

Minutes
The Arkansas Local Police and Fire Retirement System
Disability Advisory Committee Meeting

The Disability Advisory Committee (DAC), composed of members of the Arkansas Local Police and Fire Retirement System (LOPFI) Board of Trustees and representatives from member and employer organizations met by video conference on Wednesday, August 12, 2020 with the meeting originating from the LOPFI office at 620 W. 3rd, Suite 200, Little Rock, Arkansas.

Members Present: J. Scott Baxter*, Police Employee Trustee, Chairman
Mayor Gary Baxter, Employer Trustee, Vice-Chairman
Damon Reed*, Fire Employee Trustee
Gary Sipes, Arkansas Association of Chiefs of Police
Brad Moore, Arkansas State Firefighters Association
Chad Mosby*, Arkansas Fire Chief's Association
Kevin "Bart" Simpson, Arkansas State Fraternal Order of Police
Wade Marshall*, Arkansas Professional Fire Fighters Association
Danny Bradley*, Arkansas Municipal League
**Attended in-person at the LOPFI office*

Excused Member: Mark Fallis, Arkansas Municipal Police Association

Staff Present: David Clark, Executive Director
Laura Nixon, Assistant Director
Lesley Weaver, Secretary to the Committee

Chairman J. S. Baxter called the meeting to order at 10:00 a.m. and recognized a quorum and notification of the news media. Chairman J. S. Baxter advised Mr. Fallis would be considered excused.

Catastrophic/Ordinary Duty Disability

Chairman J. S. Baxter stated at the June 11, 2020 quarterly meeting the LOPFI Board of Trustees approved moving forward with a catastrophic/ordinary duty disability design for LOPFI's disability provisions and requested the DAC to reconvene and frame the injuries/illnesses to be classified as catastrophic or ordinary. Chairman J. S. Baxter stated the DAC recommended and the LOPFI Board of Trustees agreed to the following:

- Adopted a Board resolution:
 - ✓ Stating the Board desires to protect the benefits of the career members.
 - ✓ Recognizing the importance of reasonable employer contribution costs.
 - ✓ To hold the amortization period to as few years as possible.
 - ✓ To return the system to a fully funded position and maintain that state.
- Develop and issue to each employer examples of best practices for the hiring and retention of quality public safety employees.
- Introduce a minimum duration for treatment and credentialing of a members' doctors for psychological cases.

- Seek legislative changes so LOPFI can review disabilitants each year up to the age of 55 and implement a disability load to the employer contribution rate for departments with excess disabilities.

Chairman J. S. Baxter recognized Mr. Clark to provide further details. Mr. Clark stated the concept is for a catastrophic duty disability benefit to be calculated at 65% of final average pay or higher if the accrued paid service credit produces a greater benefit. An ordinary duty disability would start at 15% of final average pay (equivalent to five years and one month of paid service credit) and increase with additional accrued paid service credit. Mr. Marshall requested that duty disabilities be classified into three (3) categories i.e. add a category worse than catastrophic for members who can no longer be gainfully employed not only from a police and fire aspect, but all employment and the benefit be calculated using 28 years of paid service credit. Mr. Clark stated a third category could be added and went on to review instances that would be classified as catastrophic or ordinary. Mr. Clark advised the types of conditions for a catastrophic designation could be injuries suffered in a sudden/traumatic event that results in a total and permanent disability within six (6) months of the documented incident, such as a life-altering traffic accident, falling through a roof/floor at an active fire scene, being shot, and presumptive disability cancer cases. All other conditions would fall under the ordinary duty disability designation. Chairman J. S. Baxter stated the six (6) month time frame did not seem reasonable given the process of Workers' Compensation that can be protracted, the length of physical therapy or rehabilitation, and other factors. Therefore, this detail needs to be amended.

Next, Mr. Clark discussed an item that came up after the meeting packet was prepared regarding certifications for police officers and firefighters. The concept is to require the disabilitant to surrender their law enforcement, firefighter, and EMT certifications if approved for a duty or non-duty disability. Chairman J. S. Baxter, Mr. Marshall, Mr. Mosby, and Mr. Moore all provided insight on the certification process for police officers and firefighters. After further discussion, it was decided surrendering certifications could be revisited at a later date. However, there should be guidance in law that removes an approved disabilitant's ability to be employed in a position similar in nature to firefighting or law enforcement and continue to receive disability benefits from LOPFI.

Mr. Marshall made a motion, seconded by Mr. Bradley, to have staff craft: three categories for duty disabilities with the upper tier's benefit calculated as if the member has at least 28 years of paid service; to require continuous, uninterrupted treatment to begin from the date of the incident; and an employment exclusion list for all disabilities. The motion passed unanimously. Mr. Clark advised these items will be presented to the LOPFI Board at their September meeting in preparation for the 2021 legislative session.

With no further business to discuss, the DAC adjourned at 11:33 a.m.

Respectfully submitted,

Approved 09/09/2020

Lesley Weaver
Recording Secretary to the DAC