July 10, 2025

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, July 17, 2025
1:30 p.m., City Council Chambers
County-City Building

**AGENDA**

ITEM 1: Approval of Minutes from the June 24, 2025, meeting.

ITEM 2: Request to change the title and pay range of the following classification:

| CLASS CODE | CURRENT CLASS TITLE | PROPOSED CLASS TITLE | CURRENT PAY RANGE | PROPOSED PAY RANGE |
|---|---|---|---|---|
| 3662 | Public Health Nurse II | Public Health Nurse | A11 ($63,885.12 - $85,205.12) | A13 ($70,416.32 - $93,926.56) |

ITEM 3: Request to delete the following classifications:

| CLASS CODE | CLASS TITLE |
|---|---|
| 3661 | Public Health Nurse I (A09) |

ITEM 4: Request to amend Lincoln Municipal Code - 2.62.020 - Police & Fire Pension Plan A (Definitions and Appendix A)

ITEM 5: Request to amend Lincoln Municipal Code - 2.65.020 - Police & Fire Pension Plan B (Definitions and Appendix A)

ITEM 6: Request to amend Lincoln Municipal Code - 2.62.165 b.1. Police & Fire Pension (Purchase of Prior Service Credit)

ITEM 7: Request to amend Lincoln Municipal Code – 2.62.140 d.3. Police & Fire Pension (COLA, How Funded)

ITEM 8: Request to amend Lincoln Municipal Code - 2.65.140 d.3. – Police & Fire Pension (COLA, How Funded)

ITEM 9: Request to amend Lincoln Municipal Code - 4.64.020 – Police & Fire Pension (Disability Pension Process)

ITEM 10: Public Comment

ITEM 11: Miscellaneous Discussion

PC: City Directors, City Clerk, Union Presidents

## ***ACCOMMODATION NOTICE***

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# CITY PERSONNEL BOARD
# June 24, 2025
# MEETING

The meeting was held Thursday, June 24, 2025, Council Chambers, County-City Building, Lincoln, Nebraska.

Members present: Christy Abraham, Susan Sapp and Maggie Schiefen. Member absent: Ryan Dale, Zach Bogart. Human Resources department resource staff attending: Carmen Flynn.

The meeting was opened at 1:30 a.m. by Vice-Chair Christy Abraham.

Agenda Item 1 was the approval of the minutes from the May 19, 2025, meeting. Following discussion, it was moved by Maggie Schiefen and seconded by Susan Sapp to approve the minutes as presented. Motion unanimously approved by roll call vote.

Agenda Item 2 was the request to revise the following classification: 5118 – Class Title Lead Mechanic. Barb McIntyre of the Human Resources Department explained they routinely have to drive so we are adding a CDL requirement. Nicole Gross of the Human Resources Department explained that LTU would like to add a lead mechanic, and the police garage position would not need a CDL. Following discussion, it was moved by Maggie Schiefen and seconded by Susan Sapp to approve the revision as presented. Motion unanimously approved by roll call vote.

Agenda Item 3 was the request for ordinance reflecting pay increase of 3% for pay ranges prefixed by 'X' to be effective August 14, 2025.Barb McIntyre of the Human Resources Department explained that these classes will receive the COLA (cost of living adjustment)Barb McIntyre explained the reasons between unrepresented and represented increases. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen to approve the ordinance as presented. Motion unanimously approved by roll call vote.

Agenda Item 4 was the request for ordinance reflecting pay increase of 3% for pay ranges prefixed by 'E' to be effective August 14, 2025. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen to approve the ordinance as presented. Motion unanimously approved by roll call vote.

Agenda Item 5 was the request for ordinance reflecting pay increase of 3% for pay ranges prefixed by 'W', to be effective August 14, 2025. Following discussion, it was moved by Maggie Schiefen and seconded by Susan Sapp to approve the ordinance as presented. Motion unanimously approved by roll call vote.

Agenda Item 6 was the request to amend Lincoln Municipal Code – 2.62 – Police & Fire Pension. Barb McIntyre of the Human Resources Department explained that this manual is out of date from 1980, and needs updated, updated sections of the manual they are no longer using. Paul Lutomski of Human Resources spoke about the reason that CFR will be removed. Adam Schrunk, IAFF Union President, spoke about full-time compared to part-time, cost neutral, whether full or part time they should be able to contribute. Adam Schrunk stated that the Fire Department gets a lot of firefighters from the smaller towns. Barb McIntyre explained if the IAFF union doesn't have a problem with keeping the language as is, we could leave the part-time language in there. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen to hold the presented item until the July City Personnel Board meeting until further discussion between parties happens. Motion unanimously approved by roll call vote.

Agenda Item 7 was the request to amend Lincoln Municipal Code – 2.65 – Police & Fire Pension Plan B. Barb McIntyre of the Human Resources Department spoke on how firefighters can opt to pay for a COLA, but it has to come from a tax shelter to appropriately comply with the IRS. Adam Schrunk, IAFF Union President. asked if this a new code? He stated that they could use personal check before. Barb McIntyre stated that they can no longer use a personal check to comply with IRS Codes. Adam Schrunk spoke about how we can make this better in order to make people interested, as COLA's are very expensive. Barb McIntyre explained that in order to maintain tax exempt status, the money has to come from another tax-exempt plan. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen. Motion unanimously approved by roll call vote.

Agenda Item 8 was the request to amend Lincoln Municipal Code – 2.76.010 – Purpose of Rules. Barb McIntyre from Human Resources Department explained the amendments requested. The word policies is missing, so this is just adding that word in. Following discussion, it was moved by Maggie Schiefen and seconded by Susan Sapp. Motion unanimously approved by roll call vote.

Agenda Item 9 was the request to amend Lincoln Municipal Code – 2.76.385 and 2.76.387 – Funeral Leave and Bereavement Leave. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen. Motion unanimously approved by roll call vote.

