

CORRECTIONS POLICY HEARING PROCEDURES

Section 1. Adoption. The Jacksonville Police and Fire Pension Fund Advisory Committee (“Advisory Committee”) hereby adopts these Corrections Policy Hearing Procedures (“Procedures”).

Section 2. Authority. The Advisory Committee’s authority to adopt these Procedures is pursuant to Section 8 of the Corrections Policy for Errors in Pension Plan Administration (the “Corrections Policy”) adopted by the Jacksonville Police and Fire Pension Fund Board of Trustees on _____, 2018.

Section 3. Purpose. Consistent with Section 8 of the Corrections Policy, the purpose of these Procedures is to permit an opportunity for an Affected Member to be heard before the Advisory Committee regarding the Executive Director’s determination regarding an error. To the extent applicable, these Procedures shall constitute the “full and fair review” required under Section 112.66(7), *Florida Statutes*.

Section 4. Definitions. Unless otherwise defined herein, all capitalized terms shall have the meanings given to them in the Corrections Policy.

“*Administrative Hearing*” or “*Hearing*” as referred to in the Corrections Policy and these Procedures shall refer only to the procedures expressly described herein.

Section 5. Timely Notice of Appeal; Computation of Time. Consistent with the Corrections Policy, an Affected Member shall have thirty (30) calendar days from the date of the Executive Director’s required notice under the Corrections Policy regarding an error to file a written Notice of Appeal. For purposes of these Procedures, time shall be computed in accordance with the following:

- (a) Exclude the day of the Executive Director’s required notice;
- (b) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and
- (c) Include the last day of the 30-day period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

An Affected Member’s failure to file a timely written Notice of Appeal shall result in the dismissal of an appeal and a loss of an Affected Member’s entitlement to a Hearing under these Procedures. The Executive Director shall dismiss any untimely Notice of Appeal by promptly sending written notice to the Affected Member.

Section 6. Form and Content of Notice of Appeal. A Notice of Appeal shall: (i) be addressed to the Board and include Affected Member’s name, address, email address and telephone number; (ii) identify the type of error pursuant to the Corrections Policy and the Executive Director’s determination regarding the error; (iii) state the timeliness of the Notice of Appeal; (iv) if not filed and signed by the Affected Member, state the filer’s right to file a Notice of Appeal on behalf of the Affected Member; (v) clearly state with particularity the issues upon which the Notice of Appeal is based; and (vi) include copies of any and all relevant supporting or corroborating documentation, evidence and proof that the Affected Member intends to present to the Advisory Committee. A Notice of Appeal must be timely and in accordance with the

requirements of this Section in order for the appeal to be heard by the Advisory Committee. The Executive Director shall only forward timely and complete Notices of Appeal to the Advisory Committee for review. The Executive Director may provide a form for filing such appeals but use of the form is not required to file an appeal.

Section 7. Delivery. The timely filing of a Notice of Appeal shall be accomplished when said notice is in accordance with Section 6 above and actually received by the Pension Fund Staff within the applicable time limitation contained herein. Filing a Notice of Appeal may be accomplished by hand-delivery, mail, electronic mail or facsimile to the Board at 1 West Adams Street, Suite 100, Jacksonville, Florida 32202; _____.

Section 8. Time and Date of Hearing. Upon receipt of a timely and complete Notice of Appeal, the Executive Director, or his or her designee, shall schedule a Hearing date in consultation with the Advisory Committee Chair as soon as reasonably practicable and provide notice of the time, date and place that the appeal will be heard before the Advisory Committee. An appeal may be heard by the Advisory Committee during a regularly scheduled or special Advisory Committee meeting. The Executive Director shall provide a copy of the Notice of Appeal, including any and all relevant supporting or corroborating documentation, to the Advisory Committee no less than fourteen (14) calendar days prior to the scheduled Hearing date.

Section 9. Hearing Process. The Hearing shall begin with a general statement of the rules and procedures prescribed herein by the Advisory Committee Chair or designee, followed by a general presentation from the Executive Director or designee regarding the determination and recommended corrective action, if any, regarding the error. After the Executive Director's presentation, the Affected Member shall have an opportunity to present information to the Advisory Committee solely based on the stated issues set forth in the written Notice of Appeal. After the Affected Member's presentation, an Office of General Counsel attorney representing the Advisory Committee or the Executive Director may provide a rebuttal. After the Office of General Counsel's rebuttal, if any, the Advisory Committee shall deliberate on the appeal. The Advisory Committee may ask questions of any party at any time during the Hearing. The Advisory Committee Chair shall allot equal time to the Executive Director and the Affected Member's presentations and allot half such time to the Office of General Counsel to provide a rebuttal.

Section 10. Advisory Committee Recommendation; Board Action. At the conclusion of the Hearing and based on the information provided at the Hearing and such other reasonable information relevant to the appeal, the Advisory Committee by a majority vote shall make a recommendation to the Board to grant or deny the appeal.

Section 11. Board Action. The Board shall consider the Advisory Committee's recommendation regarding an appeal at a regularly scheduled or special Board meeting. The Executive Director in consultation with the Board Chair shall schedule a meeting date as soon as reasonably practicable for the Board to consider the Advisory Committee's recommendation. The Executive Director shall provide notice to the Affected Member of the time, date and place that the Board's final decision on the appeal will be made. The Affected Member shall be given an opportunity to address the Board in writing, in person, or both before the Board's final

decision is made. The Board's decision to grant or deny such appeals shall be considered the Board's final action.

Section 12. Participation. Consistent with the Corrections Policy, an Affected Member may participate in person, in writing, by telephone or videoconference, or by such other means of communication in the discretion of the Advisory Committee; provided, however, an Affected Member shall make every effort to appear in person at the Hearing to the extent practicable.

Section 13. Amendments. These Procedures may be amended by a majority vote of the Advisory Committee.

Effective Date: _____

Adopted by Advisory Committee on _____, 2018.

Overview of Simplified Corrections Policy Appeal Procedures

- Step 1:** Affected Member files a complete and timely Notice of Appeal within 30 days of Executive Director's required notice regarding a determination of an error
- Step 2:** Executive Director schedules a hearing date (in consultation with the Advisory Committee Chair) for the appeal to be heard before the Advisory Committee
- Step 3:** Copy of the Notice of Appeal (including supporting documentation) is provided to the Advisory Committee 14 days prior to scheduled hearing date
- Step 4:** Hearing Procedures will include the following statements/presentations and final recommendations:
- First, Advisory Committee Chair or designee provides a general statement regarding hearing rules and procedures.
 - Second, Executive Director or designee gives a presentation regarding the determination of error.
 - Third, Affected Member gives a presentation regarding issues related to the Executive Director's determination of error raised in the Notice of Appeal.
 - Fourth, an Office of General Counsel attorney or the Executive Director may provide a rebuttal.
 - Fifth, Advisory Committee deliberates and makes a recommendation to the Board of Trustees based on information presented at the hearing and any other reasonable information relevant to the appeal.
- Step 5:** Board of Trustees considers Advisory Committee's recommendation and makes a final decision at a Board meeting. The Affected Member will be provided notice of the date in which the Board of Trustees will make a final decision and given an opportunity to address the Board of Trustees in writing, in person, or both prior to Board of Trustee's final decision.