

423B.09 RELIEF ASSOCIATION SERVICE PENSIONS AND DISABILITY PENSIONS.

Subdivision 1. **Minneapolis police; persons entitled to receive pensions.** The association shall grant pensions payable from the police pension fund in monthly installments to persons entitled to pensions in the manner and for the following purposes.

(a) An active member or a deferred pensioner who has performed duty as a member of the police department of the city for five years or more, upon written application after retiring from duty and reaching at least age 50, is entitled to be paid monthly for life a service pension. Active members, deferred members, and service pensioners are entitled to a service pension according to the following schedule:

	A	B
5 years	8.5 units	9.0 units
6 years	10.1 units	10.6 units
7 years	11.7 units	12.2 units
8 years	13.3 units	13.8 units
9 years	14.9 units	15.4 units
10 years	16.5 units	17.0 units
11 years	18.1 units	18.6 units
12 years	19.7 units	20.2 units
13 years	21.3 units	21.8 units
14 years	22.9 units	23.4 units
15 years	24.5 units	25.0 units
16 years	26.1 units	26.6 units
17 years	27.7 units	28.2 units
18 years	29.3 units	29.8 units
19 years	30.9 units	31.4 units
20 years	34.5 units	35.0 units
21 years	36.1 units	36.6 units
22 years	37.7 units	38.2 units
23 years	39.3 units	39.8 units
24 years	40.9 units	41.4 units
25 years	42.5 units	43.0 units

Column A is applicable until December 31, 2005, and applies retroactively to January 1, 2005, for a service pensioner who retired before January 1, 2005. Column B applies on and after January 1, 2006.

Fractional years of service may not be used in computing pensions.

(b) An active member who after five years' service but less than 20 years' service with the police department of the city, becomes superannuated so as to be permanently unable to perform the person's assigned duties, is entitled to be paid monthly for life a superannuation pension equal to four units for five years of service and an additional two units for each full year of service over five years and less than 20 years.

(c) An active member who is not eligible for a service pension and who, while a member of the police department of the city, becomes diseased or sustains an injury while in the service that permanently unfits the member for the performance of police duties is entitled to be paid monthly for life a pension equal to 34 units while so disabled.

Subd. 2. **Death refund.** No refund of member contributions is payable upon separation from service. If an active member dies leaving no surviving spouse or children entitled to survivor benefits, the member's heirs, executors, or administrators are entitled to a refund of \$100 for each completed year of service.

Subd. 3. **Service in military forces, effect.** (a) An applicant for a pension under subdivision 1, paragraph (a) or (b), who, after becoming an active member has served in the military forces of the United States in a war or national defense emergency after January 1, 1940, and thereafter returned honorably discharged from military service and resumed active membership in the association, is entitled to have the period that the applicant spent in military service counted in computing periods of service required for benefits under this section, but the total credit for military service involving service rendered after June 1, 1963, may not exceed six years.

(b) During the period of military service or defense emergency service, the person is not considered to be an active member of the association and is not entitled to any pension provided by subdivision 1, paragraphs (b) and (c).

(c) If the member does not return to employment in the police department of the city within one year from the time peace is declared or within one year from the termination of the period of emergency, whichever is later, the provisions of this subdivision do not apply.

(d) The provisions of this subdivision apply notwithstanding the provisions of the veteran's preference law or any other law, rule, or bylaw providing for credit for military service in computing the pensions for members of the Minneapolis Police Relief Association.

Subd. 4. **Certificate of physicians required.** (a) No member is entitled to a pension under subdivision 1, paragraph (b) or (c), except upon the certificate of two or more physicians, surgeons, chiropractors, licensed psychologists, or a combination of experts chosen by the governing board. This certificate must set forth the cause, nature, and extent of the disability, disease, or injury of the member.

(b) No active member may be awarded, granted, or paid a disability pension under subdivision 1, paragraph (c), unless the certificate states that the disability, disease, or injury was incurred or sustained by the member while in the service of the police department of the city. The certificate must be filed with the secretary of the association.

Subd. 5. **Member convicted of felony.** A member who has been convicted of a felony is not entitled to any pension during the period of incarceration in a penal institution as a punishment for the commission of a felony.

Subd. 6. **Optional annuities.** A member who is retired or disabled on the effective date of Laws 1997, chapter 233, article 4, section 6, may elect an optional retirement annuity within 60

days of the effective date of Laws 1997, chapter 233, article 4, section 6, instead of the normal retirement annuity. A member who retires or becomes disabled after the effective date of Laws 1997, chapter 233, article 4, section 6, may elect an optional retirement annuity prior to the receipt of any benefits. The optional retirement annuity may be a 50 percent, a 75 percent, or a 100 percent joint and survivor annuity without reinstatement in the event of the designated beneficiary predeceasing the member or a 50 percent, a 75 percent, or a 100 percent joint and survivor annuity with reinstatement in the event of the designated beneficiary predeceasing the member. Optional retirement annuity forms must be actuarially equivalent to the service pension and automatic survivor coverage otherwise payable to the retiring member and the member's beneficiaries. A member may only designate the member's spouse as the recipient of a joint and survivor annuity and no benefit or annuity may be paid to a person who does not meet the definition of a surviving spouse member under section 423B.01, subdivision 17. Once selected, the optional annuity is irrevocable.

Subd. 7. **Additional unit.** The additional half units provided to members by subdivision 1 must also be provided under the same terms and at the same time as applicable under subdivision 1 to members who selected a joint annuity option under subdivision 6 and must be in an amount that is actuarially equivalent to the service pension and the automatic survivor coverage for that additional unit.

History: 1992 c 471 art 1 s 9; 1994 c 590 art 1 s 1; 1997 c 233 art 4 s 5,6; 2002 c 392 art 16 s 1; 2004 c 267 art 8 s 36; 1Sp2005 c 8 art 11 s 10,11; 2006 c 271 art 9 s 2