

CITY OF SPOKANE POLICE PENSION BOARD RULES

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RULE 1 - GENERAL

SECTION 1. PURPOSE.

The purpose of these rules is to establish uniform methods of procedure for the conduct of the business of the Board of Trustees of the Police Relief and Pension Fund of the City of Spokane (hereinafter the "Board"). The Board was established pursuant to the authority of RCW 41.20.010 and its powers, duties, and responsibilities are as established by state law. Except as to the date of the regular monthly meeting, should there be any conflict of these rules with state law, the latter shall govern.

(Adopted April 5, 2007)

SECTION 2. SCOPE.

These rules shall apply to benefits paid by the City for police officers (hereinafter "Members"):

1. that left service prior to March 1, 1970 receiving benefits under RCW 41.20;
2. in service on March 1, 1970 who are entitled to receive the greater of the benefits provided under the prior pension law or the LEOFF I Act (RCW 41.20 and 41.26); and
3. hired after March 1, 1970 and before October 1, 1977 receiving benefits only under the LEOFF I Act (RCW 41.26)

unless specifically provided herein.

(Adopted April 5, 2007)

SECTION 3. EFFECT OF RULES.

All Members shall be subject to these rules. In the event any rule as applied to a particular member is contrary to state law, the state law shall govern, but the Member shall not be relieved of the responsibility to comply with all other rules. A Member's failure to follow these rules may result in a loss of benefits otherwise due the Member. In the event that these rules do not cover a circumstance coming before the Board, the provisions of chapters 41.20 and 41.26 RCW and chapter 415-105 WAC will be utilized.

(Adopted April 5, 2007)

SECTION 4. NEW RULES / RULES AMENDMENT.

New rules may be adopted and current rules may be amended or repealed in whole or part by a majority vote of the Board. To the extent possible, the proposed new rule or the rule to be amended or repealed shall be presented in writing to the Board for review and comment with final action being taken at the next regular meeting of the Board. The rules in effect on the date of provision of medical services or application for disability leave or retirement shall be the rules that govern the Board's action. New or revised rules shall be sent to members when changes occur.

(Adopted April 5, 2007)

SECTION 5. MEETINGS.

- A. Regular Meeting. The regular monthly meeting of the City of Spokane Police Pension Board shall be held on the first working Thursday of each month in the Fifth Floor Conference Room of City Hall, at 1:30 p.m.
- B. Special Meeting. Special meetings of the Board shall be held upon the call of the Chair or upon the request of any two (2) Board members made to the Secretary of the Board. Notice of the Special Meeting shall be given in accordance with RCW 42.30.080 Special Meetings.
- C. Open Meeting. All meetings shall be open to the public except when the Board is in executive session.
- D. Executive Session. The Board may close portions of meetings when consideration of a disability leave, retirement, or medical claim may include discussion of sensitive medical information, or upon request of the claimant or as otherwise provided by RCW 42.30.110.
- E. Meeting Cancellation. At least seven (7) days prior to the meeting date, if the Chair determines that there is a lack of business or quorum, the Chair shall cancel that month's regular meeting unless three (3) Board members object. The Secretary or the Retirement Department staff shall give notice to all Board members that the meeting has been cancelled.

- F. Conference Calling. Board members may attend a regular or special meeting by conference call if their attendance is necessary to provide a quorum when a decision cannot be delayed and the Member can review all evidence prior to a decision.

(Adopted April 5, 2007) (Amended November 6, 2008)

SECTION 6. COMPOSITION OF THE BOARD.

- A. The Board shall consist of seven (7) members as follows:
1. the Council President, who shall be the Chair of the Board;
 2. the Mayor or his / her designated representative who shall be an elected official of the City;
 3. the City Clerk;
 4. the City Treasurer;
 5. three (3) active or retired members of the Police Department.
- B. The Secretary of the Board shall be the City Clerk or his / her designee as approved by the Board.
- C. The elected official who is not the Council President shall be the Chair Pro Tem.
- (Adopted April 5, 2007)

SECTION 7. QUORUM / VOTING.

Four (4) members shall constitute a quorum provided that there shall be present at least one (1) police member. The affirmative vote of four (4) members shall be required to transact any business of the Board. The Chair shall be entitled to vote on all matters.