Agenda Item 10 was the request to create Lincoln Municipal Code – 2.76.511 – Medical Separations. Gary Young from Keating O'Gara spoke on this; as well as Adam Schrunk with IAFF. Following discussion, it was moved by Susan Sapp to hold over for July meeting and seconded by Maggie Schiefen. Motion unanimously approved by roll call vote.

Agenda Item 11 was the request to amend Lincoln Municipal Code – 4.64 – Disability Pension. Following discussion, it was moved by Susan Sapp to hold over for July meeting and seconded by Maggie Schiefen. Motion unanimously approved by roll call vote.

Agenda Item 12: Public Comment. None.

Agenda Item 13: Miscellaneous Discussion. None.

It was moved by Susan Sapp to adjourn and seconded by Maggie Schiefen. Motion unanimously approved by roll call vote.

There being no further business, the meeting adjourned at 2:42 p.m.

The next regularly scheduled meeting is tentatively set for July 17, 2025.

Carmen Flynn
Human Resources

PC: City Directors
City Clerk
Union Presidents

## Chapter 2.62 POLICE & FIRE PENSION PLAN “A”

### 2.62.020 Definitions.

As used in this chapter, and unless the context otherwise requires, the following words shall have the following meanings:

**Total disability** shall mean (a) the physical incapacity of a member to perform the work of a firefighter or police officer resulting from violence to the physical structure of the body and such physical disease or infection as naturally results therefrom, or (b) mental disorder (excluding mental deficiency and personality disorder) of a member, diagnosed in accordance with the current version of the American Psychiatric Association ~~Manuel~~ Diagnostic and Statistical Manual of mental disorders, ~~1980 Edition~~, which is sufficiently severe so as to warrant a minimum rating of fifty percent under the general rating formula ~~set forth in 38 C.F.R. § 4.130 [See Appendix A]. )~~

Schedule of Ratings - Mental Disorders.

- ~~LINCOLN MUNICIPAL CODE~~

## ~~TITLE 2 OFFICERS, DEPARTMENTS AND PERSONNEL~~

## ~~Chapter 2.62 POLICE & FIRE PENSION~~ PLAN “A”

## ~~Appendix “A”~~

### ~~§ 4.132 Schedule of Ratings - Mental Disorders.~~

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| | ~~Delirium associated with infection, trauma, circulatory disturbance, etc.~~ | |
| | ~~NOTE: Acute organic mental disorders with or without accompanying psychotic disorder are temporary and reversible. If psychiatric impairment attributable to such diagnosis continues beyond 6 months, the report of examination is to be returned to the examiner for reconsideration of the diagnosis.~~ | |
| | ~~Dementia associated with central nervous system syphilis.~~ | |
| | ~~Dementia associated with intracranial infections other than syphilis.~~ | |
| | ~~Dementia associated with alcoholism.~~ | |
| | ~~Dementia associated with brain trauma.~~ | |
| | ~~Multi-infarct dementia with cerebral arteriosclerosis.~~ | |
| | ~~Multi-infarct dementia due to causes other than cerebral arteriosclerosis.~~ | |

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| | ~~Dementia associated with convulsive disorder (idiopathic epilepsy).~~ | |
| | ~~Dementia associated with disturbances of metabolism.~~ | |
| | ~~Dementia associated with brain tumor.~~ | |
| | ~~Dementia due to unknown cause.~~ | |
| | ~~Dementia due to undiagnosed cause.~~ | |
| | ~~Dementia, primary, degenerative.~~ | |
| | ~~Dementia associated with epidemic encephalitis.~~ | |
| | ~~Dementia associated with endocrine disorder.~~ | |
| | ~~Dementia associated with systemic infection.~~ | |
| | ~~Dementia associated with drug or poison intoxication (other than alcohol).~~ | |
| | ~~**Before attempting to rate organic mental disorders, rating specialists should become thoroughly acquainted with the relevant concepts presented by the current Diagnostic and Statistical Manual of the American Psychiatric Association and the following:**~~ | |
| | ~~Under the codes above, the basic syndrome of organic mental disorder may be the only mental disturbance present or it may appear with related "psychotic" manifestations. An organic mental disorder with or without such qualifying phrase will be rated according to the general rating formula for organic mental disorders, assigning a rating which reflects the entire psychiatric picture.~~<br>~~An organic mental disorder, as defined in the American Psychiatric Association manual, is characterized solely by psychiatric manifestations. However, neurological or other manifestations of etiology common to the mental disorder may be present, and if present, are to be rated separately as distinct entities under the neurological or other appropriate system and combined with the rating for the mental disorder.~~ | |
| | ~~**General Rating Formula for Organic Mental Disorders:**~~ | |
| | ~~Impairment of intellectual functions, orientation, memory and judgment, and lability and shallowness of affect of such extent, severity, depth, and persistence as to produce total social and industrial inadaptability~~ | ~~100~~ |

| | |
|---|---|
| ~~**Less than 100 percent, in symptom combinations productive of:**~~ | |
| ~~Severe impairment of social and industrial adaptability~~ | ~~70~~ |
| ~~Considerable impairment of social and industrial adaptability~~ | ~~50~~ |
| ~~Definite impairment of social and industrial adaptability~~ | ~~30~~ |
| ~~Mild impairment of social and industrial adaptability~~ | ~~10~~ |
| ~~No impairment of social and industrial adaptability~~ | ~~0~~ |

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|---|---|
| ~~Generalized anxiety disorder.~~ | |
| ~~Psychogenic amnesia; psychogenic fugue; multiple personality.~~ | |
| ~~Conversion disorder; psychogenic pain disorder.~~ | |

