

Firemen's and Policemen's  
INSURANCE AND PENSION FUND

Chattanooga, TN

## PREFACE

This booklet contains the legislative and city charter authority for the Firemen's and Policemen's Insurance and Pension Fund of the City of Chattanooga, Tennessee. The Act creating this Fund is Chapter 165, Private Acts of Tennessee, 1949. This Act, with all amendments, have been made thereto through the 1988 Legislative Session of the General Assembly of the State of Tennessee. The Private Acts are a part of the Charter of the City of Chattanooga, being sections 13.63 - 13.84.

This booklet also contains the legislative authority for Firemen, Policemen, Emergency Medical Technicians, and Paramedics with reference from Tennessee Code Annotated (TCA) 7-51-201.

## SUMMARY PLAN DESCRIPTION

### CITY OF CHATTANOOGA FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND

As it applies to Employees Hired ON OR AFTER November 4,  
1992

As of July 1, 1993

1. *Does the City of Chattanooga have a retirement plan?*

Yes, the City of Chattanooga has established a retirement plan for the exclusive benefit of City firemen and policemen. A separate plan covers other City employees. The plan document, which is included as part of the City Charter, details the way the firemen's and policemen's plan operates. The plan document is printed at the back of this book.

2. *Who may participate in this plan?*

Only regular firemen and policemen of the City of Chattanooga are eligible to participate.

3. *What is my Service Retirement date?*

You become eligible for a Service Retirement Benefit when you have completed 25 years of service and have attained age 55.

4. *What benefits will I receive at Service Retirement?*

The monthly Service Retirement Benefit payable for life is as follows:

60% of the "average salary" then in effect, plus 2% of such "average salary" for each of your first five years of service following eligibility for Service Retirement.

5. *What does "average salary" mean?*

For purposes of calculating your Service Retirement Benefit, "average salary" means the average monthly sergeant's base pay (highest grade) during the three years of your service which yield the highest average. For purposes of calculating all other benefits, "average salary" means **your** three-year average salary, except that "average salary" will not exceed the "average salary" which would be used to calculate Service Retirement Benefits (as described in the preceding sentence).

6. *What happens if I become disabled?*

If you incur disability in the line of duty, you will receive a monthly benefit equal to 60% of your "average salary" (see Question 5), payable until your death or the earlier termination of your disability.

If you become disabled but your disability is not incurred in the line of duty, you may still be entitled to a monthly disability benefit if you have completed at least three (3) years of service. Your benefit will be a percentage of your "average salary" (see Question 5). The percentage will depend on your years of service, according to the following table.

<u>Years of Service</u>	<u>Percentage of Average Salary</u>
3 to 10	18%
at least 10 but less than 20	18% plus 1.2% for each year in excess of 10
20 or more	30%

For example, if you have completed 16 years of service when you become disabled (other than in the line of duty), you will be entitled to a monthly benefit equal to 25.2% of your "average salary"—25.2% equals 18% plus 6 times 1.2%.

7. *What happens if I die prior to retirement?*

If you die while active, several benefits may be payable. Some of them depend on the cause of death and whether you have any surviving family members.

A. Lump Sum Benefit

A \$10,000 lump sum benefit will be paid to your designated beneficiary in addition to any other benefits which may be payable.

B. Surviving Spouse Benefit

If you die as a result of injuries sustained in the line of duty (within six (6) months of sustaining those injuries), your surviving spouse will receive (until death or remarriage) a monthly benefit equal to the "line-of-duty" disability pension described in Question 6.

If your death is not a "line-of-duty" death, your surviving spouse may still be eligible for a monthly benefit.

- If you have completed less than 10 years of service when you die, your spouse's monthly benefit (payable until death or remarriage) will be \$300.
- If you have completed 10 years of service but are not eligible for Service Retirement when you die, your spouse's monthly benefit (payable until death or remarriage) will be the amount which your spouse would have received if you had begun to receive a "non-line-of duty" disability pension the day before you died, in the form of a "Joint and 50% Survivor" option.
- If you are eligible for Service Retirement when you die, your spouse's monthly benefit (payable until death) will be the amount your spouse would have received under any optional form of benefit which you have selected.

#### C. Dependent Children/Parents Benefit

If you have no eligible surviving spouse, each dependent child receives \$100 per month until age 18. If you have no eligible surviving spouse or dependent child, but have a surviving dependent parent or parents, the parent or parents (so long as they have no other means of support) receive the pension which a surviving spouse would have received.

#### 8. *What if I die after my retirement benefits begin?*

A \$10,000 lump sum death benefit will be paid to your designated beneficiary. If you have elected an optional form of benefit, additional death benefits (if any) will be paid according to the terms of the optional form.

#### 9. *What happens if I terminate employment (other than due to death or disability) before I'm eligible for Service Retirement?*

Upon termination of employment before completing 10 years of service, you will receive a refund of your employee contributions without interest. Any such refund must be repaid, with interest at the valuation interest rate, upon reemployment.

If you have completed at least 10 years of service when you terminate employment, you can elect to receive a refund of your contributions, or you can receive a deferred vested retirement benefit payable for life, commencing at age 55. The benefit is computed at 2.4% of your "average salary" (see Question 5) for each year of service, up to a maximum of 25 years. If you die before your deferred vested benefits commence, your estate will receive a refund of your contributions to the plan and your designated beneficiary will receive the \$10,000 lump sum death benefit.

#### 10. *What optional forms of benefit are available to me?*

A member who is entitled to retirement benefits may elect any of the following optional forms of benefit:

**Option A** - A life annuity, with 120 monthly payments guaranteed.

**Option B** - A joint and survivor annuity, with 100% of the member's benefit continuing to his designated beneficiary after his death.

