



CITY OF BELLEVUE DISABILITY BOARD

POLICIES AND PROCEDURES

Effective Date: MARCH 1996

Restated: October 2014

October 7, 2014

LEOFF I Active/Retiree Members

Re: City of Bellevue Disability Board
Notification of changes to Policies and Procedures

Dear LEOFF I Member:

This restatement of the 1996 Policies and Procedures contains changes to the following:

Section II. 1. – Regular Meetings – adopted 2/1/11

Section II. 11. – Cancelled Meetings – adopted 5/1/12

Section IV. 2. C. 2. – Long Term Care reimbursement – Rates – adopted 12/3/08

Section IV. 2. C. 1&2 – Long Term Care reimbursement – Policy – adopted 10/7/14

If you have any other questions regarding the Policies and Procedures, please feel free to contact me at pdillon@bellevuewa.gov or (425) 452-7198.

Sincerely,

Paula Dillon, Staff Assistant
City of Bellevue Disability Board

Human Resources – Retirement Services Division
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City of Bellevue Disability Board
Policies and Procedures

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I. Disability Board Policies .General

1. Purpose

Bellevue' s Disability Board has been established and empowered in accordance with provisions of Chapter 41.26 Revised Code of Washington, and Chapter 415-105 Washington Administration Code. These legal authorities form the basis for the general policies and procedures adopted by the Disability Board of the City of Bellevue. These policies and procedures are contained in this document.

2. Scope

The Policies and Procedures in this document apply to all City of Bellevue Firefighters and Police Officers covered by Chapter 41.26, the Law Enforcement Officers and Fire Fighters Retirement System (also known as LEOFF I), except as specifically excluded within this documentation.

3. Policies and Procedures Effective Date

The Policies and Procedures of the City of Bellevue Disability Board are contained in this document and are effective on the date of adoption. Adoption of these Policies and Procedures nullify and supersede all previous policies and procedures adopted by the Disability Board, except as noted herein.

4. Applicability of Policies and Procedures

The Disability Board shall be guided by these Policies and Procedures during the conduct of its business.

All uniformed personnel covered by LEOFF I are required, as a condition of receipt of benefits, to follow these procedures. Any LEOFF I member who fails to follow these procedures may be subject to loss of any or all benefits otherwise due under the provisions of Chapter 41.26 Revised Code of Washington.

5. Declaration and Notification of Members

Upon adoption of this document, a copy will be distributed to each LEOFF I active/retired member. Subsequent revisions of, or amendments to, these Policies and Procedures will be distributed as they occur.

6. Amendment of Policies and Procedures

Proposed amendments of changes to Disability Board Policies and Procedures will be made in writing and will be considered by the Disability Board. At the direction of the Disability Board, the Staff Assistant shall:

- A. Draft a proposed amendment and present it to the Disability Board for review and additional changes.
- B. Send a copy of the draft amendment to each LEOFF I member/retiree for review and written comments.
- C. Submit changes suggested by LEOFF I members/retires to the Disability Board at the next regular meeting.

The Disability Board will review all comments and approve the final version which is incorporated into this Policy and Procedures document.

7. Operative Version of Policies and Procedures

The version of Policies and Procedures in effect on the date of medical claim submission or request for disability leave/retirement govern the Disability Board's review and action of that particular service, leave or retirement. In all subsequent circumstances, the most recently adopted policy or procedure, as amended, shall apply.

8. Confidentiality

The Disability Board will maintain all medical information as confidential, using information only for the Disability Board's legally authorized purposes.

9. Severability

In the event any portion of these Policies and Procedures is found to be contrary to law, in general terms or as applied to a particular LEOFF I active/retired member, all other portions of the Policies and Procedures will continue to apply to all members.

II. Disability Board Policies .Business Affairs

1. Regular Meetings

The Disability Board holds regular meetings on the first Tuesday of each month, at Bellevue City Hall, beginning at 6:00 pm. In the event the regular meeting day is a holiday, the meeting is moved to the following Tuesday.

