AN ORDINANCE

BY COUNCILMEMBER FELICIA MOORE

03-O-0313

AN ORDINANCE TO AMEND THE PENSION LAWS APPLICABLE TO FIREFIGHTERS OF THE CITY OF ATLANTA SO AS TO INCREASE THE MONTHLY PENSION BENEFIT OF OFFICERS WHERE A DETERMINATION HAS BEEN MADE BY THE BOARD OF TRUSTEES OF THE FIREFIGHTERS PENSION FUND THAT AN OFFICER HAS BECOME DISABLED AS A RESULT OF A CATASTROPHIC INJURY RECEIVED IN THE LINE OF DUTY; TO PROVIDE THAT SAID ORDINANCE SHALL BE RETROACTIVE; AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interest of the city to provide the finest and most supportive pension benefits to the city's firefighters that it can afford; and

WHEREAS, it is also in the best interest of the city to use firefighter pension benefits as a tool by which to attract qualified applicants for unfilled firefighter positions as well as to retain current firefighters in their present positions; and

WHEREAS, the current pension laws of the City of Atlanta do not address the situation of adequate benefits regarding catastrophic injuries in the line of duty.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: Georgia Laws 1924, p. 167, particularly as amended by Georgia Laws 1978, p. 4508 (and as has been further amended) and codified at section 6-367, Related Laws Section of Volume I, City Charter and Code (Firefighters Pension Fund) is hereby amended by providing that any City of Atlanta firefighter who

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receives a catastrophic injury in the line of duty, will receive 100% of the top salary for the grade and position that he/she occupied at the time of his/her injury.

Section 2: The determination of whether a disability is catastrophic shall be in the sole discretion of the board by a preponderance of the evidence and as supported by official medical records, qualified medical expert opinions, sworn testimony and/or other such reliable source accepted by the board in its discretion. For the purposes of this Code Section, a catastrophic injury is a sudden, violent, life-threatening injury sustained by a member who is or was employed as a sworn employee by the City at the time of the injury, which injury is due to an externally-caused event or events, as supported by evidence, including, but not specifically limited to, one of the conditions described below: (1) loss of sight in one or both eyes; (2) loss of one or both feet at or above the ankle; (3) loss of one or both hands at or above the wrist; (4) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg, or; (5) an externally caused traumatic physical injury to the brain or skull that renders one physically or mentally unable to perform two or more Activities of Daily Living (feeding oneself, dressing, continence, bathing, toileting and transferring, i.e. getting in and out of bed), driving a motor vehicle, etc. or catastrophically disabled includes a permanent severely disabling injury or disorder that compromises the ability to carry out the activities of daily living to such a degree that the individual requires personal or mechanical assistance to leave home or bed or requires constant supervision to avoid physical harm to self or others.

Section 3: This ordinance shall be retroactive and those persons who have received catastrophic injuries in the line of duty, while employed as City of Atlanta firefighter, shall be eligible for review and adjustment of their pension in accordance with this section.

Section 4: The Chief Financial Officer of the City of Atlanta shall identify any and all funding required to implement this ordinance.

Section 5: All ordinances, or parts of ordinances in conflict herewith are hereby repealed.