(Adopted April 5, 2007)

SECTION 8. ELECTIONS.

- A. The police officer members of the Board shall be nominated and elected in accordance with the provisions of RCW 41.20.010 and RCW 41.26.110. Written notice of the nomination of any active or retired member of the Spokane Police Department may be filed with the Secretary of the Board or designee each year from May 2 through May 16, inclusive.
- B. An election shall be held on the first Friday of June each year. The election shall be by secret ballot, completed by those who are subject to the jurisdiction of the

Board, upon ballots prepared by the Secretary of the Board or designee. The ballots shall be counted by the election officials and the name(s) of the elected police officer member(s) shall be noted in the minutes of the next regular meeting of the Board subsequent to the election, along with the term for which elected.

- C. In the event a police officer member of the Board is unable to complete his or her term of office due to death, disability, resignation, or other cause, the officer's position shall be declared vacant by the Board, and the vacancy shall be filled as follows:
1. The remaining police officer Board members shall constitute a nominating committee and nominate a police officer to fill the vacant position. The nominee must meet the eligibility criteria in RCW 41.20.010.
 2. The nominee selected as provided in (1) above, shall serve as a Board member until the first day of July succeeding the next regularly scheduled election provided by RCW 41.20.010(3).
 3. In the event there is an unexpired portion of the vacated term to be filled after the completion of (2) above, nominations for and election of a new Board member to complete the unexpired portion of the term shall be held together with the regularly scheduled election in accordance with RCW 41.20.010.

(Adopted April 5, 2007)

SECTION 9. AGENDA AND ORDER OF BUSINESS.

- A. The agenda for all meetings shall be determined and prepared by the Retirement Department staff.
- B. The agenda for each regular meeting shall be distributed by the Retirement Department staff on the Friday preceding the regularly scheduled meeting.
- C. Items may be placed on a regular meeting agenda by any Board member or the Retirement Department staff. The wording for the agenda and any supporting documentation should be furnished by the person submitting the item to the Retirement Department staff at least eight (8) days before the regular meeting, usually by the last Wednesday of the month preceding the regular meeting. Any agenda items considered monthly requiring action by the Board, other than routine items (e.g., approval of minutes, pension roll, medical bills, and LEOFF Time-Off

Disability Report) shall be accompanied by a written statement of the action requested of the Board (e.g., approval, confirmation, acceptance) and the reason(s) therefor.

- D. Items shall be acted upon in the order in which they appear on the agenda, provided items may be taken out of order, combined or separated by majority vote of the Board or by declaration of the Chair.
- E. "Robert's Rules of Order" shall guide the Board where the proceedings are not otherwise governed by these rules or state law.
- F. The agenda may be temporarily suspended for a particular matter by five (5) votes.
(Adopted April 5, 2007) (Amended November 6, 2008)

SECTION 10. MINUTES.

The Retirement Department staff shall prepare the official minutes of the Board containing the actions of the Board and a substantive account of the proceedings. The minutes shall be signed by the Assistant Retirement Director and Secretary and placed on record. Copies shall be distributed to all members of the Board and other persons requesting a copy.

(Adopted April 5, 2007) (Amended November 6, 2008)

SECTION 11. ABSENCE.

Each Board member is expected to notify the Chair or the Assistant Retirement Director prior to a scheduled meeting if the member will not be able to attend the meeting.

(Adopted April 5, 2007) (Amended November 6, 2008)

SECTION 12. GUIDELINES FOR DISCUSSION.

- A. The Board is a public body and its deliberations are open to the public. Nonetheless the members of the Board must exercise the greatest of discretion in their public debate because of the fine line which exists between the right of privacy of individual police officers, and the public's right to know.
- B. While referencing a specific member may be inescapable because the Board may need to discuss the necessity of a particular case, each Board member when questioning the propriety of a specific issue shall refer only to the situation and not the member by name except in executive session.

(Adopted April 5, 2007)

SECTION 13. DELEGATION OF AUTHORITY.

The Board delegates to such persons as designated by the Board the authority to initiate activities, including the gathering, collating and presenting of facts regarding matters within the scope of the Board's authority. These include but are not limited to, areas of disability leave, pensions, medical expenses and activities collateral to them.

