

July 1, 2015

FROM THE ANNUITY COMMITTEE:

ATTACHED ARE SOME DOCUMENTS THAT MAY BE HELPFUL TO THOSE WHO ARE APPEALING THE COST-OF-LIVING ADJUSTMENTS (COLA) TO THEIR MONTHLY ANNUITY. YOU SHOULD INCLUDE THESE IN YOUR APPEAL REQUEST AS PER THE FORM APPEAL LETTER THAT HAS BEEN PROVIDED.

EXHIBIT 1 – CHANGES MADE IN THE POLICE AND FIRE RETIREMENT ACT UNDER PUBLIC LAW (P.L.) 96-122 NOTE – THE LAST PARAGRAPH ON PAGE 1 “REGULAR DATE OF RETIREMENT”. THERE IS NO MENTION OF COMMENCEMENT DATE ONLY DATE OF RETIREMENT.

EXHIBIT 2- FIRE DEPARTMENT MEMORANDUM NO. 12 SERIES 1980 DATED FEBRUARY 19, 1980 INCORPORATES THE SAME LANGUAGE AS EXHIBIT 1 WHICH IS FROM THE EXECUTIVE OFFICE OF THE MAYOR

EXHIBIT 3 – FIRE DEPARTMENT MEMORANDUM NO. 92 SERIES 92 DATED SEPTEMBER 5, 1989 REPEATS THE LANGUAGE OF EXHIBIT 1 AND 2 IN PARAGRAPH 2 ON PAGE 2 AND WAS ISSUED FROM THE OFFICE OF THE MAYOR THROUGH THE D.C. OFFICE OF PERSONNEL

THE WORD MENTIONED BY THE U.S. TREASURY “COMMENCEMENT” WAS NOT USED IN ANY DOCUMENT DESCRIBING THE COLA ADJUSTMENT. IT IS ONLY NOW, THIRTY-FIVE (35) YEARS LATER THAT THE FEDERAL GOVERNMENT HAS INTRODUCED THE WORD COMMENCEMENT. FIREFIGHTERS WERE OPERATING WITH THE INFORMATION PROVIDED TO THEM BY THEIR EMPLOYER WHO WAS BELIEVED TO BE INTERPRETING PUBLIC LAW 96-122.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
WASHINGTON, D. C.

Cost-of-Living Adjustment of Annuities Under the D. C. Retirement
Reform Act

This notice is to inform you of the changes made in the Police and Fire Retirement Act under P. L. 96-122.

AMENDMENTS TO THE D. C. CODE

Public Law 96-122, approved on November 17, 1979, amended Section 518 of Title 4, D. C. Code to provide for a new method of computing cost-of-living increases for retired uniformed members of the Police and Fire Services and their survivor annuitants. The effective date of this amendment is February 15, 1980.

Public Law 96-122 provides for semi-annual cost-of-living adjustments to be effective March 1 and September 1 (payable in April and October annuity checks). The March 1 increase will be determined by the percentage change in the All Urban Consumers Price Index (CPI) published for December of the preceding year over the CPI published for June of the preceding year. If the percentage change represents any rise in the CPI, then effective March 1 all annuities commencing not later than March 1 will be increased by the percentage change in the CPI through December of the previous year.

The September 1 increase will be determined by the percentage change in the CPI published for June over the CPI published for December of the preceding year. If the percentage change represents any rise in the CPI, then effective September 1, all annuities commencing not later than September 1 will be increased by the percentage change in the CPI through June of that year.

For annuity income purposes, each percentage change in the CPI will be adjusted to the nearest one-tenth of 1 percent. If at anytime there is no change or if the percentage represents a drop in the CPI, there will be no change in the amounts of annuities.

A uniformed member of the Police and Fire Services who retires after a cost of living increase has been granted and prior to the next cost-of-living increase, will still be entitled to the regular earned annuity on the actual date of retirement, plus the cost-of-living increase authorized for the preceding period.

