

**PENSION BOARD POLICIES
FIREFIGHTERS & POLICE OFFICERS
PENSION FUND OF THE CITY OF TAMPA**

Policy Number: 307
Policy: Definition of “In The Service” Pension Coverage
Eff. Date: 05/13/80 03/08/83 06/14/88 06/12/90 06/14/94 08/26/03 11/18/04 02/24/05 09/22/05 08/25/11 09/22/11 02/22/17 10/23/24
Ref: Board Minutes, Pension Contract Sections 7 and 8

POLICY:

- 1) **PURPOSE:** To define which activities are considered in the service or occurring while in the discharge of the duties of a Tampa firefighter or police officer (line-of-duty or LOD) for the purpose of assisting with duty-related disability and death claims.
- 2) **PROCEDURES:**
 - a. Any authorized activity performed while in the discharge of the duties of a Tampa firefighter or police officer, including while acting in the capacity of a sworn firefighter or police officer and while off-duty, shall be considered in-the-service (LOD), provided there is no evidence of gross negligence. It shall be the responsibility of the member to report instances of injury, disease, or disability to the department in which the member is employed in accordance with that department’s rules and regulations. Failure to follow departmental procedures could prevent such activities from being considered “in the service.”
- 3) **DEFINITIONS:**
 - a. Authorized activity or work: The terms “authorized activity” or “work” shall mean any performance of duty in response to the lawful directive of a supervisor; or as provided for in departmental rules, regulations, and standard operating guidelines or procedures; or in response to an emergency involving an imminent threat to human life, safety, or property; and that comply with Florida Statute 440.091. This may include instances when a member is acting in the capacity of a sworn firefighter or police officer while off-duty or on-call or instances of portal-to-portal coverage, as defined in this policy, provided all other conditions of this policy are met.
 - b. Gross negligence: The term “gross negligence” shall mean a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both. This shall include the use of any alcoholic beverages, drugs, narcotics, medication other than that prescribed to the member, and or any other substance that could impair the member regardless of actual impairment or any intentional self-inflicted injury or death. The Board of Trustees (Board), with input from Board counsel, shall make the final determination of whether an instance of gross negligence has occurred.
 - c. Portal-to-portal coverage: The term “portal-to-portal coverage” shall mean travel to start scheduled work and travel from work to home at the conclusion of scheduled work as a Tampa firefighter or police officer regardless of the mode of transportation, provided the following conditions are met:

- i. The route of travel shall be a direct route between home and work or work and home; or
 - ii. Except for carpooling stops with other plan members, the route of travel from work to the first stop (e.g. from work to a gym, school, or day care center) or from the last stop to work (e.g. from a restaurant, school, or day care center to work); or
 - iii. A direct route from regular duty work to authorized extra duty service, or a direct route from authorized extra duty service to regular duty work; or
 - iv. A direct route from home to the authorized extra duty location to pick up a department vehicle for an authorized extra duty assignment, or a direct route from the authorized extra duty location to drop off a department vehicle from an authorized extra duty assignment to home if the authorized extra duty assignment requires or permits a department vehicle not currently assigned to the firefighter or police officer and the department vehicle must be picked up for the authorized extra duty assignment.
- 4) Any secondary employment shall not be considered authorized extra duty service for pension purposes. For the purposes of this paragraph, secondary employment shall mean work for an employer who pays the member directly and whereby payment for services does not route through the City of Tampa's payroll department.