
Chicago Fire Department tab for disability payments: \$27 million

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Last Modified: Oct 11, 2012 05:41PM

When Rahm Emanuel was running for mayor, one of his campaign commercials included a testimonial from Patrick J. Kehoe, who said: "He gets things done. He's a doer."

Kehoe was identified as a "retired Chicago firefighter" in the Emanuel TV spot that began airing in December 2010.

But Kehoe wasn't retired.

The Chicago Fire Department district chief has been on paid disability leave after slipping on a driveway during a hazardous-materials call three years ago and suffering shoulder and spine injuries.

Kehoe, 55, gets \$91,113 a year tax-free in disability pay in addition to being eligible for free health insurance. It's likely that Kehoe will collect \$870,000 in disability pay by the time he reaches mandatory retirement at age 63, since it's rare for any Chicago firefighter on disability leave ever to return to duty. His pension is expected to top more than \$100,000 a year.

"Emanuel had no knowledge that Kehoe was . . . on disability" when the campaign commercial first aired, according to Sarah Hamilton, Emanuel's press secretary.

Disability pay is a sensitive subject at City Hall in the wake of a Chicago Sun-Times investigation that found the city is paying \$18 million a year to police officers on disability.

The police disability rolls include officers who in some cases have started new careers and moved out of state while on disability leave and appear able to return to work for the city at least in a desk job but haven't. The city spends an estimated \$3 million more to provide health insurance for the 347 cops on disability leave and their families, in addition to the tax-free disability pay, the Sun-Times reported in stories published

Sunday and Monday.

There are even more Chicago Fire Department personnel on disability leave than police officers, the Sun-Times found, though the fire department has less than half the number of employees the police department has.

Kehoe is one of 390 firefighters and paramedics on disability. Altogether, they are paid more than \$27 million a year by the Chicago Firemen's Annuity and Benefit Fund, the taxpayer-subsidized pension fund for city firefighters. Those disability payments jumped by 16 percent last year. Health insurance provided at no charge to disabled fire personnel costs taxpayers an additional \$4 million a year.

That adds up to \$45 million spent last year by the city's cash-strapped pension funds for firefighters and police officers on disability, plus millions more in free health-insurance benefits — costs the Emanuel administration says need to be reined in to save the city money and protect against abuses.

This is sure to be an issue in negotiations over new contracts with the unions representing firefighters and police officers. Both of those contracts expired last month.

In response to the Sun-Times' findings, Emanuel aides said last week that firefighters and paramedics — unlike police officers — are barred from working other jobs while on disability leave and said a similar policy for the police might help limit abuses of the system. "Among potential reforms being discussed for the Chicago Police Department's disability program is a requirement similar to the Chicago Fire Department's that those receiving disability benefits cannot hold a second job outside of city employment," Emanuel's office said last week.

In one case the newspaper found, though, Aaron M. Murdock, an ambulance commander who taught at the fire academy, did work another job after going on disability. Murdock suffered an unspecified injury while off-duty and went on sick leave, known as "layup," in May 2008.

After Murdock used up his sick days, the fire pension fund put him on what's called "ordinary disability" on Aug. 1, 2009, giving Murdock — who was unable to lift more than 25 pounds or carry a patient — half of his fire department salary.

The pension fund also gave permission for Murdock, a licensed registered nurse since 1994, to work as an assistant nurse manager at Advocate Trinity Hospital on the city's South Side.

Murdock, 47, gets \$44,109 in disability pay from the fire department.

He no longer works at Trinity. He filed a worker's compensation claim against the hospital last summer.

He could not be reached for comment.

On Monday, fire department spokesman Larry Langford said that, despite the earlier comment from City Hall, fire personnel “on disability can hold jobs,” providing that those jobs aren’t in conflict with their physical limitations.

Rules differ from cops

The Sun-Times’ examination of the fire department’s disability rolls also found that:

◆ Disability payments to firefighters and paramedics often exceed disability payments to police officers. The highest disability pay — totaling \$100,820 a year — goes to an EMT battalion chief who went on disability last July, records show. The highest-paid disabled police officer is paid \$78,764 a year.