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|---|---|
| ~~Phobic disorder.~~ | |
| ~~Obsessive compulsive disorder.~~ | |
| ~~Dysthymic disorder; Adjustment disorder with depressed mood; Major depression without melancholia.~~ | |
| ~~Depersonalization disorder.~~ | |
| ~~Hypochondriasis.~~ | |
| ~~Other and unspecified neurosis.~~ | |
| ~~Post-traumatic stress disorder.~~ | |
| **~~Read well notes (1) to (4) following general rating formula before applying the general rating formula.~~** | |
| **~~General Rating Formula for Psychoneurotic Disorders:~~** | |
| ~~The attitudes of all contacts except the most intimate are so adversely affected as to result in virtual isolation in the community. Totally incapacitating psychoneurotic, symptoms bordering on gross repudiation of reality with disturbed thought or behavioral processes associated with almost all daily activities such as fantasy, confusion, panic and explosions of aggressive energy resulting in profound retreat from mature behavior. Demonstrably unable to obtain or retain employment~~ | ~~100~~ |
| ~~Ability to establish and maintain effective or favorable relationships with people is severely impaired. The psychoneurotic symptoms are of such severity and persistence that there is severe impairment in the ability to obtain or retain employment~~ | ~~70~~ |
| ~~Ability to establish or maintain effective or favorable relationships with people is considerably impaired. By reason of psychoneurotic symptoms the reliability, flexibility and efficiency levels are so reduced as to result in considerable industrial impairment~~ | ~~50~~ |
| ~~Definite impairment in the ability to establish or maintain effective and wholesome relationships with people. The psychoneurotic symptoms result in such reduction in initiative, flexibility, efficiency and reliability levels as to produce definite industrial impairment~~ | ~~30~~ |
| ~~Less than criteria for the 30 percent, with emotional tension or other evidence of anxiety productive of mild social and industrial impairment~~ | ~~10~~ |
| ~~There are neurotic symptoms which may somewhat adversely affect relationships with others but which do not cause impairment of working ability~~ | ~~0~~ |

~~NOTE (1). Social impairment per se will not be used as the sole basis for any specific percentage evaluation, but is of value only in substantiating the degree of disability based on all of the findings.~~
~~NOTE (2). The requirements for a compensable rating are not met when the psychiatric findings are not more characteristic than minor alterations of mood beyond normal limits; fatigue or anxiety incident to actual situations; minor compulsive acts or phobias; occasional stuttering or stammering; minor habit spasms or tics; minor subjective sensory disturbances such as anosmia, deafness, loss of sense of taste, anesthesia, paresthesia, etc. When such findings actually interfere with employability to a mild degree, a 10 percent rating under the general rating formula may be assigned.~~
~~NOTE (3). It is to be emphasized that vague complaints are not to be erected into a concept of conversion disorder. A diagnosis of conversion disorder must be established on the basis of specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of conversion disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned through channels to the examiner for reconsideration.~~

~~NOTE (4). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.~~

| | ~~PSYCHOLOGICAL FACTORS AFFECTING PHYSICAL CONDITION~~ | ~~Rating~~ |
|---|---|---|
| | ~~Psychological factors affecting skin condition.~~ | |
| | ~~Psychological factors affecting cardiovascular condition.~~ | |
| | ~~Psychological factors affecting gastrointestinal condition.~~ | |
| | ~~Psychological factors affecting musculoskeletal condition.~~ | |
| | ~~Psychological factors affecting respiratory condition.~~ | |

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|---|---|---|
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| | ~~Psychological factors affecting hemic and lymphatic condition.~~ | |
| | ~~Psychological factors affecting genitourinary condition.~~ | |
| | ~~Psychological factors affecting endocrine condition.~~ | |
| | ~~Psychological factors affecting condition of organ of special senses (specify sense organ).~~ | |
| | ~~Psychological factors affecting other type of physical condition.~~ | |
| | **~~Evaluate psychological factors affecting physical condition by the general rating formula for psychoneurotic disorders.~~** | |
| | | |

~~NOTE (1). It is to be emphasized that vague complaints are not to be erected into a concept of psychological disorder. A diagnosis of a psychological disorder affecting physical condition must be established on specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of a psychological disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned.~~

~~NOTE (2). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspect of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.~~

~~[53 FR 23, Jan. 4, 1988; 53 FR 1441, Jan. 19, 1988]~~

(Ord. 21282 §1; June 06, 2022; Ord. 21155 §5; November 01, 2021).

**Chapter 2.65 POLICE & FIRE PENSION PLAN "B"**

**2.65.020 Definitions.**

As used in this chapter, and unless the context otherwise requires, the following words shall have the following meanings:

**Total disability** shall mean (a) the physical incapacity of a member to perform the work of a firefighter or police officer resulting from violence to the physical structure of the body and such physical disease or infection as naturally results therefrom, or (b) mental disorder (excluding mental deficiency and personality disorder) of a member, diagnosed in accordance with the current version of the American Psychiatric Association Manual, ~~1980 Edition,~~ which is sufficiently severe so as to warrant a minimum rating of fifty percent under the general rating formula ~~set forth in 38 C.F.R. § 4.130 [See Appendix A].~~

~~**Chapter 2.65 POLICE & FIRE PENSION PLAN "B"**~~

~~**APPENDIX "A"**~~

~~**Contents:**~~

- ~~**§ 4.132 Schedule of Ratings - Mental Disorders.**~~

~~**§ 4.132 Schedule of Ratings - Mental Disorders.**~~

| ~~PSYCHOTIC DISORDERS~~ | | ~~Rating~~ |
|---|---|---|
| ~~9201~~ | ~~Schizophrenia, disorganized type.~~ | - |
| ~~9202~~ | ~~Schizophrenia, catatonic type.~~ | - |
| ~~9203~~ | ~~Schizophrenia, paranoid type.~~ | - |
| ~~9204~~ | ~~Schizophrenia, undifferentiated type.~~ | - |
| ~~9205~~ | ~~Schizophrenia, residual type; schizoaffective disorder; other and unspecified types.~~ | - |
| ~~9206~~ | ~~Bipolar disorder, manic, depressed, or mixed.~~ | - |
| ~~9207~~ | ~~Major depression with psychotic features.~~ | - |
| ~~9208~~ | ~~Paranoid disorders (specify type).~~ | - |
| ~~9209~~ | ~~Major depression with melancholia.~~ | - |

