



AUHR 6.14 RESTORATION AND USE OF ACCRUED LEAVE FOR MEMBERS RECEIVING BENEFITS FROM THE FIRE POLICE DISABILITY RETIREMENT AND DEATH BENEFIT PLAN

Purpose

This rule confirms for the Auditor's Office the City policy that no employee may receive full wages in paid leave while also receiving service connected or occupational disability payments from the Fire and Police Disability Retirement and Death Benefit Plan (Plan). This rule also allows for 100 percent restoration of paid leave used upon the acceptance of a service-connected claim if certain conditions, as set forth in this rule, are met.

Affected Employees

Sworn members of the Bureau of Police and the Bureau of Fire, Rescue and Emergency Services who are receiving disability benefits for illnesses or injuries accepted as service connected by the Plan.

Exhaustion of Accrued Leave

An employee shall exhaust all forms of accrued paid leave, except for compensatory time, before electing leave without pay during any period of time for which disability benefits are not paid by the Plan, due to a claimed service connected injury or illness.

Restoration of Paid Leave Used Pending Approval of a Disability Claim

An Auditor's Office employee who meets the "affected employees" criteria above and who uses accrued paid leave pending the approval of a disability claim for a job related injury or illness shall have such leave restored in the amount set out below, once the claim is approved, but is also required to reimburse the Auditor's Office in the amount of any disability benefits received during the period of paid leave.

The following rules apply:

- The employee must authorize the Plan to transfer the disability payment to the Auditor's Office, covering the time period the employee used paid leave. No paid leave will be restored until the payment is received by the Auditor's Office.

- An employee who does not reimburse the Auditor's Office for the amount of paid leave used over the same time period the disability payment covers is in violation of Auditor's Office work rules.
- If an employee does not authorize reimbursement and is paid more than his or her regular wage by a combination of any benefits (disability payment and use of accrued sick leave or vacation leave), the employee has been overpaid and the City shall seek recovery of the overpayment up to and including legal action as a matter of debt recovery.

The amount of leave restored shall be as follows:

- If the claim for disability is filed within 14 days of the date of injury or within 14 days of the last day of work in occupational disease claims, the leave shall be restored at 100 percent of the amount used.
- If a claim is filed after the time period set out above, only 75 percent of the paid leave used will be restored once the claim is accepted and the above condition regarding repayment is met, unless the delay is shown to be for good cause as determined by the City Auditor or a designee.

Damages from a Third Party

If an employee collects damages from a third party for a service-connected injury or occupational disease for which the City has paid any benefits, the City shall have a lien on any recovery of damages as provided under Section 2-608 of the City Charter.

Human Resources Rule Information and History

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 6.14 Restoration and Use of Accrued Leave for Members Receiving Benefits from the Fire Police Disability Retirement and Death Benefit Plan.

Adopted by Council February 11, 2004, Ordinance No. 178190.

Last revised February 11, 2004.