(Adopted April 5, 2007)

SECTION 14. BOARD PHYSICIAN.

- A. A duly licensed and practicing physician or firm of physicians shall be appointed by the Board for purposes of disability retirements. No disability retirement shall be approved by the Board without prior examination of the claimant by the Board physician or a specialist selected by the Board physician.
- B. Other physicians may be appointed to render such other medical services as may be requested by the Board. The physician(s) may be appointed on a one-time or continuing basis. The term "physician" includes psychiatrists, psychologists, chiropractors and other appropriate medical specialists.

(Adopted April 5, 2007)

RULE 2 - NECESSARY MEDICAL SERVICES

SECTION 1. PURPOSE.

The purpose of this rule is to establish uniform methods for the administration of necessary medical service benefits which are as uniform as practicable, given the need for the consideration of each case on its own merits.

(Adopted January 3, 2008) (Amended November 6, 2008)

SECTION 2. MEDICAL COVERAGE ELIGIBILITY.

- A. Members retired before June 8, 1961, covered by RCW 41.20, have no medical coverage.
- B. Members retired on or after June 8, 1961 but before March 1, 1970, covered by RCW 41.20.120 – The Board may pay for such retired Members' hospital care, and nursing expenses as are reasonable in the Board's discretion. In addition, the Board reimburses Medicare Part B payments made by the members.
- C. Members in service on March 1, 1970 are entitled to receive the greater of the benefits provided under the prior pension law or the LEOFF I Act (RCW 41.20 and 41.26). In addition, the Board reimburses Medicare Part B payments made by the members.
- D. Members hired after March 1, 1970 but before October 1, 1977 shall receive the necessary medical services set forth in RCW 41.26.150 and RCW 41.26.030. These services are the minimum services legally required to be furnished or authorized by the Board. Medical services not listed may, in the discretion of the Board, be considered for authorization on a case-by-case basis. In addition, the Board reimburses Medicare Part B payments made by the members.

(Adopted January 3, 2008; Amended February 7, 2008) (Amended November 6, 2008)

SECTION 3. SUMMARY PLAN DESCRIPTION.

- A. All active LEOFF I members and those members retired under LEOFF I shall receive medical insurance coverage provided by the current third party administrator as outlined in the Summary Plan Description. Eligible members

should obtain necessary medical services from any contracted provider. Members are encouraged to receive prior approval for not-covered expenses or non-contract providers; otherwise the Members shall be responsible for the cost of the expense if the claim is denied by the Board. Bills or invoices for necessary medical services shall be forwarded to the third party administrator by the treating physician or facility providing the service within twelve (12) months from the date of service.

- B. Claims for necessary medical services not covered by the Summary Plan Description or from non-contract providers shall be submitted to the Spokane Police Relief and Pension Fund, City Hall, Suite 400, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3324, along with the invoice and explanation of benefits paid within eighteen (18) months from the date of service. Claims submitted beyond the time limit may be approved by the Board if late submission was due to circumstances not within the control of the member.

(Adopted January 3, 2008) (Amended December 4, 2008)

SECTION 4. VISION.

Vision benefits and Lasik surgery shall be provided according to the current third party administrator as outlined in the Summary Plan Description. New lenses are allowed within six (6) months after Lasik eye surgery without consideration of the two (2) year benefit period specified in the Summary Plan Description.

(Adopted January 3, 2008)

SECTION 5. HEARING AIDS.

A. Purchase.

1. Digital aids are paid at a maximum of \$3,200.00 per pair.
2. Members shall provide evidence of medical necessity from their treating physician.
3. Members purchasing hearing aids from firms covered by the third party administrator do not need prior approval by the Board.
4. Members purchasing hearing aids from firms not covered by the third party administrator shall submit their request for reimbursement to the medical benefits administrator for approval by the Board.

- B. Repair. Requests for repair should indicate what is wrong with the device, how it became inoperative and a statement from a knowledgeable authority on the advisability of repair versus replacement.
- C. Replacement. A request for replacement should indicate what is wrong with the current aids, and why replacement is medically necessary. Replacement will be made only after five (5) years.
- D. Batteries. Reimbursement of hearing aid batteries, is covered.
- E. Failure to comply with this section may result in denial of payment of all or part of the costs of purchase or repair of the hearing aid or device.

