth of fifty percent of the eligible employee's final average salary or the annual rate of pay, whichever is greater. If the eligible employee has completed twenty years or more of credited service, the amount of the disability benefit will be calculated in the same manner as the employee's pension under the Town of East Hartford's Retirement Plans for Full Time Employees of the Are [sic] Department and Police Department using the

eligible employee's credited service and final average salary or annual rate of pay as of the eligible employee's permanent and total disability date. Such disability benefit shall be paid for as long as the eligible employee remains totally and permanently disabled. In no event shall such service connected disability benefit, together with any regular benefits awarded from worker's compensation exceed one hundred percent of the eligible employee's final average salary or the eligible employee's annual rate of pay at the date of disability.

(c) As used in this section:

- i. "eligible employee" shall mean a full-time active employee in the Service of the Town of East Hartford's Fire Department or Police Department;
- ii. "final average salary" shall mean: (A) for persons hired before December 31, 1994, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Final average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary and any lump sum resulting from unused accrued terminal/sick leave and unused vacation subject to the maximums contained in the collective bargaining agreement of the union of which the eligible employee was a member.; (B) for persons hired after January 1, 1995, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Anal [sic] average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary;

- iii. "credited service" shall mean the number of full years of continuous service and fractions thereof to the nearest completed month with the town of East Hartford, as determined by the Retirement Board, completed by the eligible employee from the date the employee is included in the town of East Hartford's retirement system as determined by the Retirement Plan for the Police or Fire Department employees, as the case may be, to the earlier of the eligible employee's date of termination or employment, or the eligible employee's actual retirement date, provided the eligible employee shall not receive credit for any period during which the employee did not make necessary employee contribution in accordance with Retirement Plan for the Police or Fire Department employees, as the case may be.

The definitions and terms of this section shall be construed as to be consistent with the Town of East Hartford Retirement Plan under which the eligible employee has retired.

(d) The provisions of this section shall be applicable to disability retirement benefits paid on or after January 1, 2002.

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