

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 321

Introduced by Crawford, 45; Nordquist, 7; Wallman, 30.

Read first time January 17, 2013

Committee: Nebraska Retirement Systems

A BILL

- 1 FOR AN ACT relating to retirement; to amend section 16-1011, Reissue
- 2 Revised Statutes of Nebraska; to change a provision
- 3 concerning police officer disability payments; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-1011, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 16-1011 (1) If any police officer becomes disabled, such
4 police officer shall be placed upon the roll of pensioned police
5 officers at the regular retirement pension of fifty percent of
6 regular pay for the period of such disability. For purposes of this
7 section, disability shall mean the complete inability of the police
8 officer, for reasons of accident or other cause while in the line of
9 duty, to perform the duties of a police officer.

10 (2) No disability benefit payment shall be made except
11 upon adequate proof furnished to the city, such proof to consist of a
12 medical examination conducted by a competent, disinterested physician
13 who is duly licensed to practice medicine and surgery in this state
14 and who certifies to the city that the police officer is unable to
15 perform the duties of a police officer. The city, during the first
16 three years of the payment of such benefits, shall have the right, at
17 reasonable times, to require the disabled police officer to undergo a
18 medical examination at the city's expense to determine the
19 continuance of the disability claimed. After such three-year period,
20 the city may request the district court to order the police officer
21 to submit proof of the continuance of the disability claimed if the
22 city has reasonable grounds to believe the police officer is
23 fraudulently receiving disability payments. The city shall have the
24 right to demand a physical examination of the police officer by a
25 competent, disinterested physician who is duly licensed to practice

1 medicine and surgery in this state, and who is chosen by the city.
2 The expense of such examination shall be borne by the city.

3 (3) In case of temporary disability of a police officer
4 received while in the line of duty, he or she shall receive his or
5 her salary during the continuance of such disability for a period not
6 to exceed twelve months, except that if it is ascertained by the city
7 council or other proper municipal authorities within twelve months
8 that such temporary disability has become a disability as defined in
9 this section, then the salary shall cease and he or she shall be
10 entitled to the benefits for pensions in case of disability as
11 provided in this section.

12 (4) All payments of pension or salary provided by this
13 section shall be subject to deduction of amounts paid under the
14 Nebraska Workers' Compensation Act. ~~Such payments shall not commence~~
15 ~~until all credit for unused annual or sick leave and other similar~~
16 ~~credits have been fully utilized by the disabled police officer if~~
17 ~~there will be no impairment to his or her salary during the period of~~
18 ~~disability.~~ Total payments to a disabled police officer, in excess of
19 amounts paid as workers' compensation benefits, shall not be less
20 than the retirement value at the date of disability. If the actuarial
21 equivalent of the disability pension payable under this section
22 exceeds the police officer's retirement value at the time of the
23 first payment, the city shall contribute such additional amounts as
24 may be necessary, from time to time, to provide for the required
25 disability pension.

1 (5) If a police officer who was pensioned under this
2 section is later determined to be no longer disabled, the pension
3 provided for under this section shall terminate and the police
4 officer's vested retirement value, as reduced by any disability
5 payments made from the retirement system, shall thereafter be held
6 and administered in the same manner as for any nondisabled police
7 officer or former police officer.

8 (6) If a police officer who has pensioned under this
9 section is later determined to be no longer disabled during the first
10 three years when disability benefit payments are being paid the
11 police officer may return to duty with the police force under the
12 following conditions:

13 (a) If a vacancy exists on the police force for which the
14 police officer is qualified and the police officer wishes to return
15 to the police force, the city shall hire the police officer to fill
16 the vacancy at a pay grade of not less than his or her previous pay
17 grade; or

18 (b) If no vacancy exists on the police force and the
19 police officer wishes to return to the police force, the city may
20 create a vacancy under the city's reduction in force policy adopted
21 under the Civil Service Act and rehire the officer at a pay grade of
22 not less than his or her previous pay grade.

23 The provisions of this subsection shall not apply to a
24 police officer whose disability benefit payments are terminated
25 because of fraud on the part of the police officer.

1 Sec. 2. Original section 16-1011, Reissue Revised
2 Statutes of Nebraska, is repealed.