RETIREMENT PRIOR TO FEBRUARY 15, 1980

Prior to the amendment, an annuity of an individual retired from the Police or Fire Services was adjusted by the percentage salary increase granted to active employees. This law is still applicable to police and fire officers who retire prior to February 15, 1980.

RETIREMENT AFTER FEBRUARY 15, 1980

A police or fire officer who retires after February 15, 1980 will receive annuity increases based upon semi-annual cost-of-living adjustments. The first cost-of-living adjustment under the new law will be effective March 1, 1980.

The increase in the CPI will result in a 6.1% increase in annuities effective March 1, 1980 computed as follows:

December 1979 CPI	229.9
June 1979 CPI	-216.6
Change in CPI Points	= 13.3
Divided by June CPI	= .06140
Results Multiplied by 100	<u>x100</u>
Percent Increase	= 6.1

SURVIVORS

Prior to the enactment of Public Law 96-122, annuities for survivors were automatically increased whenever the CPI went up by at least 3 percent over the Index for the month used as a base for the most recent cost-of-living increase, and stayed at 3 percent or more for at least three consecutive months. The highest percent increase during the 3-month period, plus an additional one percent was the total amount by which annuities were increased effective the first day of the third month following the three-month period. Public Law 96-122 eliminates the 3 percent for 3 months formula. It also eliminates the additional one percent add-on.

The new law provides for the semi-annual cost-of-living adjustments for survivors as listed above for members and officers of the Police and Fire Departments, except the law requires that the first cost-of-living

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adjustment be computed by using the CPI of the base month which formed the basis for the last cost-of-living increase granted. Since survivor annuitants under the Police and Firemen's Retirement Act were granted a cost-of-living increase of 6.8% effective December 1, 1979 based upon the 3-month period ending September, 1979, the cost-of-living adjustment effective March 1, 1980, will be based upon the 3-month period beginning October 1 and ending December 31, 1979.

The increase in the CPI will result in a 2.8% increase in annuities effective March 1, 1980.

The cost-of-living adjustments made under the Retirement Reform Act will not be identical to that granted to annuitants under the CS Retirement System, inasmuch as the CPI used are not the same. The CPI used under the Retirement Reform Act is the All Urban Consumers Price Index and the CPI used under the CS Retirement System is the Urban Wage Earners and Clerical Workers.

In Reply Refer
to: PPM

EXHIBIT 2

HEADQUARTERS OF THE FIRE DEPARTMENT
DISTRICT OF COLUMBIA

February 19, 1980

MEMORANDUM NO. 12
Series 1980

The District of Columbia Retirement Reform Act (P.L. 96-122) became law on November 17, 1979; with most sections of the Act effective as of February 15, 1980. The District of Columbia Personnel Office has formed a Task Force, of which this Department and Local 36 are members, to implement the new law. When the Task Force has completed an official analysis of the Act, it will be furnished for your information.

In the interim, you should be aware of two provisions of the Act.

1. A firefighter who retires after February 15, 1980, will receive annuity increases based upon semi-annual cost-of-living adjustments. The first cost-of-living adjustment under the new law will be effective March 1, 1980, and will result in a 6.1% increase in annuities (not 12.9% as reported for Federal employees). The next adjustment will be effective September 1, 1980. (See attachment)
2. The new law will allow a disability annuity for the on-duty aggravation of a previous on-duty injury or disease. However, a member will not be eligible for this type of annuity unless -
 - a. in the case of the aggravation of a disease, the original disease was reported (submission of F.D. Form 44) to the Board of Surgeons within THIRTY days of diagnosis: or
 - b. in the case of the aggravation of an injury, the original injury was reported (submission of F.D. Form 44) to the Board of Surgeons within SEVEN days of occurrence.

These reporting deadlines apply to "original" injuries incurred or diseases diagnosed on or after February 15, 1980. This is not intended to alter the provisions of Article XI, Section 7, of the Fire Department Order Book concerning the timely reporting of injuries and diseases.


Edward H. Birch
Assistant Fire Chief, Services

Attachment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
WASHINGTON, D. C.

