

Original text of proposed rulemaking re SAN FRANCISCO PILOT PENSION PLAN
[text to be added is underlined]

Division 2 as follows:

Article 8. Pension Plan

Section 239 – Disability Retirements

- (a) For purposes of calculating pension benefits for disabled pilots pursuant to Harbors and Navigation Code Sections 1163 and 1164, the following terms and definitions shall apply:
- (1) “Disability” or “disabled” as used in this section shall mean a medical condition that is permanent or of extended and uncertain duration and that prevents the pilot from performing his or her duties as a pilot. It is a condition that must be determined by the Board based on competent medical opinion.
 - (2) “Date on which the pilot became disabled” shall mean the date following a pilot’s injury or illness on which the pilot reached maximum medical cure and could no longer return to active piloting duty as a result of a disability. It is a date to be determined by the Board based on competent medical opinion.
 - (3) “Last year prior to the pilot’s disability” shall mean the year prior to the date on which the pilot became disabled.
- (b) A request for a disability determination shall be submitted to the Board in writing and shall be supported by competent medical opinion setting forth the diagnosis and prognosis in sufficient detail to permit the Board to determine whether the pilot is disabled.
- (c) Upon receipt of a written request for a disability determination, the Executive Director shall review the request and its supporting documents for sufficiency and arrange for an examination of the pilot by a Board physician, requesting a determination of whether the pilot is disabled. The examination may be waived if the Board physician concludes from the supporting documents that the pilot is disabled and that no examination is necessary.
- (d) Upon receipt of the opinion of the Board’s physician, the Executive Director shall forward a copy of the request, supporting documents and the opinion of the Board physician to each member of the Board’s Pension Committee or to such other committee as may be appointed by competent authority pursuant to Section 208.

- (e) The committee to which the matter is assigned shall meet promptly at the time and place determined by the chair of the committee in conformance with applicable open meeting act laws and shall review the records and such additional information as it deems relevant in order to develop recommendations to the Board as to each of the following:
- (1) Whether there is competent medical evidence sufficient to conclude that the pilot is disabled;
 - (2) The date on which the pilot became disabled;
 - (3) The full years of service of the disabled pilot up through the date of disability;
 - (4) The last year prior to the pilot's disability; and
 - (5) The quarter in which the pilot's disability pension benefits are to begin.
- (f) Upon receipt of the recommendations of the committee pursuant to subsection (e), the Board shall determine whether the pilot is disabled and make such further determinations as it deems appropriate to provide guidance to the fiduciary in calculating the pilot's disability benefits under the pension plan, including those matters itemized in subsection (e).