2. Special Meetings

Special meetings shall be held at any time upon the call of the Chairperson or at the request of any two Disability Board members. Advanced written notice including the date, time and location of the meeting shall be given to each member of the Disability Board, and notice shall otherwise be in compliance with applicable laws governing meeting noticing. No

subjects other than those specified shall be considered except upon the unanimous consent of all members of the Disability Board.

3. Quorum

A majority, three (3), of the Disability Board Members constitute a quorum for the transaction of business. Should a quorum not be present at the appointed time, those present shall abandon the meeting for a lack of quorum after a 15 minute wait.

4. Open Meetings and Executive Sessions

Meetings shall be open to the public. The Disability Board, however, may close portions of meetings and meet in Executive Sessions when discussing retirement or medical claims which include sensitive medical or other information submitted to the Board for consideration. No decisions may be made during Executive Sessions, and all decisions/votes of the Disability Board shall be made during open meetings.

5. Actions During Meetings

The Disability Board shall perform all functions, exercise all powers, and make all such determinations as specified in Chapter 41.26 RCW during Disability Board Meetings.

6. Order of Business

The Disability Board meeting agenda shall include the following:

- A. Call to order
- B. Roll call of Disability Board Members
- C. Approval of minutes of previous meetings (motion required)
- D. Consideration of applications for disability allowances (motion required)
- E. Consideration of medical claims (motion required)
- F. Reports by Disability Board Members or Staff Assistant
- G. Unfinished business
- H. New business
- I. Adjournment

7. Administrative Staff

Staff assistance to the Disability Board shall be coordinated by the Staff Assistant, who shall be a regular employee of the City designated by the City Manager or his/her designee. The Staff Assistant shall:

- A. Attend all regular and special meetings of the Disability Board.
- B. Prepare agendas and other materials for the Disability Board.
- C. Assure information presented for Disability Board consideration is complete and accurate, and ready for consideration.
- D. Administratively implement/complete Disability Board actions.
- E. Performs other tasks assigned by the Disability Board, or necessary to facilitate the activities of the Disability Board.
- F. Acts as a resource to LEOFF I active/retiree members presenting matters to the Disability Board.

8. Legal Advisor

Legal assistance to the Disability Board shall be coordinated by the Legal Advisor, who shall be a regular employee of the City designated by the City Attorney. The Legal Advisor shall:

- A. Attend all regular and special meetings of the Disability Board.
- B. Provide legal advice to the Disability Board.

9. Medical Advisor(s)

The Disability Board shall appoint a licensed physician or physicians for the purpose of examining applicants for disability retirement, reexamination of any member on disability retirement, advising the Disability Board on medical matters, or for performing other medical services required or ordered by the Disability Board.

10. Recording

The Disability Board shall maintain minutes and records of business conducted in regular and special meetings, except for Executive Sessions.

11. Canceled Meetings

The Chair of the Disability Board or her/her designee may cancel a regularly scheduled disability board meeting with 24 hours' notice where the Board has no necessary actions to take at a regularly scheduled meeting or for other reasons related to public health, safety or for good reasons making a meeting impossible or impractical. Notice of a canceled meeting shall be given on the Disability Board website <http://www.bellevuewa.gov/leoff-1-disability-board.htm>

III. Disability Board Policies .Membership and Election

1. Composition of the Board

The Disability Board members include two members of the Bellevue City Council to be appointed by the Mayor; one Representative of Law Enforcement Officers and one Representative of Firefighters, both elected by the respective active and retired LEOFF I and LEOFF II constituents; and one Citizen-at-Large residing within the City of Bellevue appointed by the other four members.

2. Chairperson

The Chairperson of the Disability Board shall be appointed by a majority vote of the Disability Board and shall preside at all meetings of the Disability Board. In his/her absence or inability to act, another member of the Disability Board shall be appointed Acting Chairperson by the Disability Board and shall perform the duties and exercise the powers of the Chairperson.