**Option C** - A joint and survivor annuity, with 75% of the member's benefit continuing to his designated beneficiary after his death.

**Option D** - A joint and survivor annuity, with 50% of the member's benefit continuing to his designated beneficiary after his death.

**11. *Once my benefits begin, will they remain level or will they be adjusted for inflation?***

Retirement benefits payable from the fund to retired members, survivors or beneficiaries are increased by the percentage increase in the Consumer Price Index for the 12 months ending September 30 of the prior year, but not by more than 3% of the preceding year's pension benefit. Cost of living adjustments for those retiring on or after January 1, 1988 do not begin until the recipient has attained age 55 and completed one year of retirement. Adjustments are to be made January 1 of each year.

**12. *Who manages the plan?***

The Charter establishes a 6-member Board of Directors (3 Firemen and 3 Policemen), each of whom serves a 3-year term. By virtue of office, the Mayor is the seventh member. The Board supervises the operation of the Plan.

**13. *Who makes the investments?***

A trust fund has been established with a national bank acting as Trustee. Actual investments are made by several investment managers which have been selected by the Board in consultation with its investment advisors.

**14. *How are expenses paid?***

Expenses are paid from the trust fund.

**15. *How much money must I contribute to the plan?***

Each member contributes by payroll deduction 8% of the lesser of (a) his monthly salary and (b) the highest-ranking sergeant's base pay. The percentage will increase by ½% on October 1 of 1993, 1994, 1995, and 1996.

**16. *How much money does the City contribute to the plan?***

The employer contributes the amounts necessary to provide the above benefits in addition to the amounts contributed by the members. A biennial actuarial valuation of the Fund determines the level of City contributions required to meet this objective. The City is currently contributing 20% of covered payroll to the Plan.

## SUMMARY PLAN DESCRIPTION

### CITY OF CHATTANOOGA FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND

As it applies to Employees Hired BEFORE November 4, 1992

As of July 1, 1993

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would have received if you had begun to receive a "non-line-of-duty" disability pension the day before you died, in the form of a "Joint and 50% Survivor" option.

- If you are eligible for Service Retirement when you die, your spouse's monthly benefit (payable until death) will be the amount your spouse would have received under any optional form of benefit which you have selected with your spouse as the contingent annuitant. If you haven't selected an option, the spouse's benefit will be calculated as if you had selected the "Joint and 50% Survivor" option. If you have selected an option, but your spouse is not receiving benefits under the option, your spouse will receive (until death or remarriage) a monthly benefit of \$300.

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elected to receive your benefits in the form of a "Joint and 50% Survivor" annuity with your spouse as contingent annuitant. If you have selected an option but your surviving spouse is not receiving benefits under the option, your spouse will receive (until death or remarriage) a monthly benefit of \$300.

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**CHATTANOOGA  
FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION  
FUND**

**PENSION LEGISLATION**

**CHATTANOOGA, TENNESSEE**

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**CHAPTER IV. PENSIONS**

**SEC. 13.63 ["FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND" ESTABLISHED.]**

The Charter of the City of Chattanooga, Tennessee and all acts heretofore passed by the General Assembly of the State of Tennessee amendatory thereof, be and the same are, hereby amended so as to authorize and require the City Council of the said city to create a fund, in the manner hereinafter provided, to be known as the "Firemen's and Policemen's Insurance and Pension Fund," which fund shall be for the benefit of the members of the Fire and Police Department of said city, and their beneficiaries, as provided by this Act. (Priv. Acts 1949, Ch. 165 #1; Ord. No. 9778, 8-19-92; Ord. No. 9785, 9-8-92; Ord. No. 9839. 2-9-93)

**SEC. 13.64 APPROPRIATION TO PENSION FUND OF PERCENTAGE OF SALARIES; CONTROL OF FUND; INVESTMENTS.**

The City Council of said city, after it has adopted a budget for the salaries of the Department of Fire and Police each year, shall add a sum to be fixed by a majority vote of the City Council of said city, which shall not be less than ten per cent (10%) of each monthly payroll of those persons who are participants in the pension system, which sum so added shall be placed in the Firemen's and Policemen's Insurance and Pension Fund. Said pension and trust fund from all sources herein provided shall be paid to the trustee. The trustee shall be a national bank, under a suitable bond, designated, from time to time, as the trustee of this fund by the Board of Directors. The trustee shall hold said funds for the purposes stated in this Act. The funds

coming into the hands of the trustee shall be under the direction and control of the Board of Directors of the Firemen's and Policemen's Insurance and Pension Fund. Any and all investments made under the direction and control of the Board of Directors, and all other acts done in the administration of the plan in good faith, shall be without liability on their part. (Priv. Acts 1949, Ch. 165, #2; Priv. Acts 1971, Ch. 149, #1; Priv. Acts 1972, Ch. 406, #1; Ord. No. 8688, #1(7), 8-19-1986; Ord. No. 9778, #14, 8-19-92)

### **SEC. 13.65 TAX LEVY FOR PENSIONS**

The City Council of said city be and is hereby required to levy a sufficient annual tax upon all taxable property and taxable privileges within the City of Chattanooga for the purposes of raising revenue for the payment of pensions to members of said Department of Fire and Police and appropriate same for such purpose. (Priv. Acts 1949, Ch. 165, #3)

### **SEC. 13-66. ASSESSMENT OF EMPLOYEES**

Each and every member of the Department of Fire and Police, except those employees of the Department who are not now contributing to the Pension Fund, shall be assessed a sum to be fixed by a majority vote of the Board of Director's of the Firemen's and Policemen's Insurance and Pension Fund, which shall be not less than eight per cent (8%) of each member's actual salary but not to exceed eight percent (8%) of the salary of such member of the Police Department who receives the maximum base salary in the salary range and step of the grade of Sergeant. In the event of the change of the name of said classification it shall be that position by whatever name it may hereafter be called.