| ~~PSYCHOTIC DISORDERS~~ | | | ~~Rating~~ |
|---|---|---|---|
| ~~9210~~ | ~~Atypical psychosis.~~ | | - |
| - | - | **~~General Rating Formula for Psychotic Disorders:~~** | |
| - | - | ~~Active psychotic manifestations of such extent, severity, depth, persistence or bizarreness as to produce total social and industrial inadaptability~~ | ~~100~~ |
| - | - | ~~With lesser symptomatology such as to produce severe impairment of social and industrial adaptability~~ | ~~70~~ |
| - | - | ~~Considerable impairment of social and industrial adaptability~~ | ~~50~~ |
| - | - | ~~Definite impairment of social and industrial adaptability~~ | ~~30~~ |
| - | - | ~~Mild impairment of social and industrial adaptability~~ | ~~10~~ |
| - | - | ~~Psychosis in full remission~~ | ~~0~~ |
| - | - | **~~Convalescent rating in psychotic disorders:~~** | |
| - | - | ~~Upon regular discharge or release to non-bed care from a hospital where a beneficiary has been under care and treatment for a continuous period in the hospital of not less than 6 months, an open rating of 100 percent will be continued for 6 months. A VA examination is mandatory at the expiration of the 6-month period, after which the condition will be rated in accordance with the degree of disability shown. Where the beneficiary has been under hospital care and treatment for less than 6 months and is not ratable at 100 percent under the rating formula, consideration should be given to § 4.29.~~ | - |

| ~~ORGANIC MENTAL DISORDERS~~ | | ~~Rating~~ |
|---|---|---|
| | ~~1.—~~<br>~~2.—~~ | |
| ~~9300~~ | ~~Delirium associated with infection, trauma, circulatory disturbance, etc.~~ | - |

| ~~ORGANIC MENTAL DISORDERS~~ | | | ~~Rating~~ |
|---|---|---|---|
| ~~-~~ | ~~-~~ | ~~NOTE: Acute organic mental disorders with or without accompanying psychotic disorder are temporary and reversible. If psychiatric impairment attributable to such diagnosis continues beyond 6 months, the report of examination is to be returned to the examiner for reconsideration of the diagnosis.~~ | ~~-~~ |
| ~~9301~~ | ~~Dementia associated with central nervous system syphilis.~~ | | ~~-~~ |
| ~~9302~~ | ~~Dementia associated with intracranial infections other than syphilis.~~ | | ~~-~~ |
| ~~9303~~ | ~~Dementia associated with alcoholism.~~ | | ~~-~~ |
| ~~9304~~ | ~~Dementia associated with brain trauma.~~ | | ~~-~~ |
| ~~9305~~ | ~~Multi-infarct dementia with cerebral arteriosclerosis.~~ | | ~~-~~ |
| ~~9306~~ | ~~Multi-infarct dementia due to causes other than cerebral arteriosclerosis.~~ | | ~~-~~ |
| ~~9307~~ | ~~Dementia associated with convulsive disorder (idiopathic epilepsy).~~ | | ~~-~~ |
| ~~9308~~ | ~~Dementia associated with disturbances of metabolism.~~ | | ~~-~~ |
| ~~9309~~ | ~~Dementia associated with brain tumor.~~ | | ~~-~~ |
| ~~9310~~ | ~~Dementia due to unknown cause.~~ | | ~~-~~ |
| ~~9311~~ | ~~Dementia due to undiagnosed cause.~~ | | ~~-~~ |
| ~~9312~~ | ~~Dementia, primary, degenerative.~~ | | ~~-~~ |
| ~~9315~~ | ~~Dementia associated with epidemic encephalitis.~~ | | ~~-~~ |
| ~~9322~~ | ~~Dementia associated with endocrine disorder.~~ | | ~~-~~ |
| ~~9324~~ | ~~Dementia associated with systemic infection.~~ | | ~~-~~ |
| ~~9325~~ | ~~Dementia associated with drug or poison intoxication (other than alcohol).~~ | | ~~-~~ |
| ~~-~~ | ~~-~~ | **~~Before attempting to rate organic mental disorders, rating specialists should become thoroughly acquainted with the relevant concepts presented by the current Diagnostic and Statistical Manual of the American Psychiatric Association and the following:~~** | |

| ~~ORGANIC MENTAL DISORDERS~~ | | | ~~Rating~~ |
|---|---|---|---|
| - | - | 1. ~~Under the codes above, the basic syndrome of organic mental disorder may be the only mental disturbance present or it may appear with related “psychotic” manifestations. An organic mental disorder with or without such qualifying phrase will be rated according to the general rating formula for organic mental disorders, assigning a rating which reflects the entire psychiatric picture.~~<br>2. ~~An organic mental disorder, as defined in the American Psychiatric Association manual, is characterized solely by psychiatric manifestations. However, neurological or other manifestations of etiology common to the mental disorder may be present, and if present, are to be rated separately as distinct entities under the neurological or other appropriate system and combined with the rating for the mental disorder.~~ | - |
| - | - | **~~General Rating Formula for Organic Mental Disorders:~~** | |
| - | - | ~~Impairment of intellectual functions, orientation, memory and judgment, and lability and shallowness of affect of such extent, severity, depth, and persistence as to produce total social and industrial inadaptability~~ | ~~100~~ |
| - | - | **~~Less than 100 percent, in symptom combinations productive of:~~** | |
| - | - | ~~Severe impairment of social and industrial adaptability~~ | ~~70~~ |
| - | - | ~~Considerable impairment of social and industrial adaptability~~ | ~~50~~ |
| - | - | ~~Definite impairment of social and industrial adaptability~~ | ~~30~~ |
| - | - | ~~Mild impairment of social and industrial adaptability~~ | ~~10~~ |
| - | - | ~~No impairment of social and industrial adaptability~~ | ~~0~~ |

| **~~PSYCHONEUROTIC DISORDERS~~** | | ~~Rating~~ |
|---|---|---|
| ~~9400~~ | ~~Generalized anxiety disorder.~~ | - |
| ~~9401~~ | ~~Psychogenic amnesia; psychogenic fugue; multiple personality.~~ | - |