3. Terms of Office

All members appointed or elected shall serve for two years. The term of the Chairperson shall be one year from the date of appointment. Should a member not complete the full term as member or Chairperson, a new appointment or election shall occur and the replacement member shall begin a new term.

4. Election Procedures, Police and Firefighter Representatives

A. The Staff Assistant shall send out a request for nomination for a vacant Police or Firefighter position to all active and retired LEOFF I and active LEOFF II employees. Active or retired LEOFF I Police or Firefighter members may serve on the Disability Board. LEOFF II employees may also serve on the Disability Board, however LEOFF II members are not covered by LEOFF I guidelines regarding disability leave or retirement.

B. Once a roster of nominees has been established, a ballot will be distributed

to the Police or Firefighter active LEOFF I and LEOFF II and retired LEOFF I members. The ballot will indicate the time and location of ballot counting.

- C. A representative from the Police or Firefighter members may participate in the counting of ballots, which shall be conducted by the Staff Assistant.
- D. The results of the election shall be announced to the Disability Board by the Staff Assistant and recorded in the Board's minutes.

IV. Disability Board Procedures .Medical Benefits

1. Necessary Medical Services

The City of Bellevue will pay for LEOFF I member necessary medical services whether the member is an active member, on disability leave, or retired for service or disability, in accordance with RCW 41.26.110. The minimum services which are provided are defined in RCW 41.26.030, as follows:

Reasonable charges for these services:

- (a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for
 - (i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.
 - (ii) Necessary hospital services, other than board and room, furnished by the hospital.
- (b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".
 - (i) the fees of the following:
 - (A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;
 - (B) An osteopath licensed under the provisions of chapter 18.57 RCW;
 - (C) A chiropractor licensed under the provisions of chapter 18.25 RCW.
 - (ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

- (iii) The charges for the following medical services and supplies:
 - (A) Drugs and medicines upon a physician's prescription;
 - (B) Diagnostic x-ray and laboratory examinations;
 - (C) X-ray, radium, and radioactive isotopes therapy;
 - (D) Anesthesia and oxygen;
 - (E) Rental of iron lung and other durable medical and surgical equipment;
 - (F) Artificial limbs and eyes, and casts, splints, and trusses;
 - (G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;
 - (H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;
 - (I) Nursing home confinement or hospital extended care facility;
 - (J) Physical therapy by a registered physical therapist;
 - (K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;
 - (L) An optometrist licensed under the provisions of chapter 18.53 RCW.

2. Additional Approved & Pre-Approved Medical Expenses

- A. Once every twenty-four months, two sets of prescription lenses plus up to \$200 toward the cost of frames. Unused amounts authorized in 2.A may not be carried forward to subsequent 24 month periods.
 - 1. Laser/refractive eye surgery –
 - a. the amounts authorized in 2.A up to a maximum of \$400 may instead be applied to medical expenses incurred for laser/refractive eye surgery that occurred during that 24 month period.
 - b. On a case by case basis, the Board may consider reimbursement for laser/refractive eye surgery in amounts greater than 2A.1a where said procedures are necessary to correct vision

conditions uncorrectable by any other means **and** without the procedure the member is precluded from performing the duties of his/her position with average efficiency.

B. Hearing aid devices will be considered a necessary medical expense on a case by case basis, as follows:

1. Requests for authorization of payment for hearing aid devices must be submitted in advance by the LEOFF I active/retiree and pre-approved by the Disability Board.
2. Where the Disability Board authorizes a hearing aid device as a necessary medical expense, 100% of the cost will be paid.

C. Long Term Care reimbursement

1. Policy: The Disability Board has studied how to contain escalating costs associated with Long Term Care Expenses. The LEOFF statute provides that a LEOFF 1 member is entitled to reimbursement for the medically “reasonable charges” incurred for Long Term Care (LTC). The Board has determined that it is appropriate to establish a cap on reimbursing LTC charges that represents a reasonable charge for these services. This cap is based on The Genworth Cost of Care Survey, a nationally recognized survey of average costs for LTC adjusted annually in March of each year. The survey provides average costs by geographic region. For services listed in the survey the Board will reimburse up to 120% of average cost for the geographic region in which the member lives. The cap may be adjusted based on a periodic survey conducted by city staff.

2. Rates: In November of each year, members will be notified by mail of the maximum reimbursement rate for the Puget Sound region that will apply in the following year. The average daily total cost for Home Health Care that will be reimbursed shall not exceed the average daily rate for a Skilled Nursing Facility. If the member lives outside the Puget Sound region they would need to contact the Disability Board staff assistant for the rates for their area.

The maximum reimbursement for the following Long Term Care facilities are:

- | | |
|---------------------------------------|---------------------|
| a) Assisted Living Facility * | (one bedroom unit) |
| b) Skilled Nursing Facility ** | (semi-private room) |
| c) Home Health Care Reimbursement *** | (home health aide) |

3. . Exceptions: Under extraordinary circumstances the Board will consider reimbursing above the established maximum where the member can show that he or she cannot obtain the necessary medical service at the established

maximum rate.

4. Procedure For Obtaining Reimbursement: The procedure for obtaining reimbursement for LTC charges is the same as for any other necessary medical expense (see Section IV of the Disability Board Policy and Procedure Manual). This includes submitting appropriate documentation verifying the medical necessity for the service, submitting the charges to Medicare and other insurance prior to submitting the reimbursement claim to the Board. Please note expenses that are not medically necessary for the member shall not be reimbursed, including but not limited to personal care items, recreational charges, TV cable charges.

The Board will not reimburse for home health care provided by an individual who ordinarily resides in the member's home or is a member of the family of either the member or the member's spouse, unless the individual is a currently licensed home health care provider and the individual is providing the services as part of his or her employment working for an agency/employer who normally provides such services.

* Includes Boarding Houses and Continuing Care Retirement Communities at the Assisted Living Level

** Includes Adult Family Homes, Hospice Care, Nursing Home Care, Continuing Care Retirement Community at the Nursing Home Level

***Includes Respite Care

3. Payment for Medical Services

Most of these necessary medical services are automatically covered under the medical plan(s) provided by the City of Bellevue to LEOFF I active/retiree members, and therefore do not need to be further approved by the City of Bellevue Disability Board.

The amount of the benefit payment will be reduced by any amounts the member receives or is eligible to receive under Workers' Compensation benefits provided by any employer for the medical condition in question, Medicare, medical insurance provided by another employer, other pension plan, or any other similar source. (RCW 41.26.150)

When a medical services is not covered under the medical plan(s), the service may be submitted to the Disability Board for consideration and approval. Determination of the necessity of services is made after considering relevant evidence provided to the Disability Board by the LEOFF I active/retiree member and any other relevant information obtained through the Disability Board Medical Advisor(s).

4. What is Not a Necessary Medical Service

- A. Any medical service not listed above, except when the LEOFF I active/retiree member has submitted it to the Disability Board, and the Disability Board finds it to be a necessary medical service.
- B. Service charges for missed provider appointments where less than reasonable notice (usually 24 hours) was provided to the provider by the LEOFF 1 active/retiree member or his/her representative/family member.
- C. Delinquency service charges imposed by service providers on past-due accounts, except when charge results from the Disability Board delaying or canceling its Regular Meeting.
- D. Medical services necessary, in the determination of the Disability Board, from dissipation or abuse by the LEOFF I active/retiree member.
- E. Exercise equipment, or other equipment not medically required.
- F. Non-prescription drugs or appliances.

5. All Other Services or Charges

All other services or charges must be submitted for consideration by the Disability Board. Circumstances and conditions may exist or come into existence which are not fully or clearly encompassed by these Policies and Procedures. In such cases, the matter will be considered on a case-by-case basis and the Disability Board will act in keeping with the spirit of statutory authority, and legal and administrative precedent.

6. Subrogation Rights

Upon making payment for medical services, the City shall be subrogated to all rights of the LEOFF I active/retiree member against any third party. If a LEOFF I active/retiree member institutes any lawsuit against a third party for recovery of damages related to a injury, regardless of whether duty or non-duty related, the member must immediately notify the City in writing of the lawsuit.

7. **Processing Medical Claims**

Claims for reimbursement for necessary medical expenses must be submitted to any applicable insurance carrier(s) within the time limit the carrier establishes for filing claims, but in no event later than one year after the date the expense is incurred. If the insurance carrier(s) do not pay the entire claim, the LEOFF 1 active/retiree member must submit a claim to the Disability Board for the unpaid balance within six months of receipt of the Explanation of Benefits from the insurance company and Medicare, if applicable,. If the LEOFF 1 active/retiree member does not receive an Explanation of Benefits from the insurance company or Medicare within a reasonable period of time or if the Board's rules or practices permit a claim to be filed directly with the Disability Board,

the claim must be filed with the Board no later than 18 months after incurring the medical expense, Failure to comply with these timelines will result in the Disability Board denying the claim unless extraordinary circumstances outside the control of the member prevents timely submission.

The submission to the Disability Board must include the following information:

- A. Completed Disability Board claim form.
- B. Billing invoice issued from the provider, if charge is not covered by insurance.
- C. Itemized statement from the service provider indicating any insurance or other payments made to the provider. If the provider bills the insurance carrier directly, it is the member's responsibility to obtain an itemized statement of the member's account from the provider.
- D. Insurance carrier's "Explanation of Benefits" (EOB) form.
- E. Medicare statement for any claim submitted by a member covered by Medicare.

Complete documentation must be submitted to the Disability Board before medical claims will be considered. Claims with incomplete documentation will be returned to the LEOFF I member, and will result in delayed processing/payment of claims.

All claims must be received by the Staff Assistant at least five working days prior to the monthly Disability Board meeting to be considered on that meeting's agenda.

Please contact Human Resources staff if you have any questions about how to file a claim or the timelines to file a claim.

8. Medicare Premium Reimbursement

The City will reimburse the LEOFF I retiree for the base Medicare premium. Under current law, a 10% penalty is added to the base premium for every year after reaching age 65 that the retiree does not sign up for Medicare. The City will not reimburse the penalty.

9. Request For Reconsideration

If a claim is denied by the Disability Board, a written notice of that claim denial shall be mailed to the LEOFF I active/retiree member. A LEOFF I active/retiree member may request the Disability Board reconsider its claim denial. The request for reconsideration must be received by the Disability Board within 60 calendar days from the date on the written notice denying the claim. The request may be made in writing to the Disability Board, or at a Disability Board meeting, within the 60 day reconsideration period. The request for reconsideration should include any information that will assist the Disability Board in considering the request. The Disability Board shall consider all information

presented, make a determination and mail a written response to the LEOFF 1 active/retiree member. The Disability Board's decision following the request for reconsideration is not subject to any further requests for reconsideration.

10. Appeal To Superior Court

A. Appeal To Superior Court – No Request For Reconsideration The decision of the Disability Board denying a claim for reimbursement of necessary medical expenses may be appealed to the King County Superior Court (Appeal) . The Appeal must be filed with the King County Superior Court and served on the Disability Board within 30 calendar days from the date of the written notice of the Disability Board's decision or is thereafter barred.

B. Appeal To Superior Court Following Request For Reconsideration - If the LEOFF 1 member requests reconsideration of the Disability Board's denial, the 30 calendar day time to appeal to the King County Superior Court begins to run from the date of the written notice of the Disability Board's decision on the request for reconsideration. If the Appeal is not filed with the King County Superior Court and served on the Disability Board within 30 calendar days of the Disability Board's decision on reconsideration, it is barred.

V. Disability Board Procedures Disability Leave for LEOFF I Active Members

1. Disability Board Review Required

Requests for disability benefits must be considered and approved or disapproved by the Disability Board.

