

Bond Case Briefs

Municipal Finance Law Since 1971

PENSIONS - VIRGINIA

City of Danville v. Garrett

Supreme Court of Virginia - August 31, 2017 - 803 S.E.2d 326

City police officer filed complaint against city, alleging that it had failed to pay her proper amount of disability benefits following work-related accident.

The Circuit Court entered judgment for officer, and city appealed.

The Supreme Court of Virginia held that city was not required by statute to pay officer 66-2/3 percent of her salary as disability benefit.

Statute providing that if member of city police department that had pension plan became disabled as result of work-related accident, that member “shall receive, as pension and benefits during such disability, the sum of not less than sixty-six and two-thirds percent of the member’s salary until eligible to retire under age and service retirement” did not apply to city’s calculation of disability benefit for city police officer who was rendered disabled as result of work-related accident. Statute was contained within article addressing members of police departments located in chapter of Virginia Code governing local retirement systems, article contained provision allowing for optional adoption of article by city, and city never passed resolution adopting article.