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|---|---|---|---|
| ~~9402~~ | ~~Conversion disorder; psychogenic pain disorder.~~ | | - |
| ~~9403~~ | ~~Phobic disorder.~~ | | - |
| ~~9404~~ | ~~Obsessive compulsive disorder.~~ | | - |
| ~~9405~~ | ~~Dysthymic disorder; Adjustment disorder with depressed mood; Major depression without melancholia.~~ | | - |
| ~~9408~~ | ~~Depersonalization disorder.~~ | | - |
| ~~9409~~ | ~~Hypochondriasis.~~ | | - |
| ~~9410~~ | ~~Other and unspecified neurosis.~~ | | - |
| ~~9411~~ | ~~Post-traumatic stress disorder.~~ | | - |
| - | - | **~~Read well notes (1) to (4) following general rating formula before applying the general rating formula.~~** | - |
| - | - | **~~General Rating Formula for Psychoneurotic Disorders:~~** | - |
| - | - | ~~The attitudes of all contacts except the most intimate are so adversely affected as to result in virtual isolation in the community. Totally incapacitating psychoneurotic, symptoms bordering on gross repudiation of reality with disturbed thought or behavioral processes associated with almost all daily activities such as fantasy, confusion, panic and explosions of aggressive energy resulting in profound retreat from mature behavior. Demonstrably unable to obtain or retain employment~~ | ~~100~~ |
| - | - | ~~Ability to establish and maintain effective or favorable relationships with people is severely impaired. The psychoneurotic symptoms are of such severity and persistence that there is severe impairment in the ability to obtain or retain employment~~ | ~~70~~ |
| - | - | ~~Ability to establish or maintain effective or favorable relationships with people is considerably impaired. By reason of psychoneurotic symptoms the reliability, flexibility and efficiency levels are so reduced as to result in considerable industrial impairment~~ | ~~50~~ |
| - | - | ~~Definite impairment in the ability to establish or maintain effective and wholesome relationships with people. The psychoneurotic symptoms result in such reduction~~ | ~~30~~ |

| | | | |
|---|---|---|---|
| | | ~~in initiative, flexibility, efficiency and reliability levels as to produce definite industrial impairment~~ | |
| - | - | ~~Less than criteria for the 30 percent, with emotional tension or other evidence of anxiety productive of mild social and industrial impairment~~ | ~~10~~ |
| - | - | ~~There are neurotic symptoms which may somewhat adversely affect relationships with others but which do not cause impairment of working ability~~ | ~~0~~ |

~~NOTE (1). Social impairment per se will not be used as the sole basis for any specific percentage evaluation, but is of value only in substantiating the degree of disability based on all of the findings.~~

~~NOTE (2). The requirements for a compensable rating are not met when the psychiatric findings are not more characteristic than minor alterations of mood beyond normal limits; fatigue or anxiety incident to actual situations; minor compulsive acts or phobias; occasional stuttering or stammering; minor habit spasms or tics; minor subjective sensory disturbances such as anosmia, deafness, loss of sense of taste, anesthesia, paresthesia, etc. When such findings actually interfere with employability to a mild degree, a 10 percent rating under the general rating formula may be assigned.~~

~~NOTE (3). It is to be emphasized that vague complaints are not to be erected into a concept of conversion disorder. A diagnosis of conversion disorder must be established on the basis of specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of conversion disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned through channels to the examiner for reconsideration.~~

~~NOTE (4). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspects of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.~~

| ~~PSYCHOLOGICAL FACTORS AFFECTING PHYSICAL CONDITION~~ | | ~~Rating~~ |
|---|---|---|
| ~~9500~~ | ~~Psychological factors affecting skin condition.~~ | - |

| ~~PSYCHOLOGICAL FACTORS AFFECTING PHYSICAL CONDITION~~ | | | ~~Rating~~ |
|---|---|---|---|
| ~~9501~~ | ~~Psychological factors affecting cardiovascular condition.~~ | | - |
| ~~9502~~ | ~~Psychological factors affecting gastrointestinal condition.~~ | | - |
| ~~9505~~ | ~~Psychological factors affecting musculoskeletal condition.~~ | | - |
| ~~9506~~ | ~~Psychological factors affecting respiratory condition.~~ | | - |
| ~~9507~~ | ~~Psychological factors affecting hemic and lymphatic condition.~~ | | - |
| ~~9508~~ | ~~Psychological factors affecting genitourinary condition.~~ | | - |
| ~~9509~~ | ~~Psychological factors affecting endocrine condition.~~ | | - |
| ~~9510~~ | ~~Psychological factors affecting condition of organ of special senses (specify sense organ).~~ | | - |
| ~~9511~~ | ~~Psychological factors affecting other type of physical condition.~~ | | - |
| - | - | **~~Evaluate psychological factors affecting physical condition by the general rating formula for psychoneurotic disorders.~~** | |
| - | - | - | - |

~~NOTE (1). It is to be emphasized that vague complaints are not to be erected into a concept of psychological disorder. A diagnosis of a psychological disorder affecting physical condition must be established on specific distinctive findings characteristic of such disturbance and not merely by exclusion of organic disease. If a diagnosis of a psychological disorder is found by the rating board to be inadequately supported by findings, the report of examination will be returned.~~

~~NOTE (2). When two diagnoses, one organic and the other psychological or psychoneurotic, are presented covering the organic and psychiatric aspect of a single disability entity, only one percentage evaluation will be assigned under the appropriate diagnostic code determined by the rating board to represent the major degree of disability. When the diagnosis of the same basic disability is changed from an organic one to one in the psychological or psychoneurotic categories, the condition will be rated under the new diagnosis.~~

