

Disability pensions and DROP

By Joe Chure

There seems to be a new and disturbing change of opinion at the local Phoenix Police Pension Board as it relates to accidental disability retirements. Phoenix has been good about taking care of our wounded warriors, Jason Schechterle, Dave Logan, Tommy Janssen, Robert Sitek, all names that come to mind as those who have paid a significant price to serve. All very deserving of any and all benefits afforded. Phoenix has allowed those injured in the line of duty to stay on as long as they wanted even though they may no longer be able to perform the full range of duties of a police officer. I think that is the right thing to do for these heroes, they deserve it!

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At a recent pension board hearing a member made application for an accidental disability pension based upon the fact that he had a medically supported industrial injury that prevents him from performing a reasonable range of duties of a police officer. The injury was caused by a work environment that was described by one board member as an "ergonomic disaster." The injury is serious, resulting in surgery to the officer's neck/spine. The injury was not high profile, he wasn't shot and it was not on the 6:00 o'clock news, but nonetheless it was a line of duty injury. When this injury was diagnosed the member was in DROP. Like most people who get hurt, he wanted to get better and was medically treated for several years. Is that unreasonable or even unusual? He was in a light duty capacity until his doctors advised him that he was not going to get better and would never return to full duty. He has a total and permanent disability. So, a few months before his fifth year anniversary in DROP he applied for an accidental disability and that is where, according to local pension board member Sgt. Ron Snodgrass, the trouble begins.

It seems that all of a sudden there is concern about the perceived "timeliness" of the application. The question being rather the officer's "employment is terminated by reason of (the) accidental disability" or the culmination of his DROP period. In fact Ron Snodgrass stated in the hearing, "...Just in the form of discussion, Mr. Chairman, for an affirmative vote of denial on this, I want to make it clear, I see there is medical evidence here but I also see there is a pattern moving towards the end of DROP and that's what the ultimate goal was here and that in turn goes toward timeliness and the reason for severing with the employer being the culmination of the DROP period on the horizon rather than it just being just the disability. For that reason I think we need to be clear for the record if there's a negative vote here it isn't because of the medical information we have before us but the other information with regards to the timeliness and when this application came before us."

The first bullet point says, "YES you can apply if the job related injury or condition occurred before or after the member entered DROP."

If you look on the PSPRS web site, notice the "Disability Retirement" PowerPoint presentation prepared by Ron Snodgrass you will find a slide that says, "Disability and DROP" The first bullet point says, "YES you can apply if the job related injury or condition occurred before or after the member entered DROP." Which is it? Isn't that what the officer did? Coincidentally, the board had just recently approved two other accidental disability applications of officers in DROP.

I guess all this begs the question: if an officer shot in the line of duty with three years on and is permitted to continue to work for the police department until they decide to retire, say 20 years later, is there a "timeliness" concern? What is the reason for the termination of employment? Is it the disability or the officer was just ready to retire? Does this mean an officer now must decide between staying on the job and forfeiting his right to an accidentally disability pension or leaving employment with reduced pay and benefits in order to obtain, as quickly as possible, the unwillingly earned disability benefit? Is he none the less disabled regardless of when he applies for the disability benefit?

I hope the Board reconsiders their initial decision in this matter. If not, it could have devastating consequences to officers who are disabled. I for one believe that you should go out of this job just as you came into it, healthy and whole. If not, I feel that if "we" broke you, you deserve the benefits afforded through a disability pension.

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Another interesting topic to be discussed at the next PSPRS Board meeting is the "reasonable range of duties of a police officer." It's simple to me, if you can't run, jump, climb fences, chase bad guys, make a forcible arrest, then in my opinion you are not able to perform the reasonable range of duties of a police officer. The ability to perform and availability of an administrative assignment should not in any way factor in the determination of your disability status. Just my thoughts.