





1           **4.36.220 - Retirement for disability.**

2           A.     Any member may be retired for permanent and total disability, either ordinary or  
3 accidental, occurring while in City service (~~(and not connected with any illness or disability~~  
4 ~~existing prior to entering City service,))~~ upon examination as hereinafter set forth, if such  
5 employee meets either of the following requirements:

6           1.     The disability of such member arose out of and in the course of his employment  
7 as an employee of the City; or

8           2.     Such member had, at the time of occurrence of such disability, at least ten (~~((10))~~)  
9 years of City service, over a period of not to exceed (~~((fifteen-))~~)15(~~(+))~~) years immediately  
10 preceding retirement, provided that City service lost while on previous disability retirement shall  
11 not be considered in determining if the applicant has City service in the limits specified.

12           B.     Any member while in the City service, or within three (~~((3))~~) months after the  
13 discontinuance of City service, or while physically or mentally incapacitated for the performance  
14 of duty, if such incapacity has been continuous from discontinuance of City service, shall be  
15 examined by a physician or surgeon, appointed by the Board of Administration, upon the  
16 application of the head of the office or department in which the member is employed, or upon  
17 application of the member, or a person acting in his behalf, stating that the member is  
18 permanently and totally incapacitated, either physically or mentally, for the performance of duty  
19 and ought to be retired. If such medical examination shows, to the satisfaction of the Board, that  
20 the member is permanently and totally incapacitated either physically or mentally for the  
21 performance of duty and ought to be retired, the Board shall retire the member for disability  
22 forthwith.

23           C.     The Board shall secure such medical services and advice as it may deem  
24 necessary to carry out the purpose of this section and of Section 4.36.240, and shall pay for such  
25 medical services and advice such compensation as the Board shall deem reasonable.

1           D.       The provisions of this section shall not be applicable to employees pensioned for  
2 permanent and total disability, as defined in and pursuant to state law.

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4           **Section 3.** Section 4.36.250 of the Seattle Municipal Code, last amended by Ordinance  
5 89752, is amended as follows:

6           **4.36.250 - Temporary total disability.**

7           A.       Any member who has not attained the age of ~~((sixty five ()))~~65~~((+))~~ and who has at  
8 least ten ~~((10))~~ years of City service over a period of not to exceed ~~((fifteen ()))~~15~~((+))~~ years  
9 may, upon his application therefor, be retired by the Board for temporary total disability  
10 occurring while in City service ~~((and not connected with any illness or disability existing prior to~~  
11 ~~entering such service))~~. Such temporary total disability shall include only a physical or mental  
12 incapacity which the Board finds and determines temporarily and totally incapacitates such  
13 member for City service.

14           B.       Temporary total disability retirement allowances shall be computed and paid until  
15 such disability has ceased, in the same manner and amounts as for permanent and total disability,  
16 and shall commence immediately after termination of all payments to the member on account of  
17 sick leave, vacation, accumulated time, industrial insurance benefits, and disability payments  
18 under Charter Article XVI, Section 24,<sup>1</sup> or any other such benefits.

19           C.       Upon determining that any such temporary total disability has ceased, the Board  
20 shall terminate the temporary total disability retirement, and the retirement allowance therefor  
21 shall be cancelled; or if a member is otherwise eligible, the Board shall convert such temporary  
22 total disability retirement to a permanent total disability retirement or a service retirement.

23           D.       In determining eligibility for temporary total disability retirement and termination  
24 thereof, the Board may secure such medical assistance as it deems necessary. The Board shall  
25 have the authority to require a medical re-examination of a member retired for temporary total

1 disability at least once every 24 months following the effective date of the temporary total  
2 disability retirement until such time as the member has attained regular service retirement age,  
3 and at any time if there is reason to believe the temporary total disability has ceased.

4 E. Upon termination of any temporary total disability retirement, a member who  
5 returns to active City service shall be reinstated as a nonretired member of the retirement system  
6 and his accumulated contributions less annuity payments shall be credited to his account and he  
7 shall contribute at the rate applicable to him at the time he was retired. Any member who does  
8 not return to City service after termination of temporary total disability retirement shall be  
9 entitled to his accumulated contributions less any annuity payments made to him.

10 F. Periods during which a member is retired for temporary total disability shall not  
11 be recognized as creditable service on any subsequent retirement.

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**Section 4.** This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)