2. Requesting Disability Leave

Any time missed from duty by a LEOFF I active member due to either a duty or non-duty related injury or illness must be properly reported to the Disability Board through the filing of a Disability Leave/Retirement Request form. Precautionary reports may be filed when an injury or illness is sustained but no time is actually lost. A Disability Leave/Retirement Request form must be signed by the supervisor and submitted to the LEOFF I active member's timekeeper concurrent with the deadline for submission of hours for each pay period. The LEOFF I active member is responsible for getting the completed form to the timekeeper, who will submit the form to the Staff Assistant.

If, because of the LEOFF I active member's delay, a Disability Leave/Retirement Request form processed as outlined is not received in Finance Department Payroll Office within a reasonable period of time, usually 30 days, available vacation hours or comp time may be used to compensate for any shortage of working hours. Upon receipt of the completed form, these hours will be restored, as appropriate, on the next subsequent payroll cycle.

3. On-the-Job Injury or Illness

LEOFF I active members need to be aware that on-the-job injury or illness is addressed by the Disability Board, and not by the City's Workers' Compensation Program or the State of Washington Industrial Insurance Program. LEOFF I active members DO NOT file a Workers' Compensation injury form with either Labor and Industries or the City's Workers' Compensation Program claim Administrator.

LEOFF I active members who experience an on-the-job injury or illness must report such circumstance to their supervisor immediately, and follow these Disability Board Procedures for addressing their disability.

4. Release to Return to Work

The LEOFF I active member must provide a medical release to return to duty in any instance in which the member has been absent for a period of one continuous month. A release to return to duty may be required following shorter absences when the Board, the department director, or a ranking officer requests a release, or as required by labor agreement. A ranking Officer for the Police Department is a Captain or greater, and for the Fire Department is a Battalion Chief or greater. The release must be signed by the Disability Board Medical Advisor or the LEOFF I active member's own attending physician. No member may return to duty under the above circumstance without this release.

5. Prolonged Absence

After two calendar months of continuous absence, the Disability Board Staff Assistant may schedule an appointment for the LEOFF I active member with the Disability Board Medical Advisor and/or any specialists to which the Disability Board refers the member. The Staff Assistant shall furnish the physician(s) with a copy of the job and/or position description of the applicant. After four months of continuous absence, the Staff Assistant shall automatically schedule the LEOFF I active member to be examined/reexamined by the Disability Board Medical Advisor and/or any specialist(s) to which the Medical Advisor refers the LEOFF I active member.

6. Responsibility to Return When Possible

It is the responsibility of each LEOFF I active member granted disability leave to return to active service at the earliest possible time he/she is fit to return to duty. In the event the Disability Board finds a LEOFF I active member has not immediately sought to return to active service upon cessation of disability, the Disability Board has authority to retroactively set the date of return to service and cancel the member's disability pay for the period in question.

7. Conditional Return to Work

In the event medical evidence of disability is inconclusive, the Disability Board Medical Advisor may recommend in writing reasonable trial period on active duty to determine the LEOFF I member's fitness. The Disability Board can approve a conditional return to work. Such a conditional return to duty does not entitle the LEOFF I active member to a second six-month period of disability leave for the same disability, if based upon this trial period of service, he/she is found to be still disabled.

8. Member Cooperation

LEOFF I active or retired members are required to comply with directives of the Disability Board, including requests for medical and/or psychological evaluations, submittal of other relevant reports, and orders to appear before the Disability Board. In the event a LEOFF I member under the age of 49.5 fails to comply, the Disability Board will evaluate whether compliance was within the LEOFF I member's control. If the Disability Board finds a member to have willfully failed to comply, the Disability Board will presume the LEOFF I active member to have recovered.

The LEOFF I active member is responsible for keeping all scheduled appointments, or when necessary, canceling more than 24 hours before the appointment and rescheduling as necessary. The LEOFF I active member is responsible for providing the Disability Board with the names of any physicians contacted within the prior six months regarding the illness or injury for which disability benefits are claimed. The LEOFF I active member shall release medical records to the Disability Board and the Disability Board Medical Advisor(s).