Said amounts shall be deducted and withheld from the salary of each member during all the time such employee may be a member

of said Fire and Police Department and it shall be the duty of the city officer to pay the total amount of deduction so withheld to the Firemen's and Policemen's Insurance and Pension Fund at the times regular salaries are paid, and said funds shall be kept by the said Trustee as part of the Firemen's and Policemen's Insurance and Pension Fund in accordance with the provisions of the Charter of the City of Chattanooga. (Priv. Acts 1949, Ch. 165 #4; Priv. Acts 1953, Ch. 90, 1; Priv. Acts 1961, Ch. 222, 1; Priv. Acts 1969, Ch. 165, 1; Priv. Acts 1972, Ch. 406, 1; Ord. No. 8688, # 8, 8-19-86; Ord. No. 9778, # 5, 8-19-92)

### **SEC. 13.67 SUM TO BE COLLECTED, PAID OVER TO TRUSTEE WHEN EMPLOYEE CONTRIBUTION DEDUCTED.**

An amount equal to the sum fixed by the City Council, as provided in Section 2 of this Act (Section 13.64 hereof), shall be collected by the tax collector and treasurer and paid over to said trustee when the contribution by the employees as provided in Section 4 (Section 13.66 hereof) is deducted from the payroll. (Priv. Acts 1949, Ch. 165, # 7; Priv. Acts 1969, Ch. 82, # 6; (Priv. Acts 1971, Ch. 194, # 1; Priv. Acts 1972, Ch. 406, # 1; Ord. No. 9778, # 12, 8-19-92)

### **SEC. 13.68 PROCEEDS FROM SALE OF UNCLAIMED PROPERTY TO BE PLACED IN PENSION FUND.**

If any personal property comes into the possession of the Department of Fire and Police, if the owner cannot be found, or if no person shall claim such property after six (6) months, the property shall be sold, the net proceeds derived from the sale thereof shall be turned over to said trustee to be placed in said special Firemen's and Policemen's Insurance and Pension Fund, as provided in Section 2 and

4 of this Act (Sections 13.64 and 13.66 hereof). (Priv. Acts 1949, Ch. 165, # 6)

**SEC. 13.69      RESERVED**

Editor's note - Former # 13.69, which pertained to the transfer of certain funds under the prior Act, was repealed by # 1(12) of Ord. No. 8688, enacted Aug. 19, 1968. The repealed provisions derived from Priv. Acts 1949, Ch. 165, 9.

**SEC. 13.70      BOARD OF DIRECTORS OF PENSION FUND -  
CREATED; MEMBERSHIP; TERM OF  
OFFICE; VACANCIES.**

There is hereby created a board to be known as the Board of Directors of the Firemen's and Policemen's Insurance and Pension Fund, consisting of six (6) members, three (3) of which shall be active members from the Fire Department and three (3) from the Police Department. The present Board of Directors as elected under the provisions of Section 7, Chapter 509, of the Private Acts of Tennessee for the year 1935, shall continue in office until their respective terms expire. Each year after the passage of this Act on the first Tuesday of September there shall be held an election for the purpose of electing one member of said Board from the Fire Department, and one from the Police Department, for a term of three (3) years.

Said election shall be held at each of the different firehalls and at Police headquarters between the hours of 6:00 a.m. and 6:00 p.m. The votes shall be counted openly and publicly and the Firemen and Policemen receiving the highest number of votes shall be elected for a term of three (3) years. At no time shall more than one member of any one rank of the Fire Department be elected to serve as a member of said Board, and at no time shall more than one member of any one rank of the Police Department be elected to serve as a member

of said Board. If a vacancy should occur in said Board for any reason such vacancy shall be filled by the remaining members of said Board for the unexpired term. In addition to six (6) members herein before provided for, the Mayor, by virtue of this office, shall be a member of said Board. (Priv. Acts 1949, Ch. 165, # 10; Priv. Acts 1972, Ch. 406, # 1; Ord. No. 8688, # 1 (14), 8-19-86; Ord. No. 9778, # 11, 8-19-92)

**SEC. 13.71      SAME - ORGANIZATION; OFFICERS;  
COMPENSATION OF SECRETARY.**

As soon as may be following such election the Board shall meet and organize. There shall be elected for a term of one year from the membership a President, Vice-President and Secretary, who shall respectively discharge the customary duties of such office. The Secretary and President shall receive pay for his services, amount of such pay to be fixed by the Board, commensurate with the amount of time and work required of him to fulfill his duties. The compensation of each of the members of the Board of Directors, except the Secretary and President, shall be fixed from time to time by the City Council, City of Chattanooga, and paid from the Fund. The Directors shall pay from the Fund the fee, charges or expenses for consultants, actuary or legal services as well as such expenses as may be necessary for the administration of the Fund. The Secretary shall maintain a record or document to be known as the list of retired Firemen and Policemen and their spouses; which record or document shall give a full and complete record of all pensions being paid; the action of the Board in retiring any and all persons under this Act, including the names, dates of employment in the department, date of retirement, and the reasons therefore as to all persons retired. (Priv. Acts 1949, Ch. 165; Ord. No. 9778, # 17, 8-19-92)

**SEC. 13.72 SAME - TO HEAR AND DECIDE APPLICATIONS FOR PENSIONS AND BENEFITS.**

The said Board of Directors shall hear and decide all applications for pensions and death benefits under this Act (chapter), and its decision on such applications shall be final and conclusive. (Priv. Acts 1949, Ch. 165, # 12)