◆ Firefighters and paramedics must be “100 percent capable of performing full duties” to return to work, according to pension officials.

That’s different from the police department, which has a “limited-duty” program that includes 326 officers who have lingering injuries. They do administrative work and other desk jobs. There is no such program in the fire department, which has administrative jobs in fire prevention, public education and media affairs, “but they’re not considered light duty,” according to Langford.

So even though Chicago has more than 12,000 police officers, versus 5,000 firefighters and paramedics, there are fewer police officers on disability leave.

“I thought it was ridiculous that you couldn’t assign these guys to light duty,” says former City Clerk Miguel del Valle, who had a seat on the fire pension board and who lost the 2011 mayor’s race to Emanuel. “There were always a few who came before the board who preferred to be working rather than go on disability, but there wasn’t any assignment for them. There ought to be alternative placements for them, but that has to be negotiated with the unions.”

◆ Only eight disabled firefighters have returned to duty since 2003, according to the pension fund. In one case, the fire department rejected a worker the pension fund had declared was no longer disabled.

“There have been occurrences where somebody goes on disability, and they have to convince the pension board and the doctors that they are ready to come back,” Langford says. “They would then have to go through our screening to see if they’re fit for duty. It’s possible they could come back to work, but there are other hoops they have to go through.”

◆ One quarter of fire personnel on disability leave are paramedics. There is no

mandatory retirement age for paramedics, which means they can remain on disability rather than retire and lose their free health benefits at 63, as is the case for other fire department employees.

◆ Most firefighters who apply for disability benefits get them. The fire pension board denied 72 of the 443 applications it got for disability pay in the past 10 years, or 16 percent. Ten of those who were denied ended up getting disability pay after suing.

◆ Disabled fire personnel can live outside the city of Chicago just like police officers on disability. If they ever were found fit to return to duty, they would have to move back to the city.

Pension officials declined to say how many disabled firefighters and paramedics have moved out of the city.

Two injured Chicago paramedics — Kenneth Wilfert and Janeen Kessell — each went on disability 19 years ago, got married about five years after that and now live in Paradise, Mich., a small town in the Upper Peninsula.

Wiltfert, 53, went on disability leave Dec. 23, 1990. His 55-year-old wife went on disability five days later. The pension board refused to give them “duty disability,” a classification that could grant them lifetime benefits. But each sued, and the courts ordered the pension board to give each duty-disability pay.

Together, they get \$75,951 in disability pay each year. Since 2003, they’ve together collected more than \$650,000.

Told of some of the Sun-Times’ findings, Emanuel’s office put out a written statement saying: “Fire pension board members must remain vigilant stewards of taxpayer dollars over every disability case that comes before them. The mayor has instructed his finance and legal teams to conduct a thorough evaluation of the disability benefit programs to assess areas in need of reform.”

‘I’ll never forget . . . Rahm’

Only six fire department personnel get bigger disability checks than Kehoe, the Emanuel campaign volunteer who went on to serve last year on the public safety committee of Emanuel’s mayoral transition team.

Emanuel met Kehoe in 2001 while running to replace Rod Blagojevich in Congress.

“I’ll never forget meeting Rahm for the first time back in 2001,” Kehoe, who could not be reached at his homes in Oriole Park or in Fontana, Wis., was quoted as saying in an Emanuel congressional news release. “He dropped in to the firehouse while he was walking the neighborhoods. I told him about what a hassle it was just to see if my

daughter was eligible for financial aid for college — page after page that might make sense to a CPA but to no one else.

“Rahm told me that he’d fight to make it easier for parents to send their kids to school, and he did it.”

Seven years after they’d met, Emanuel helped push through legislation in July 2008 that simplified the Free Application for Federal Student Aid.

The following summer, on July 17, 2009, Kehoe, a district chief, hurt his rotator cuff, neck and elbow responding to an explosion at Columbus Foods in Humboldt Park, according to a fire department report that says he “slipped on graded driveway wet/slippery with product from haz-mat incident [and] fell backwards onto ground.”

Kehoe never returned to work. He applied for duty disability a year later.

“In the past year, I have had shoulder surgery and two invasive procedures in my neck to relieve the pain,” