



specific incapacitating event that occurred during the first six months of the participant's tenth year in DROP, or

(2) the participant provides competent medical evidence that his or her pain levels have increased to such a level that he or she cannot tolerate working any longer.

### **3. DROP Participant Who Separates from City Service During the Last Six Months of the Tenth Year in DROP**

A DROP participant who separates from City service during the last six months of the participant's tenth year in DROP and who files an application for a service-connected disability retirement either before or after the date of separation shall have that application processed only if the participant provides competent medical evidence that he or she has suffered a permanently incapacitating event in the course of employment with the City of Fresno during the last six-month period. The participant can apply only for the condition that resulted from the specific incapacitating event that occurred during the last six months of the participant's tenth year in DROP.

### **4. DROP Participant Who Separates from City Service After the Completion of Ten Years in DROP**

A DROP participant who completes ten years in DROP is not eligible to be awarded a service-connected disability retirement, and an application received from such a participant will not be processed.

### **5. Retention of Board Discretion**

The Boards recognize that there may be unusual circumstances under which it would be appropriate to modify or waive the guidelines set forth in this policy. A DROP participant will bear the burden of persuading the Board that unusual circumstances exist.

The Boards further recognize that, depending upon the nature of the specific incapacitating event, it may not be possible for the DROP participant to separate from City service within the time period specified in this policy. The Boards may waive that requirement upon an adequate showing by the participant.

### **6. Transition Rule and Effective Date**

In light of the period of time the DROP program has been in effect and in light of the decisions that some DROP participants may have made in the absence of policy on this issue, this policy shall become effective on January 1, 2022.

### **7. Notification to DROP Participants of This Policy**

Reasonable efforts shall be made by retirement staff to notify current DROP participants of this policy, including its January 1, 2022 effective date, and to thereafter notify individuals of this policy as part of the election process to participate in DROP.

### **8. Date of Adoption of Policy**

This policy was adopted by the Retirement Boards at a meeting held on September 8, 2021.

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1. *Adopted 9/8/2021, effective 1/1/2022*
  2. *Adopted Administrative Changes, 4/8/2026*