**SEC. 13.73 SAME - SUPERVISION OF RETIRED, DISABLED, ETC. EMPLOYEES**

Upon organization of the Board of Directors, the Board shall assume supervision of all members of the Department of Fire and Police who have heretofore been placed on the existing pension roll, including the ones placed thereon as the result of a disability or injuries causing disability and said Board, on the advice of competent physicians, shall determine whether or not such members have again become able to perform duties in the Fire and Police Department and are eligible for reinstatement. In the event the Board of Directors shall determine, on the advice of competent physicians, that an employee retired on disability is again able to work, then such employee shall be re-employed and placed on active duty. (Priv. Acts 1949, Ch. 165, #13; Ord. No. 8688, # 1(11), 8-19-86; Ord. No. 9778, #16, 8-19-92)

**SEC. 13.74 DISABILITY OR DEATH BENEFITS FROM CAUSE NOT RESULTING FROM PERFORMANCE OF DUTIES.**

- (a) Any member with not less than three (3) years nor more than ten (10) years of active service in the Fire and Police Department who shall become disabled from causes arising outside of the course of his or her employment with the Fire and Police Department shall so long as they

remain disabled be paid a monthly sum equal to thirty percent (30%) of the disability benefit the member would have been entitled to if same member's disability was the result of a disability resulting from injuries received in the performance of his or her duty in the Fire and Police Department; plus two percent (2%) of the said service connected disability benefit for each year's active service in the Fire and Police Department over ten (10) years but not to exceed fifty percent (50%) of such benefit. Payment under this Section shall commence after the member's sick days, annual days, accumulated days, compensatory days, and annual leave days have been exhausted.

A member will not be eligible for disability benefits nor their spouse eligible for periodic death benefits under this Section if disability or death is a result of any of the following:

- (1) Excessive and habitual use by the plan member of drugs, intoxicating liquors and narcotics unless such member is actively and continuously undergoing treatment at an approved clinic or treatment center for drug addicts and alcoholics.
- (2) Injury or disease sustained by the plan member while willfully and illegally participating in acts of violence, riots, civil insurrections, or while committing an unlawful act.
- (3) Injury or disease sustained by the plan member while serving in any Armed Forces or as the result of warfare.
- (4) Injury or disease sustained by the plan member after his employment has been terminated.



- (5) Injury or disease sustained by the plan member working for anyone other than the City and arising out of such employment.
- (6) Intentional, self-inflicted injury.

Before approving any disability retirement request, the

Board may request proof of disability or the verification by one or more competent physicians selected by the Board that the member has become disabled in accordance with the Pension Fund provisions. The Board may further require continued medical examinations of the disabled member from time to time and at its discretion. No member shall be given disability benefits under this Section if the Board finds that said disability can probably be successfully corrected by competent medical treatment, and said member fails or refuses to be so treated.

The term "disabled" or "disability" in this Section shall mean a medically determinable impairment which in the opinion of the Board prevents such member from meeting the normal and reasonable demands of his regularly assigned job or any other job in city government which the City may offer said member for which he or she is reasonably qualified by experience, training, or education.

- (b) (1) If any member with less than ten (10) years of active service dies before retirement from any cause not growing out of and not in consequence of his or her duty in the Fire and Police Department, there shall be paid to their beneficiary the death benefit of \$10,000.00 and to the surviving spouse the sum of

\$300.00 per month until death or remarriage, subject to the conditions of Section "(a)" of this Section.

- (2) If a member has more than ten (10) years of active service but less than the time required for a Service Retirement Pension and dies before retirement from any cause not growing out of and not in consequence of his or her duty in the Fire and Police Department, there shall be paid to their beneficiary a death benefit of \$10,000.00 and to the surviving spouse until death or remarriage that benefit which said spouse would have been entitled to receive under Option D., Section 13.82 of this Fund, subject to the conditions of Section "(a)" of this Section.
- (3) If any member dies before retirement and has reached the conditions for a Service Retirement Pension, there shall be paid to said member's beneficiary a death benefit of \$10,000.00, and if said member was an employee on November 3, 1992, the \$300.00 per month until death or remarriage if said member has not designated the spouse as a beneficiary under one of the options listed in Section 13.82. If there is no election, the surviving spouse shall receive the benefit paid under Option D., Section 13.82.

If a member who is employed after November 3, 1992, shall die before retirement and has reached the conditions for a Service Retirement Pension, there shall be paid to the beneficiary of said member a death benefit of \$10,000.00 and the benefits elected under Section 13.82.

- (c) If there is no surviving spouse or if the surviving spouse becomes disqualified, then the dependent's minor child or

children shall each receive \$100.00 per month during their minority, provided that the total amount payable to all of such children shall not exceed the maximum pension. If such deceased member is not survived by spouse or minor children, but is survived by two parents solely dependent upon said member, each parent, so long as he or she has no other means of support, shall receive one-half (½) of the benefits to which a surviving spouse would receive under this Section. If there is only one parent dependent upon such member for support, such parent shall be paid the same benefits which a surviving spouse would receive under this Section. (Priv. Acts 1949, Ch. 165, # 13; Priv. Acts 1963, Ch. 153, # 1; Priv. Acts 1971, Ch. 149, # 1; Priv. Acts 1972, Ch. 406, # 1; Ord. No. 8348, # 1(2), 8-14-84; Ord. No. 8688, # 1(13), 8-1986; Ord. No. 9778, # 2, 8-19-92)

**SEC. 13.75 SERVICE RETIREMENT PENSION;  
MAXIMUM PENSION BENEFITS; DEATH  
BENEFIT.**

- (a) From and after July 1, 1993, a member of the Fund who was employed in the Fire and Police Department on November 3, 1992, may at his or her election retire upon completion of twenty-five (25) years of active service in the Fire and Police Department, and upon notifying the Board in writing of such election, receive an annual Service Retirement Pension, payable in twelve (12) monthly installments in an amount equal to sixty percent (60%) of the average base salary of a member of the Police Department who receives the maximum salary in the salary range and step of Sergeant in the Police Department classification as set forth in the classification of positions in the Police Department during the three (3) years of the member's service which yield the highest

average; plus two percent (2%) of the aforesaid salary, for each year in excess of twenty five (25) years he or she was in the active service of such department not to exceed five (5) years. In the event of change of the name of said classification of Sergeant in the Police Department, it shall be that position by whatever name it may hereafter be called.