~~[53 FR 23, Jan. 4, 1988; 53 FR 1441, Jan. 19, 1988]~~

**2.62.165 Purchase of Forfeited Service Credit Under this Plan; Purchase of Prior Service Credit for Service for Another Governmental Employer.**

a. Purchase of Forfeited Service Credit Under this Plan. Under such rules and regulations as the Plan Administrator may adopt, a member employed on or after January 1, 2022, following successful completion of the probationary period as defined in the Personnel Code, may purchase Forfeited Service Credit for the years of service that were forfeited in connection with an individual ceasing to be a member under Section 2.62.070. The purchase of Forfeited Service Credit shall be made in accordance with and subject to the following requirements:

    1. The member may purchase any amount of Forfeited Service Credit that is available to such individual, up to a maximum of ten years. Such Forfeited Service Credit shall constitute years of service for all purposes of the Plan, including when determining eligibility for death, disability, termination, or retirement benefits.

    2. A member who desires to purchase Forfeited Service Credit shall make written application to the Plan Administrator that includes the amount of Forfeited Service Credit that the member desires to purchase and all information and documentation determined by the Plan Administrator as necessary to verify the member's prior service and qualification to purchase the Forfeited Service Credit. A member may make more than one application, but execute only one purchase transaction, after which no additional applications may be made. Any application(s) must be made before the later of (i) the fifth anniversary of the member's resumption of membership in the Plan, or (ii) January 1, 2027; provided, however, that the member must be actively employed at the time of purchase.

    3. The amount to be paid to the Plan for the purchase of Forfeited Service Credit shall be equal to the actuarial cost to the Plan of the increased benefits and/or earlier commencement of benefits resulting from the additional years of service purchased. The actuarial cost shall be determined by the Plan's actuary pursuant to the most recent actuarial methods and assumptions adopted by the Plan Administrator for this purpose. The City shall pay the fee for the actuarial services necessary to calculate the cost of the Forfeited Service Credit for the member's first and second application. The member shall pay the fee for the actuarial services related to any subsequent application.

    4. The member shall make a lump sum payment for the purchase of the Forfeited Service Credit to the Plan in such manner as the Plan Administrator may direct within 60 days of the date the Plan Administrator provides the cost to the member.

b. Purchase of Prior Service Credit For Service for Another Governmental Employer. Under such rules and regulations as the Plan Administrator may adopt, a member employed on or after January 1, 2022, following successful completion of the probationary period as defined in the Personnel Code, may purchase Prior Service Credit for the period of service the member was employed by any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing within the United States other than the

City (“Governmental Employer”), as a paid fire service or commissioned law enforcement personnel and which is not used in the calculation of any retirement or disability benefit having been paid, being paid, or payable in the future to such member under any defined benefit retirement system or program maintained by such other Governmental Employer. The purchase of Prior Service Credit shall be made in accordance with and subject to the following requirements:

1. The member may purchase any amount of Prior Service Credit that is available to such individual up to a maximum of ten years. For any years during which the member was employed less than full time by a Governmental Employer, the member shall be eligible to purchase a prorata amount of Prior Service Credit based on the number of hours of service the employee performed for the Governmental Employer for the year divided by the regularly-scheduled hours for a comparable position with the City for the year. Such Prior Service Credit shall constitute years of service for all purposes of the Plan, including when determining eligibility for death, disability, termination, or retirement benefits.

2. A member who desires to purchase Prior Service Credit shall make written application to the Plan Administrator that includes the amount of Prior Service Credit that the member desires to purchase and all information and documentation determined by the Plan Administrator as necessary to verify the member’s prior service and qualification to purchase the Prior Service Credit. Such application shall include the member's written authorization for the Plan Administrator to request and receive from any of the member's former employer(s) verification of the member’s prior service and other information for determining the member’s eligibility to purchase Prior Service Credit. Before Prior Service Credit may be purchased, the Plan Administrator shall have received verification of the member’s compensation in each year with the Governmental Employer and confirmation that the prior service to be purchased by the member is not also credited in the calculation of a retirement or disability benefit for such member under another defined benefit retirement system or program. A member may make more than one application, but execute only one purchase transaction, after which no additional applications may be made. Any application(s) must be made before the later of (i) the fifth anniversary of the member’s membership in the Plan, or (ii) January 1, 2027 provided, however, that the member must be actively employed at the time of purchase.

    a. The amount to be paid to the Plan for the purchase of Prior Service Credit shall be equal to the actuarial cost to the Plan of the increased benefits and/or earlier commencement of benefits resulting from the additional years of service purchased. The actuarial cost shall be determined by the Plan’s actuary pursuant to the most recent actuarial methods and assumptions adopted by the Plan Administrator for this purpose. The City shall pay the fee for the actuarial services necessary to calculate the cost of the Prior Service Credit for the member’s first and second application. The member shall pay the fee for the actuarial services related to any subsequent application.

    b. The member shall make a lump sum payment for the purchase of the Prior Service Credit to the Plan in such manner as the Plan Administrator may direct within 60 days of the date the Plan Administrator provides the cost to the member.

3. For purposes of Section 2.62.110(e) and 2.62.070, Service Credit purchases shall be considered Required Contributions Plus Regular Interest.