9. Disability Leave Date

Regardless of the date of application for disability leave, the Disability Board may determine when the LEOFF I active member actually became disabled. The disability leave period begins from that date and continues as provided by law.

10. Determination of Duty or Non-Duty Related Disability Leave

Disability leave will be considered duty related when, to the satisfaction of the Disability Board, the LEOFF I active member presents information that allows the Disability Board to reasonably conclude that the injury or illness was a result of work related activity. The burden of proof shall be upon the applicant. The LEOFF I active member may either appear personally or submit written evidence to support the disability leave request. Essential information would include, but not be limited to, any relevant dates or incident numbers, physician statements, or an explanation of contributing work conditions. The explanation of "public contact" is too general to allow a finding of duty relatedness. An LEOFF I active member should be able to identify relevant public or co-worker contacts or work conditions that the member believes justify a duty related

finding.

VI. Disability Board Procedures .Disability Retirement

1. LEOFF I Active Member's Responsibilities When Requesting Disability Retirement

It is the LEOFF I active member's responsibility to prove the existence of a disabling condition and whether or not that condition was incurred in the line of duty. In order to receive or continue to receive a disability retirement allowance, the LEOFF I active member is required to prove that he/she is unable to perform the duties of his/her position or rank with average efficiency.

2. Examination

Applicants for disability retirement will be examined by a Disability Board appointed medical advisor(s) as soon as possible during disability leave in order to determine potential eligibility for disability retirement. The Disability Board may require appearance of the LEOFF I active member, his/her supervisors or other superiors, and such medical experts as the Disability Board may deem appropriate. If the LEOFF I active member solicits medical evidence, it is his/her responsibility to advise the examining physician that medical records and evaluation are to be submitted to the City of Bellevue Disability Board. Any examining physician may be called to testify before the Disability Board, and if unwilling to appear or respond to questions of the Disability Board, or without good excuse does not appear or respond to questions of the Disability Board, then the Board may determine what weight will be given to the information provided or not provided.

3. Granting Disability Retirement

If the evidence shows to the satisfaction of the Disability Board that the LEOFF I active member is physically or mentally disabled from further performance of duty, and that disability has been continuous for a period of six months from the beginning date of disability leave, the Disability Board enters a written decision and order, accompanied by appropriate "Findings of Fact and Conclusions of Law".

If disability retirement is granted, the written Decision and Order with supporting documentation is forwarded by the Disability Board to the State Retirement Board for review.

4. Periodic Re-Examinations

In the event a LEOFF I active member is placed on retirement, the Disability Board determines whether he/she is permanently disabled with no possibility of rehabilitation restoring the LEOFF I retiree member to fitness for duty.

If the Disability Board does not find permanent disability, it may order reexamination of the LEOFF I retiree member every other six months (WAC 5 15-105-090) to determine whether the disabling condition has waned and he/she could return to active service with reasonable expectation of average efficiency in service.

In the event the LEOFF I retiree member resides outside the greater Bellevue area, the LEOFF I retiree member may be authorized to have reexaminations conducted by a physician in his/her immediate area, provided however, selection of the examining physician has first been approved by the Disability Board Medical Advisor and the examining physician has been informed of the nature of the examination and the issues to be addressed in an evaluation report to the Disability Board.

If the evaluation discloses fitness to perform duties of the rank held by the LEOFF I retiree member at the time of disability retirement, he/she is required to appear before the Disability Board for hearing and further consideration of the matter. The retirement allowance of any LEOFF I retiree member who fails to submit to medical examination as required will be discontinued, and in the event such refusal continues for one year, his/her retirement allowance may be cancelled. Failure of the LEOFF I retiree member to comply with a request for re-examination will be deemed a continued refusal.

5. Retiree Address Verification

LEOFF I retirees are required to complete and return to the Disability Board an address verification form which is sent periodically to the retiree's last-known address. Retirees shall notify the Disability Board's Staff Assistant promptly in case of an address change.