- (b) A member who becomes employed in the Fire and Police Department after November 3, 1992, may at his or her election retire after attaining fifty-five (55) years of age and the completion of twenty-five (25) years of active service in the Fire and Police Department and upon notifying the Board in writing of such election, will receive an annual Service Retirement Pension payable in twelve (12) monthly installments in an amount paid to retirees in Part "(a)" of this Section who complete twenty-five (25) years of active service in the Fire and Police Department; plus two percent (2%) of the salary set out in Part "(a)" for each year in active service following eligibility for retirement, not to exceed five (5) years.
- (c) Upon the death of any member employed on November 3, 1992, who is retired under the provisions of this Section, or upon the death of such member prior to retirement, but eligible for benefits under this Section, there shall be paid to said member's beneficiary a death benefit of \$10,000.00, and the benefits under Section 13.82, and the surviving spouse shall be paid, the sum of \$300.00 per month until death or remarriage if said spouse is not a beneficiary under one of the options listed in Section 13.82. If the member has not elected any option prior to his or her death, a benefit shall be payable to the deceased's surviving spouse, if any, as though he or she had elected Option D, Section 13.82.

If a member who is employed after November 3, 1992, shall die before retirement and has reached the conditions for a Service Retirement Pension, there shall be paid to his or her beneficiary, or beneficiaries the death benefit of \$10,000.00 and such benefits elected under Section 13.82.

- (d) The City Council, City of Chattanooga, in its discretion, only after a recommendation has been received by the Board of Directors of the Firemen's and Policemen's Insurance and Pension Fund, may, by ordinance passed on three separate readings, increase such pension benefits in this Section or any Section of the Private Acts of 1949, Chapter 165, as amended; provided that such increase is not inconsistent with sound actuarial principles, methods, and actuarial assumptions.
- (e) Those benefits payable to participants retired prior to the date of the passage of this amendment or beneficiaries of those members retired prior to the date of passage of this amendment shall continue under the provisions in effect at the time such benefit was granted except where specifically amended or modified to include such participants or beneficiaries. (Priv. Acts 1949, Ch. 165, # 15; Priv. Acts 1953, Ch. 90, 2; Priv. Acts 1961, Ch. 222, # 2; Priv. Acts 1963, Ch. 153, 2; Priv. Acts 1967, Ch. 300, # 1; Priv. Acts 1969, Ch. 165, 1; Priv. Acts 1971, Ch. 1972, Ch. 406, # 1; Priv. Acts 1972, Ch. 407,, # 1; Ord. No. 8348, # 1(4), 8-14-84; Ord. No. 8688, # 1(10), 8-19-86; Ord. No. 8688, # 1(22), 8-19-86; Ord. No. 9778, # 3, 8-19-92; Ord. No. 9785, # 1, 9-8-92; Ord. No. 9839, # 1, 2-9-93)

**SEC. 13.76      DISABILITY OR DEATH BENEFITS FROM CAUSE RESULTING FROM PERFORMANCE OF DUTY.**

- (a) If any member of the Department of Fire and Police while engaged in the discharge of his or her duties shall receive injuries resulting in such employee becoming disabled from performing duties in the Fire or Police Department, he or she shall be placed on a pension and paid sixty percent (60%) of the member's salary as computed over the highest three (3) years of salary during the member's years of active service, but in no event in excess of a maximum pension, regardless of the length of time served; provided, however, that the member shall make application to the Board on a form to be provided by said Board, which application shall be accompanied by proof of facts entitling disability retirement, or proper medical proof of disability; provided further that before such member shall be retired on a pension the Board may have him or her examined by competent physicians to determine whether or not such disabled member is unable to discharge his or her regular duty or any other duty that may be required of him or her by officials of the Department of the Fire and Police. Due notice of application shall be recorded by the Secretary and the applicant shall be notified five (5) days in advance, unless waived by applicant, of the hearing by the Board on his or her application. No member shall be retired on a pension under this Section because of injury until six (6) months after such injury was received. Any employee retired on a pension because of an injury, in the event of recovery to the extent that he or she is again able to perform any duty required of him or her, shall be removed from the pension roll and reinstated in service. If such employee who has been placed on the pension roll refuses to allow himself or herself to be examined by

physicians selected by the Board, the Board shall have the right to suspend his or her pension until such time as he or she may permit an examination by the physicians selected by the Board. No member shall be given disability benefits under this Section if the Board finds that said disability can probably be successfully corrected by competent medical treatment, and said member fails or refuses to be so treated.

- (b) If any member shall die prior to retirement from any injury suffered in line of duty, or receive injuries while engaged in the performance of their duties resulting in death within six (6) months thereafter, and shall leave a surviving spouse, said surviving spouse shall be entitled, unless receiving benefits under Section 13.82, to receive until his or her death or remarriage the benefit herein provided for a member receiving a disability benefit under this Section.