Cost-of-Living Adjustment of Annuities Under the D. C. Retirement Reform Act

This notice is to inform you of the changes made in the Police and Fire Retirement Act under P. L. 96-122.

AMENDMENTS TO THE D. C. CODE

Public Law 96-122, approved on November 17, 1979, amended Section 518 of Title 4, D. C. Code to provide for a new method of computing cost-of-living increases for retired uniformed members of the Police and Fire Services and their survivor annuitants. The effective date of this amendment is February 15, 1980.

Public Law 96-122 provides for semi-annual cost-of-living adjustments to be effective March 1 and September 1 (payable in April and October annuity checks). The March 1 increase will be determined by the percentage change in the All Urban Consumers Price Index (CPI) published for December of the preceding year over the CPI published for June of the preceding year. If the percentage change represents any rise in the CPI, then effective March 1 all annuities commencing not later than March 1 will be increased by the percentage change in the CPI through December of the previous year.

The September 1 increase will be determined by the percentage change in the CPI published for June over the CPI published for December of the preceding year. If the percentage change represents any rise in the CPI, then effective September 1, all annuities commencing not later than September 1 will be increased by the percentage change in the CPI through June of that year.

For annuity income purposes, each percentage change in the CPI will be adjusted to the nearest one-tenth of 1 percent. If at anytime there is no change or if the percentage represents a drop in the CPI, there will be no change in the amounts of annuities.

A uniformed member of the Police and Fire Services who retires after a cost of living increase has been granted and prior to the next cost-of-living increase, will still be entitled to the regular earned annuity on the actual date of retirement, plus the cost-of-living increase authorized for the preceding period.



MEMORANDUM

EXHIBIT #3



Series	Number	Originating Unit	Effective Date	Expiration Date
1989	92	DCOP	September 5, 1989	N/A

Subject:

Cost-of-Living Adjustment of Annuities for September 1, 1989

The attached memorandum from the D.C. Office of Personnel relative to the semi-annual cost-of-living adjustment of annuities for September 1, 1989, is distributed for the benefit of all concerned Fire Department members.

Additional copies of this memorandum may be obtained by contacting the Regulations Office at 673-3330.

R. Alfred
Fire Chief

Attachment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
D.C. OFFICE OF PERSONNEL

AUG 18 1989

Police and Fire Retirement System
Cost-of-Living Adjustment of Annuities

The Policemen and Firemen's Retirement and Disability Act provides for semi-annual cost-of-living adjustments of annuities, to be effective March 1 and September 1, payable on April 1 and October 1 for police and fire personnel who retired on or after February 15, 1980. The purpose of this notice is to inform you that the amount of the September 1, 1989 increase is 3.0%, and was determined by the percentage change in the All Urban Consumers Price Index (CPI-U) published for June 1989 over the CPI-U published for December 1988.

- o A uniformed member of the Police or Fire Services, who retires no later than August 31, 1989, on an immediate annuity effective on or before September 1, 1989, will be entitled to the regular earned annuity on the actual date of retirement, plus the cost-of-living increase of 2.1% which was effective March 1, 1989 and the cost-of-living increase of 3.0% effective September 1, 1989.

This notice applies to all Metropolitan Police Officers and Firefighters who retired after February 15, 1980, and to all survivors of Metropolitan Police Officers and Firefighters.

This notice does not apply to the annuities of the following categories:

- Metropolitan Police Officers and Firefighters who retired prior to February 15, 1980.
- Retirees of the U.S. Park Police, U.S. Secret Service, and the Uniformed Division of the U.S. Secret Service.
- Survivors or employees of the U.S. Park Police, U.S. Secret Service, and the Uniformed Division of the U.S. Secret Service.

The annuities of retirees of the Metropolitan Police Force, and the D.C. Fire Department who retired prior to February 15, 1980, and retirees of the Federal police forces will continue to be adjusted under the equalization provision, whereby they receive the same percentage increase in annuities granted to active employees as salary increases.

The Federal police forces' survivor beneficiaries will continue to have their annuities adjusted based on the 3 percent above the base month for three consecutive months mechanism stipulated by law.