



# FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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## Housekeeping – Proposed Rule Amendments July 20, 2018

### **5.7.12 - OFFSET TO SERVICE-CONNECTED AND OCCUPATIONAL DISABILITY BENEFITS PAYABLE UNDER ARTICLE 3 OF THE PLAN**

#### (C) Guidelines for Substantial Gainful Activity Wage Offset Administration

(1) When a Member who has been determined to be capable of Substantial Gainful Activity (SGA) chooses to pursue Self-Employment rather than seek regular employment:

(d) The Director will recover any overpayment by offsetting one-twelfth of the overpaid amount from future ~~over~~ payments until the overpayment is recovered in full.

### **5.7.14 – RECOVERY OF OVERPAYMENTS**

(A) The Director shall recover overpayments of disability benefits paid to the Member. Recovery may be made by offsetting an amount of any future payment until the overpayment is recovered in full.

(B) Interim Disability Benefits paid to the Member under a Claim for service-connected or occupational disability benefits that is withdrawn by the Member or is denied by the Director and the denial becomes final shall constitute an overpayment and must be repaid in full. The Director shall arrange with the Member the method of repayment.

(1) The Member may issue a check payable to City of Portland, by and through FPDR, for the full amount of the overpayment;

(2) The Member may give authorization to their bureau to repay the amount due out of the Member's pay check (either in full at the time accrued leave replaces FPDR paid time or otherwise within the time period authorized for repayment); or

(3) The Member may repay the overpayment through a repayment plan agreed to by the Director.

~~(C)~~ (4) The overpayment must be repaid in full within a period of time that is no greater than twice the number of weeks that Interim Disability Benefits were paid. The Director may extend the repayment period if the Director has determined that the repayment places an undue hardship on the Member and the Member and the Director have signed a

repayment agreement. However, the extended repayment period shall not exceed twelve (12) months.

~~(D)~~ (C) The Director will pursue the appropriate legal action should the overpayment not be repaid in full according to these Administrative Rules.

### **5.3.09 – PUBLIC RECORDS REQUESTS**

Public records requests will be presented to the FPDR Director **via the City of Portland's Public Record Request system located on the City's Public Record Request website: <http://www.portlandoregon.gov/prr>** in the form and format pursuant to these Administrative Rules. All requests must be in writing, addressed to the Director, and include the specific information that is allowable under the Oregon Public Records Laws. **FPDR will respond to all public records requests in accordance with the Oregon Public Records Laws.** FPDR reserves the right to charge the requesting party for costs associated with providing this service.