If there be no surviving spouse or if the surviving spouse becomes disqualified, then the dependent child or children shall each receive \$100.00 per month during the minority, provided that the total amount payable to all of such children shall not exceed the maximum pension. If such deceased member is not survived by spouse or minor children, but is survived by two parents solely dependent upon said member, each parent so long as he or she has no other means of support, shall receive one-half (1/2) of the benefits to which a surviving spouse would receive under this Section. If there is only one parent dependent upon such member for support, such parent shall be paid the same benefits which a surviving spouse would receive under this Section.

- (c) Upon death of any member who retires under the provision of this Section, there shall be paid to his or her

beneficiary or beneficiaries the sum of \$10,000.00. (Priv. Acts 1949, Ch. 165, # 16; Priv. Acts 1969, Ch. 165, # 1; Priv. Acts 1971, Ch. 194, # 1; Priv. Acts 1972, Ch. 406, # 1; Ord. No. 8348, # 1(3), 8-14-84; Ord. No. 8688, # 1(20), 8-19-86; Ord. No. 9778, # 6, 8-19-92)

#### **SEC. 13.77 REFUND TO MEMBER TERMINATING EMPLOYMENT**

If the employment of a member is terminated for any reason, and said member cannot qualify for benefits under any provisions of this Plan, said member shall be entitled to receive at the time of said termination 100% of whatever sums he or she contributed to the Fund. If such member is subsequently reemployed in the Fire and Police Department, he or she shall at the time of reemployment reimburse the Fund to the full extent of the amount he or she received from the Fund upon said termination with interest compounded annually and computed at the rate utilized in the actuarial evaluation of the plan during their periods of absence from the date of said withdrawal to the date of reemployment. Any such employee withdrawing monies from the Fund pursuant to the provisions herein shall not be eligible for reinstatement or reemployment in the Fire and Police Department until they shall have paid back the said monies. (Priv. Acts 1949, Ch. 165, # 17; Priv. Acts 1965, Ch. 161, # 1; Priv. Acts 1967, Ch. 298, # 1; Ord. No. 8688, # 1(17), 8-19-86; Ord. No. 9778, # 8, 8-19-92)

#### **SEC. 13.78 BENEFITS EXEMPT FROM DEBTS OF EMPLOYEE, MAY NOT BE GARNISHED, ETC.**

The insurance or pension fund, either before or after its distribution by the trustee to disabled or retired employees of said Fire and Police Department, and their widows, or the beneficiary of any deceased employee, shall not be assignable nor subject to attachment,

garnishment, execution or other legal process, but the same shall be received by such employee or beneficiary, free from debts, judgements and demands of such employee or beneficiary. (Priv. Acts 1949, Ch. 165, # 18; Ord. No. 9778, #13, 8-19-92)

**SEC. 13.79      TERMINATION OF EMPLOYMENT AFTER  
TEN YEARS OF SERVICE; VESTING; DEATH  
AFTER TERMINATION.**

A member who has completed ten (10) or more years of active service at the time of his or her termination of employment shall have the right to either (1) or (2) as follows:

- (1) A right to receive a 100% refund of whatever sums he or she contributed to the Fund.
- (2) A right to leave his or her contribution in the Fund and be eligible to receive after reaching fifty-five (55) years of age a monthly deferred vested retirement benefit equal to 2.4 % of his or her average monthly salary computed over the highest three (3) years of pay during the member's years of service for each year of active service, subject to a maximum of twenty-five (25) years, but not to exceed 2.4% of the monthly salary of such member of the Police Department who receives the maximum salary in the salary range and step of the grade of Sergeant in the Police Department classification as set forth in the classification of positions.

If the death of such member occurs prior to commencement of the payment of any benefits under this Section, a refund of whatever sums such member contributed to the Fund shall be paid to the member's estate, and his or her beneficiary shall be paid a death benefit sum of \$10,000.00. If death occurs following the commencement of eligibility to receive benefits under this Section,

benefits shall be payable according to the terms elected under Section 13.82. If there is no election a surviving spouse shall receive the benefit paid under Option D. (Priv. Acts 1949, Ch. 165, # 19; Ord. No. 8688, # 1(18), 8-19-86; Ord. No. 9778, # 8, 8-19-92; Ord. No. 9839, # 3; 2-9-93)

**SEC. 13.80      [RESERVED]**

**SEC. 13.81      COST OF LIVING ADJUSTMENTS TO  
PENSION BENEFITS.**

The benefits payable to retired members who are retired on the passage of this amendment, and have attained fifty-five (55) years of age, or any of their survivors or beneficiaries, shall be increased upon the passage of this amendment, and by each January 1, by the percentage increase in the Consumer Price Index as of the most recent September 30 over the said index one year before that date, not in excess of 3%.

The benefits payable to those who retire following the passage of this amendment who have attained fifty-five (55) years of age shall likewise be increased following twelve (12) months after the date such benefits commenced, each by January 1, by the percentage increase in the Consumer Price Index as of the most recent September 30 over the said index one (1) year before that date, not in excess of 3%.

If the heretofore percentage is negative for any one year, it shall be deemed to be zero for purposes of this Section. (Ord. No. 7714, # 1(2), 8-19-80; Ord. No. 8688, # 1(16), 8-19-86; Ord. No. 9778, # 10, 8-19-92)

**SEC. 13.82      OPTIONAL RETIREMENT BENEFITS.**

1. When a member reaches the conditions for retirement benefits under Section 13.75; or qualifies to reach the conditions for retirement benefits under Section 13.75 and qualified for retirement benefits under Section 13.76; or is eligible to commence receiving retirement benefits under Section 13.79, he or she may elect to have the pension benefits under said Sections converted into an optional retirement benefit which is the actuarial equivalent of such benefit based upon mortality basis approved from time to time by the Board, and the age of the member and of the beneficiary as of the date the member becomes eligible to exercise the election.