(Adopted January 3, 2008)

SECTION 6. MEDICAL EQUIPMENT.

Claims for medical equipment prescribed by a physician that are denied by the third party administrator may be considered for payment through the Board. Members shall submit their requests for reimbursement to the medical benefits administrator for approval by the Board. Members shall be responsible for the cost of the equipment if the claim is denied by the Board.

(Adopted January 3, 2008)

SECTION 7. NURSING FACILITY / HOME HEALTH CARE.

- A. Level of Care. In home or assisted living is considered to be preferable to nursing home care when appropriate. The treating physician will normally determine the level of care required by the Member's condition. However, the Board will make the final determination with regard to what level of care will be funded.
- B. Excluded Services. Services not payable are those of a custodial or housekeeping nature such as house cleaning, laundry services, recreational companionship, other homemaker tasks or personal goods and services such as haircuts, entertainment, items such as clothing, reading material and other goods.
- C. Medical Necessity. Requests for care shall be submitted by the Member's treating physician to the medical benefits administrator for approval by the Board. The request shall include a detailed report of diagnosis, medical history, prognosis for recovery, and treatment/ care services that are medically necessary.
- D. Home Health Care.

1. Home health care shall be per the current third party administrator as outlined in the Summary Plan Description.
 2. Services of an informal caregiver, who ordinarily resides in the member's home or is a member of the family of either the member or the member's spouse, and who provides unpaid assistance to a spouse, relative or other claimant, is not eligible for approval of reimbursement.
 3. Payment of provided care shall not exceed what the current norm is in the area in which the member resides for assisted living care.
- E. Hospice Care. Hospice care shall be per the current third party administrator as outlined in the Summary Plan Description.
- F. Assisted Living Care.
1. Requests for assisted living care shall be submitted by the Member's treating physician to the medical benefits administrator for approval by the Board. The request shall include a detailed report of diagnosis, medical history, prognosis for recovery, and treatment/ care services that are medically necessary.
 2. Reimbursement shall be for a studio, if available. Additional costs for room upgrades are the responsibility of the Member.
 3. Payment of provided care shall be equal to what the current norm is in the area in which the member resides for assisted living care.
- G. Nursing Home Care.
1. Members shall obtain pre-approval for nursing home care unless an emergency, in which case the medical benefits administrator shall be notified within seventy two (72) hours.
 2. Payment of provided care shall be equal to what the current norm is in the area in which the member resides for nursing home care.

(Adopted January 3, 2008) (Amended November 6, 2008)

SECTION 8. TRAVEL FOR MEDICAL TREATMENT.

- A. Except in the case of an emergency, physician or self-made referrals for medical treatment by members out of the local area in which they live shall be pre-approved by the Board.
- B. The Board will reimburse travel costs for out of area medical referrals when a medical problem cannot be diagnosed or corrected by the Board physician or local treating physician. When a medical problem can be corrected locally, those members wishing to be treated by an out of area physician shall pay their own travel costs to and from the physician or treatment facility.
- C. Travel expense is for the member only, unless the Member's medical condition requires otherwise, and with the approval of the Board.
- D. Travel reimbursement will be based upon the rates in the current City of Spokane travel policy and procedures.

(Adopted January 3, 2008) (Amended November 6, 2008)

SECTION 9. CLAIMS.

- A. All claims for necessary medical services to be considered by the Board at its regular monthly meeting must be submitted to the medical benefits administrator no later than the 20th day of the month preceding the meeting. Claims should be addressed to the Spokane Police Relief and Pension Fund, Suite 400, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3324. The claims must be accompanied by invoices or bills containing a brief description of the medical services rendered, the date of the service and the name of the individuals for whom the service was provided. The invoices or bills, when accompanying claims for reimbursement, must also reflect that they have previously been paid.
- B. In the case of claims where it is unknown if the necessary medical services are payable from some other source, the claimant shall submit a sworn acknowledgment relating to the fact that the medical invoices or bills have not been paid nor are payable from some other source as provided in RCW 41.26.150(2). Claims for necessary medical services payable under RCW 41.26 shall be reduced

by any amount received or eligible to be received by the claimant from such other sources.

(Adopted January 3, 2008)

SECTION 10. PAYMENT OF CLAIMS.

Claims for necessary medical services approved by the Board shall be processed for payment by the medical benefits administrator and then reported to the Board at its next meeting.

(Adopted January 3, 2008)

SECTION 11. RELEASE AND SUBROGATION.

Upon making payment for necessary medical services due to injuries, the City of Spokane is subrogated to the rights of members against any third party who may be held liable. Insurance or general releases shall not be signed by members when there is possible third party liability until approval has been granted by the Board. Any sums collected by or on behalf of the member or the member's personal representative by legal action, settlement, or in any manner, to reimburse the City for payments made for provided benefits, shall be payable to the City. When it is anticipated that collection costs and legal expenses will be incurred in recovering sums which may benefit both the member and the City, whether to be incurred in an action for damages or otherwise, the member shall immediately contact the medical benefits administrator in order to determine if the member's counsel shall represent the Board, and if so, to arrange for an equitable apportionment of the collection costs and legal expenses.

(Adopted January 3, 2008)

RULE 3 - RETIREMENT

SECTION 1. RETIREMENT FOR SERVICE:

Retirement of a police officer for service shall be as provided by RCW 41.26 or such prior Act to which the police officer was making retirement contributions on March 1, 1970, as he or she shall elect.

(Adopted April 5, 2007)

SECTION 2. RETIREMENT FOR DISABILITY.

Retirement of a police officer for disability shall be as provided by RCW 41.26 or such prior Act to which the police officer was making retirement contributions on March 1, 1970, as he or she shall elect.

(Adopted April 5, 2007)

SECTION 3. DISABILITY LEAVE.

Disability leave shall be granted by the Board as provided by RCW 41.26. An application for disability leave shall be considered "filed" upon completion of the employee's payroll record properly coded for disability leave. All applications and payments for disability leave shall be confirmed at the next regular Board meeting. In the event any application of payment for disability leave is disapproved by the Board, retroactive adjustments shall be made to comply with the Board's decision.

(Adopted April 5, 2007)

SECTION 4. DISABILITY LEAVE - EXAMINATION AFTER ONE MONTH.

- A. After a police officer has been off duty one (1) calendar month and each month thereafter, the police officer shall submit a letter to the Board explaining the nature of the condition and the prognosis, along with the name of the treating physician.
- B. Any examination by the treating physician(s) or Board designated_ physician(s), shall be reported to the Board concerning continuing treatment and / or examinations needed for rehabilitation, conditional or unconditional return to work or findings of disability.

(Adopted April 5, 2007)

SECTION 5. RESERVED

SECTION 6. POLICE PENSION ROLL.

- A. The Assistant Retirement Director shall maintain the Police Pension Roll and report to the Board for approval the total monthly dollar amounts paid.
- B. Monthly pensions of less than ten dollars (\$10.00) will not be processed in the same manner as regular monthly pensions. These pension amounts will be tracked. At the next change to the City side of the pension, the cumulative amount will be added in for that month and a letter will be sent to the affected retiree explaining the additional one-time amount.
- C. The Secretary, at the time of making his or her annual reports as the City Clerk, shall annually report the condition of Police Pension Fund, the receipts and disbursements on account of the same, together with a complete list of the beneficiaries of the fund, and the amounts paid to each of them receiving benefits.

(Adopted April 5, 2007) (Amended November 6, 2008)

RULE 4 - HEARINGS

SECTION 1. GENERAL.

When the Board is conducting a hearing or considering any matters related to a hearing, it is acting in a quasi-judicial capacity; as such it is exempt from the provisions of the Open Public Meetings Act, and the hearing is not open to the public. RCW 42.30.140(2).

(Adopted February 1, 2007)

SECTION 2. NOTICE.

Notice of a hearing, at which evidence or discussion will take place regarding a Member's condition, will be given to the Member, and to his or her attorney if there is an appearance, and to the Police Department at least five (5) working days in advance of the hearing.

(Adopted February 1, 2007)

SECTION 3. VOTING.

REFER TO RULE 1, SECTION 7

(Adopted February 1, 2007, Amended April 5, 2007)

SECTION 4. EVIDENCE.

A. Written evidence will be presented at least eight (8) days in advance of the hearing unless this requirement is waived by the Board. Evidence may be presented by the Member or Board's attorney. The Member may examine any person whose written statement is provided to the Board on a matter pending after notice to the Board's attorney. The Member and the Department may present such additional written evidence of the person or additional person(s) as rebutted. Any written evidence solicited or presented by a Member shall be done so at his or her own expense. The Board may request an oral or written opinion from the Board appointed physician or other physician directed by the Board for consideration. The Member shall have an opportunity to cross-examine the Board physician. Additional oral evidence by the Member or Department may be heard at the hearing.

B. All written evidence shall be addressed to the Board, dated, and signed. The signature shall be a representation to the Board that the evidence given is true and accurate, and is based on first-hand information known to the person or is formulated from expert opinion which the person is competent to consider and rely upon in the course of his or her business. The signature shall also be a representation that the statement is not made to delay or defraud the Board members or the Spokane Police Relief and Pension Fund. The Police Department is encouraged to provide written evidence which is pertinent to any matter pending before the Board. The Police Department shall present such evidence at least eight (8) days before any scheduled hearing.

(Adopted February 1, 2007) (Amended November 6, 2008)

SECTION 5. SUBPOENAS.

The Chair may, at the request of a Member, the Police Department, or the Board's Attorney, issue Subpoenas and Subpoenas Duces Tecum. Any fees or expenses of any kind for the appearance of a witness called by a Member shall be assumed by the Member requesting the issuance of the Subpoena. The Board attorney may issue Subpoenas or Subpoenas Duces Tecum for witnesses to be called by the Board.

(Adopted February 1, 2007)

SECTION 6. OFFICIAL RECORD.

The Board shall keep a recording of any hearing regarding a Member. This shall constitute the official record of the hearing. The testimony shall be recorded manually or by mechanical device. All other evidence, including, but not limited to, pleadings, documents, exhibits, and other records and documents offered and made a part of the record by the Board shall also constitute the official record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. No factual information or evidence, other than the official record, shall be considered by the Board in the determination of the case.

(Adopted February 1, 2007)

SECTION 7. HEARINGS INFORMAL.

All hearings shall be informal, and the Board may admit and give probative effect to evidence which, in its sole discretion, is relevant and pertinent to the matter pending. The Board shall give effect to the rules of privilege recognized by law, and it may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(Adopted February 1, 2007)

SECTION 8. STANDING.

Generally, only the Member and/or his or her attorney and the Police Department have standing to participate as a party to the hearing. Any other person who requests party status must do so by written motion, which motion shall contain the facts and argument in support thereof.

(Adopted February 1, 2007)

SECTION 9. JUDICIAL NOTICE.

The Board may take notice of judicially cognizable facts, and, in addition, may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified of the material so noticed and shall be afforded an opportunity to contest the facts so noticed.

(Adopted February 1, 2007)

SECTION 10. DECISIONS.

Decisions of the Board on hearings shall be final and binding, unless otherwise provided by the pension legislation, pursuant to which the hearing is being conducted. Board members who are to participate in the making of a decision, but who were not present at the reception of evidence, shall review, consider, and familiarize themselves with the record of the hearing. Decisions and orders arising from hearings shall be in writing and shall be accompanied by Findings of Fact and Conclusions of Law, which shall also be in writing.

(Adopted February 1, 2007)

SECTION 11. APPEAL PROCEDURE.

- A. Any member aggrieved by an order of the Board, which is within the jurisdiction of the Department of Retirement Systems shall comply with the provisions of RCW 41.26.200 in perfecting an appeal to the Director of the Department of Retirement Systems.
- B. In the event the final determination of the Board is not within the jurisdiction of the Director of the Department of Retirement Systems, then the interested member is hereby required to file his/her motion for review with the Spokane County Superior Court within the appropriate time frame.
- C. In accordance with RCW 41.26.125 (3), the Director of the Department of Retirement Systems does not review a Board finding that a disability retirement was not incurred in the line of duty.
- D. Any member aggrieved by an order of the Board may file a “request for reconsideration” within twenty one (21) days of notification of the Board order. The request must be supported by newly discovered evidence.

(Adopted February 1, 2007) (Amended November 6, 2008)