### 2.62.140 Cost of Living Adjustment; Initial Amounts; Annual Increase; How Funded.

a. On each September 1st after the effective date of this plan, all members who have received regular age and service retirement benefits, early age and service retirement benefits, or line-of-duty disability retirement benefits for at least twelve months preceding such September 1, shall be entitled to receive a lump sum payment as a cost of living adjustment. The lump sum payment shall be payable on or immediately after such September 1, and shall be a base amount of $750.00. Said base amount shall be increased annually thereafter in accordance with subsection (c) hereof.

b. On each September 1st after the effective date of this plan, all members who have received partial annuity benefits, or non-duty disability retirement benefits, for at least twelve months preceding such September 1st, shall be entitled to receive a lump sum payment as a cost of living adjustment. The lump sum payment shall be payable on or immediately after September 1, and shall be an amount equal to a ratio of the number of years of the member's service over the number twenty-one (not to exceed 21/21) multiplied by the base amount described in subsection (a).

c. The amount of the lump sum payment to which a member shall be entitled under subsection (a) hereof shall be annually increased by the lesser of three percent or the percentage increase in the Consumer Price Index for the last full calendar year prior to each September 1st.

   The Consumer Price Index shall mean the Consumer Price Index for all urban consumers, all cities, all items (1982-84 = 100), issued and published by the Bureau of Labor Statistics of the United States Department of Labor. In the event that the Consumer Price Index ceases to use the 1982-84 base rate of 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Consumer Price Index, then the Consumer Price Index shall be adjusted to the figure that would have been arrived at had the manner of computing the Consumer Price Index on the effective date of this ordinance not been altered. If the Consumer Price Index is not available, the Plan Administrator shall utilize a successor or substitute index to the Consumer Price Index, appropriately adjusted.

d. Effective on and after September 1, 2010, an eligible member as defined herein may elect to purchase a future annual cost of living adjustment of the monthly benefit amount, as set forth herein. For purposes of this subsection (d), an "eligible member" shall mean a member in the fire service of the City that is: (i) an active member in DROP status; (ii) an active member eligible to receive regular age and service retirement benefits, or (iii) an active member eligible to receive line-of-duty or non-duty disability retirement benefits. If an eligible member does not make an election pursuant to this subsection (d), the post-retirement lump sum cost of living adjustments set forth in subsections (a) through (c) shall apply upon actual retirement.

   1. The cost of living adjustment purchased may be from zero percent to three percent, in one-half percent increments;

2. The Plan Administrator shall provide the eligible member with a quote of the dollar cost to purchase a cost of living adjustment in one-half percent increments from zero percent to three percent for each of the eligible member's pension payment options, which dollar cost shall be actuarially calculated based upon a discount rate of one percent less than the plan's actuarially assumed earnings rate in effect at the time of purchase;

3. The purchase shall be made in a lump sum payment to the plan and may be made with funds from ~~any source, including but not limited to,~~ the eligible member's DROP account, an in-service transfer from a tax-sheltered annuity plan under Section 403(b) of the Internal Revenue Code or an eligible deferred compensation plan under Section ~~403(b) or~~ 457(b) of the Internal Revenue Code that is sponsored by a governmental employer if the plan so permits such transfers~~, traditional IRA under Section 408(a) or (b) of the Internal Revenue Code, or personal check~~;

4. Notwithstanding subsection (d)(3), a portion of the lump sum payment shall be paid from the pension fund and shall equal $15,000.00 minus the sum of 13th check payments the eligible member received during the member's DROP participation;

5. An eligible member must make an election, in writing delivered to the Plan Administrator prior to the member's retirement date, to either purchase the cost of living adjustment set forth under this subsection (d) or to receive the lump sum payments set forth under subsections (a) through (c), and the eligible member must complete payment to the City of Lincoln within 30 days following the member's retirement date; and

6. For an eligible member who makes a purchase, the cost of living adjustment shall be payable after the eligible member or surviving beneficiary, as applicable, has received monthly pension benefits, other than benefit payments to the member's DROP account, for at least 12 months preceding any given September 1st. The cost of living adjustment shall be compounded annually, at the rate purchased, on each September 1st after it becomes payable.

### 2.65.140 Cost of Living Adjustment; Initial Amounts; Annual Increase; How Funded.

a. On each September 1st after the effective date of this plan, all members who have received regular age and service retirement benefits, early age and service retirement benefits, or line-of-duty disability retirement benefits for at least twelve months preceding such September 1, shall be entitled to receive a lump sum payment as a cost of living adjustment. The lump sum payment shall be payable on or immediately after such September 1, and shall be a base amount of $750.00. Said base amount shall be increased annually thereafter in accordance with subsection (c) hereof.

b. On each September 1st after the effective date of this plan, all members who have received partial annuity benefits, or non-duty disability retirement benefits, for at least twelve months preceding such September 1st, shall be entitled to receive a lump sum payment as a cost of living adjustment. The lump sum payment shall be payable on or immediately after September 1, and shall be an amount equal to a ratio of the number of years of the member's service over the number twenty-one (not to exceed 21/21) multiplied by the base amount described in subsection (a).

c. The amount of the lump sum payment to which a member shall be entitled under subsection (a) hereof shall be annually increased by the lesser of three percent or the percentage increase in the Consumer Price Index for the last full calendar year prior to each September 1st.

   The Consumer Price Index shall mean the Consumer Price Index for all urban consumers, all cities, all items (1982-84 = 100), issued and published by the Bureau of Labor Statistics of the United States Department of Labor. In the event that the Consumer Price Index ceases to use the 1982-84 base rate of 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Consumer Price Index, then the Consumer Price Index shall be adjusted to the figure that would have been arrived at had the manner of computing the Consumer Price Index on the effective date of this ordinance not been altered. If the Consumer Price Index is not available, the Plan Administrator shall utilize a successor or substitute index to the Consumer Price Index, appropriately adjusted.

d. Effective on and after September 1, 2010, an eligible member as defined herein may elect to purchase a future annual cost of living adjustment of the monthly benefit amount, as set forth herein. For purposes of this subsection (d), an "eligible member" shall mean a member in the fire service of the City that is: (i) an active member in DROP status; (ii) an active member eligible to receive regular age and service retirement benefits, or (iii) an active member eligible to receive line-of-duty or non-duty disability retirement benefits. If an eligible member does not make an election pursuant to this subsection (d), the post-retirement lump sum cost of living adjustments set forth in subsections (a) through (c) shall apply upon actual retirement.