The optional retirement benefits may take one of the forms listed below and for members who become employed after November 3, 1992, there shall be paid to the beneficiary or the option selected by such member under this Section; but for a member who was an employee on November 3, 1992, the surviving spouse shall receive the sum of \$300.00 per month for life or until remarriage, if the said member has not designated the spouse as a beneficiary under one of the option forms listed below.

**Option A: 120 Payments Certain and Life Option**

A decreased retirement benefit payable for life with the first 120 payments guaranteed. Any guaranteed payments due after the death of the retired participant shall be payable to the designated beneficiary, if any who survives the retired participant, or the estate of the retired participant if there is no surviving designated beneficiary.

**Option B: Joint and Survivor Option**

A decreased retirement benefit payable to the retired participant for life shall continue after his or her death to their surviving beneficiary at 100% of that payable to the retired participant.

**Option C: Modified Joint and Survivor Option**

A decreased retirement benefit payable to the retired participant for life which shall continue after his or her death to their surviving beneficiary at 75% of that payable to the retired participant.

**Option D: Modified Joint and Survivor Option**

A decreased retirement benefit payable to the retired participant for life which shall continue after his or her death to their surviving beneficiary at 50% of that payable to the retired participant.

2. Application for any optional retirement benefit shall be in writing, duly executed, and filed with the Board. Such application shall contain all information required by the Board, including such proofs of age as are deemed necessary by the Board. A retirement option selected at the time of eligibility may only be changed by written notice of the new election filed with or prior to his or her application for retirement and subject to such requirement as the Board may require.
3. If an active member dies after he or she has reached the aforesaid conditions for retirement benefits, any option they may have elected, in lieu of their otherwise retirement benefit, shall be payable as though he or she

had been entitled to have such optional benefit commence on their date of death. (Ord. No. 8348, # 1(5), 8-14-84; Ord. No. 8688, 1(21), 8-19-86; Ord. No. 9778, # 10, 8-19-92)

### **SEC. 13.83 DEFINITION OF TERMS.**

1. The term "Member" shall mean an employee of the Chattanooga Police and Fire Department who is a regular Fireman, Policeman, or Detective. An employee hired into the Safety Department to be a regular Fireman, Policeman, or Detective shall not become a member until he or she completes all training required for the position and is sworn, nor shall he or she be eligible for participation in the General Pension Plan.
2. The term "Board" shall mean the Board of Directors of the Chattanooga Firemen's and Policemen's Insurance and Pension Fund.
3. The term "Fund" shall mean the Chattanooga Firemen's and Policemen's Insurance and Pension Fund created by Chapter 165 of the Private Acts of 1949, as amended.
4. The term "Maximum Pension" shall mean a pension equal to sixty percent (60%) of the average base salary of a member of the Chattanooga Police Department who receives the maximum salary in the salary range and step to Sergeant in the Police Department classification as set forth in the classification of positions in the Police Department during the three (3) years of the member's service which yield the highest average. In the event of change of the name of said classification of Sergeant in the Police Department, it shall mean that position by whatever name it may hereafter be called.

5. The term "Average Base Salary" or "Base Salary" shall mean the regular wages or salary paid on a monthly basis, but shall not include overtime pay or any supplements, including but not limited to supplements for years of service or education.
6. The term "Active Service" shall mean that period of time after the date of permanent employment as a sworn officer with POST certification in the Chattanooga Police Department or a sworn officer with permanent employment in the Chattanooga Fire Department, that the member serves and is paid from the payroll of the Chattanooga Fire and Police Department.
7. The term "Service Retirement Pension" shall mean the pension of a member who is employed on November 3, 1992, in the Chattanooga Fire and Police Department, shall be entitled to receive upon completion of twenty-five (25) years of active service; or the pension of a member who becomes employed by the Fire and Police Department after November 3, 1992, shall be entitled to receive after attaining fifty-five (55) years of age and the completion of twenty-five (25) years of active service in the Chattanooga Fire and Police Department. (Ord. No. 9778, # 4, 8-19-92; Ord. No. 9839, #2, 2-9-93)

### **SEC. 13.84 CITY COURT COSTS FOR BENEFIT OF FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND.**

The sum of five dollars (\$5.00) shall be added as and in the nature of court cost to the cost incurred in the City Court of the City of Chattanooga on all forfeitures of fines or monies for or on conviction for violation of any city ordinances and that said increase in court cost for the City Court of the City of Chattanooga be collected by the clerk

of said court and paid over to the treasurer of the City of Chattanooga who will account for said funds and pay same over to the trustees of the Firemen's and Policemen's Insurance and Pension Fund together with all other monies properly collected for credit to said fund as herein before set out. (Priv. Acts 1969, Ch. 165, # 1)

TCA 7-51-201

**LOCAL GOVERNMENT FUNCTIONS**

**CHAPTER 51**

**MISCELLANEOUS GOVERNMENTAL AND PROPRIETARY  
FUNCTIONS**

**PART 2 - EMPLOYEE COMPENSATION AND  
INDEMNIFICATION**

**7-51-201. LAW ENFORCEMENT OFFICERS AND  
FIREMEN - COMPENSATION FOR INJURY  
OR DEATH - CERTAIN DISABILITIES  
PRESUMED TO HAVE BEEN SUFFERED IN  
COURSE OF EMPLOYMENT.**

