



# City of Grand Island

Tuesday, June 28, 2016

Council Session

## Item G-17

**#2016-160 - Approving Resolution to Place Firefighter Ronald Tubbs on the Disabled Firefighter Pension List**

Staff Contact: Jerry Janulewicz

# Council Agenda Memo

**From:** Jerry Janulewicz, City Attorney  
**Meeting:** June 28, 2016  
**Subject:** Ronald Tubbs/Disabled Firefighter Pension  
**Presenter(s):** Jerry Janulewicz, City Attorney

## Background

Firefighter Ronald Tubbs has been employed as a firefighter for the City of Grand Island since October 23, 2000. On November 24, 2015, he was placed on temporary disability status after the Fire Department's contract physician determined he was not medically fit to perform the duties of a firefighter. Following this action, Firefighter Tubbs participated in an independent medical evaluation arranged by the City. As a result of the findings of the independent medical evaluation, the findings and determination of the fire department's contract physician, and the presumption of disability in the line of duty provided by Section 18-1723 of the Nebraska Statutes, the City's fire chief and city attorney recommend that Firefighter Ronald Tubbs be found to be permanently and totally disabled as defined by Section 16-1031 of the Nebraska Statutes, as such disability results in his complete inability, for reasons of accident or other cause while in the line of duty, to perform the duties of a firefighter as those duties are defined in the department's job description.

## Discussion

By statute, a firefighter placed upon the roll of pensioned firefighters shall receive a retirement pension of fifty percent of regular pay for the period of disability. If the actuarial equivalent of the disability pension payable exceeds the employee's retirement value at the time of the first pension payment, the city must contribute such additional amounts as may be necessary, from time to time, to provide for the required disability pension.

## Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the resolution

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the resolution placing Firefighter Ronald Tubbs on the roll of pensioned firefighters of the City of Grand Island as provided in the resolution.

### **Sample Motion**

Move to approve the Resolution.

RESOLUTION 2016-160

WHEREAS, Firefighter Ronald Tubbs has been employed as a firefighter for the City of Grand Island since October 23, 2000; and

WHEREAS, on November 24, 2015, Firefighter Tubbs was placed on temporary disability status following the action on October 2, 2015, of the Fire Department's contract physician who found and determined based upon nationally recognized standards that Firefighter Tubbs was not medically fit to perform the duties of a firefighter; and

WHEREAS, following the results of the fitness for duty examination, the City required Firefighter Tubbs to be evaluated by an independent physician licensed to practice medicine in the State of Nebraska; and

WHEREAS, as a result of the findings of the city-required independent medical evaluation, the findings and determination of the fire department's contract physician, and the presumption of disability in the line of duty provided by Section 18-1723 of the Nebraska Statutes, the City's fire chief and city attorney recommend that Firefighter Ronald Tubbs be found to be permanently and totally disabled as defined by Section 16-1031 of the Nebraska Statutes, as such disability results in his complete inability, for reasons of accident or other cause while in the line of duty, to perform the duties of a firefighter as those duties are defined in the department's job description.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that effective July 1, 2016, Ronald Tubbs shall be placed upon the roll of pensioned firefighters at the regular retirement pension of fifty percent of regular pay for the period of such disability. As provided by Section 16-1031(4), if the actuarial equivalent of the disability pension payable exceeds Firefighter Tubbs' retirement value at the time of the first pension payment, the city shall contribute such additional amounts as may be necessary, from time to time, to provide for the required disability pension.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 28 2016.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☒ _____
June 24, 2016	☒ City Attorney