   1. The cost of living adjustment purchased may be from zero percent to three percent, in one-half percent increments;

2. The Plan Administrator shall provide the eligible member with a quote of the dollar cost to purchase a cost of living adjustment in one-half percent increments from zero percent to three percent for each of the eligible member's pension payment options, which dollar cost shall be actuarially calculated based upon a discount rate of one percent less than the plan's actuarially assumed earnings rate in effect at the time of purchase;

3. The purchase shall be made in a lump sum payment to the plan and may be made with funds from ~~any source, including but not limited to,~~ the eligible member's DROP account, an in-service transfer from a tax-sheltered annuity plan under Section 403(b) of the Internal Revenue Code or an eligible deferred compensation plan under Section ~~403(b) or~~ 457(b) of the Internal Revenue Code that is sponsored by a governmental employer if the plan so permits such transfers~~, traditional IRA under Section 408(a) or (b) of the Internal Revenue Code, or personal check~~;

4. Notwithstanding subsection (d)(3), a portion of the lump sum payment shall be paid from the pension fund and shall equal $15,000.00 minus the sum of 13th check payments the eligible member received during the member's DROP participation;

5. An eligible member must make an election, in writing delivered to the Plan Administrator prior to the member's retirement date, to either purchase the cost of living adjustment set forth under this subsection (d) or to receive the lump sum payments set forth under subsections (a) through (c), and the eligible member must complete payment to the City of Lincoln within 30 days following the member's retirement date; and

6. For an eligible member who makes a purchase, the cost of living adjustment shall be payable after the eligible member or surviving beneficiary, as applicable, has received monthly pension benefits, other than benefit payments to the member's DROP account, for at least 12 months preceding any given September 1st. The cost of living adjustment shall be compounded annually, at the rate purchased, on each September 1st after it becomes payable.

## 4.64.010 Disability Pension Review Committee; Established; Quorum; Legal Counsel.

There is hereby established a committee to be known as the Disability Pension Review Committee which shall consist of the Health Director, the County Mental Health Director, and the Finance Director. The committee shall elect a chair and shall call meetings of the committee at such times as may be necessary to review disability pension applications. A quorum shall consist of all three members of the committee, and decisions shall be made by a majority vote of the committee. The City Attorney, or their designated representative, shall provide all necessary legal advice and representation to the Disability Pension Review Committee. (Ord. 16645 §1; July 25, 1994).

## 4.64.020 Disability Pension Applications; Procedure; Appeal.

a. All applications for a disability pension under the Police and Fire Pension Plans shall be submitted directly to the Human Resources Director or their designated representative, prior to separation or pursuant to §18-1723 and §35-1001 using the required forms and accompanied by appropriate supporting medical records and other documentation. The Human Resources Director, or their designated representative shall review the documentation within ten working days of receipt and may require the applicant to undergo an independent medical, examination by a qualified medical professional. The selection of the examining medical professional shall be at the discretion of the Human Resources Director or their designated representative, and may include examination by specialists in the field of the type of injury or disorder upon which the application is based. All costs associated with such medical examinations shall be paid out of the Police and Fire Pension Fund as administrative expenses. In cases where the applicant is deceased, the Human Resources Director or their designated representative may determine that an independent medical review is unnecessary.
b. Upon receipt of reports from the examining physician or psychiatrist, the Human Resources Director or their designee shall notify the committee chair who shall call a meeting of the Disability Pension Review Committee to review the application, all supporting medical reports, and other documentation. The committee shall review the application and submit a recommendation to the Mayor within thirty days after the receipt of the medical or psychiatric reports from the examining physician or psychiatrist; provided, however, this review period may be extended if the committee determines that additional medical, psychiatric, or other examinations are necessary to assess whether or not the applicant is entitled to the type of pension requested. In cases where the applicant is deceased and no prior medical evaluation was conducted, the committee may consider available medical records, death certificates, autopsy reports, or other relevant documentation in place of an independent medical review.
c. In the event that the Disability Pension Review Committee, after receipt and review of all appropriate medical, psychiatric, and other information, determines that the applicant is not entitled to the pension requested, the committee shall, before forwarding the recommendation to the Mayor, advise the applicant thereof in writing and shall provide the applicant an opportunity to appear before the committee, either in person or through a representative, for the purpose of reviewing the determination of the committee and to submit additional relevant information, if any. Thereafter, the Disability Pension Review Committee shall forward either its original or revised recommendation to the Mayor. The Mayor shall review said recommendation and make a determination thereon in the form of a written executive order. The applicant, as well as the chief of the department involved, shall be

advised in writing of the determination made by the Mayor in reference to said application. In the event that the determination is made that such applicant is eligible for placement upon the rolls of pensioned police officers and firefighters, such applicant shall be immediately be placed on said rolls and the Finance Director shall be directed to pay such benefits as may be due to the applicant from the Police and Fire Pension Fund. Payment of benefits may be retroactive as determined by the committee, but no sooner than the day following the employment separation date.

d. Any review of previously approved disability retirement benefits, as authorized in the Police and Fire Pension Plans, shall be conducted in accordance with the procedure set forth in subsections (b) and (c) above.

e. The findings and determinations made by the Mayor relating to any application or review hereunder shall, for purposes of appeal, be considered a final administrative decision of the City of Lincoln. (Ord. 19969 §51; December 16, 2013: prior Ord. 19618 §1; September 19, 2011: prior Ord. 16645 §2; July 25, 1994).

## 4.64.030 Temporary Total Disability; Recommendation of Disability Pension Review Committee; Conversion to Permanent and Total Disability.

The Disability Pension Review Committee shall also be responsible for reviewing and making recommendations to the Mayor, upon the request of the chief of the department involved, on the appropriateness of converting temporary total disability payments into permanent and total disability payments pursuant to the applicable provisions of the Police and Fire Pension Plans. (Ord. 16645 §3; July 25, 1994).