- (a) (1) Whenever the state of Tennessee, or any municipal corporation or other political subdivision thereof that maintains a regular law enforcement department manned by regular and full-time employees and has established or hereafter establishes any form of compensation to be paid to such law enforcement officers for any condition or impairment of health which shall result in loss of life or personal injury in the line of duty or course of employment, there shall be and there is hereby established a presumption that any impairment of health of such law enforcement officers caused by hypertension or heart disease resulting in hospitalization, medical treatment or any disability, shall be presumed (unless the contrary be shown by competent medical evidence) to have



occurred or to be due to accidental injury suffered in the course of employment. Any such condition or impairment of health which results in death shall be presumed (unless the contrary be shown by competent medical evidence) to be a loss of life in line of duty, and to have been in the line and course of employment, and in the actual discharge of the duties of his position, or the sustaining of personal injuries by external and violent means or by accident in the course of employment and in the line of duty. Provided, however, that such law enforcement officers shall have successfully passed a physical examination prior to such claimed disability, or upon entering his governmental employment and such examination fails to reveal any evidence of the condition of hypertension or heart disease.

- (2) For purposes of this subsection, the term "law enforcement officer" includes correctional security job classification employees of the department of correction and full-time county law enforcement officers including county deputy sheriffs employed in correctional security positions in the definition of "law enforcement officer," mandates increased liability to a county under the Tennessee consolidated retirement system or a local retirement system then such full-time county law enforcement officers including county deputy sheriffs employed in correctional security positions in such county shall not be included in such definition for purposes of the Tennessee consolidated retirement system or a local retirement system unless the county legislative body of such county advises the retirement division of its desire to apply such definition to such personnel within four (4) months of March 24, 1986.

- (b) (1) Whenever the state of Tennessee, or any municipal corporation or other political subdivision thereof maintains a regular fire department manned by regular and full-time employees and has established or hereafter establishes any form of compensation, other than workers' compensation, to be paid to such firemen or fire fighters for any condition or impairment of health which shall result in loss of life or personal injury in the line of duty or course of employment, there shall be and there is hereby established a presumption that any impairment of health of such firemen caused by disease of the lungs, hypertension or heart disease resulting in hospitalization, medical treatment or any disability, shall be presumed (unless the contrary be shown by competent medical evidence) to have occurred or to be due to accidental injury suffered in the course of employment. Any such condition or impairment of health which results in death shall be presumed (unless the contrary be shown by competent medical evidence) to be a loss of life in line of duty, and to have been in the line and course of employment, and in the actual discharge of the duties of his position, or the sustaining of personal injuries by external and violent means or by accident in the course of employment and in the line of duty. Provided, however, that such firemen shall have successfully passed a physical examination prior to such claimed disability, or upon entering upon his governmental employment and such examination fails to reveal any evidence of the condition or disease of the lungs, hypertension or heart disease.

- (2) It is hereby declared to be the legislative intent that this section is to be remedial in character and to permit and require any municipal corporation

maintaining any permanent fire department to be covered by its provisions.

- (c) (1) Whenever any county having a population greater than four hundred thousand (400,000) according to the 1980 federal census or any subsequent federal census or any municipal corporation within such county maintains within its fire department, and has established or hereafter establishes any form of compensation, other than workers' compensation, to be paid to a person employed by such division as an emergency medical technician advanced or paramedic, for any condition or impairment of health which shall result in loss of life or personal injury in the line of duty or course of employment, there shall be and there is hereby established a presumption that any impairment of health of such person caused by hypertension or heart disease resulting in hospitalization, medical treatment or any disability, shall be presumed (unless the contrary be shown by competent medical evidence) to have occurred or to be due to accidental injury suffered in the course of employment. Any such condition or impairment of health which results in death shall be presumed (unless the contrary be shown by competent medical evidence) to be a loss of life in line of duty, and to have been in the line and course of employment, and in the actual discharge of the duties of his position, or the sustaining of personal injuries by external and violent means or by accident in the course of employment and in the line of duty. Provided, however, that such person shall have successfully passed a physical examination prior to such claimed disability, or upon entering his governmental employment and such examination

fails to reveal any evidence of the condition of hypertension or heart disease.

- (2) It is hereby declared to be the legislative intent that this section is to be remedial in character and to permit and require any such municipal corporation or political subdivision of the state maintaining such division to be covered by its provisions. (Acts 1965, Ch. 299, #1; 1970, Ch. 593, # 1; modified; T.C.A., # 6-639, Acts 1982, Ch. 599, # 1; 1985 (1st E.S.), Ch. 5, # 18; 1986, Ch. 590, # 1)

AMENDMENTS. The 1985 amendment added (a)(2) as it existed prior to the 1986 amendment. See the 1986 amendment note.

The 1986 amendment substituted the present provisions in (a)(2) for those which read: "(2) For purposes of this subsection, the term "law enforcement officer," shall include correctional security job classification employees of the department of correction and county correctional personnel employed in security positions and full-time correctional personnel employed by local governments in administrative security and counseling service positions; provided, however, that if such inclusion of county correctional personnel in the definition of "law enforcement officer," mandates increased liability to a county under the Tennessee consolidated retirement system, then such county correctional personnel in such county shall not be included in such definition for purposes of the Tennessee consolidated retirement system unless the county legislative body of such county advises the retirement division of its desire to apply such definition to such personnel within four (4) months of December 11, 1985."

EFFECTIVE DATES: Acts 1985 (1st E.S.), Ch. 5, #58.  
December 11, 1985.  
Acts 1986, Ch. 590, # 2, March 13, 1986.

CROSS-REFERENCES. Accidental disability retirement allowances, # 8-36-502.

SECTION TO SECTION REFERENCES. This section is referred to in # 8-36-502.

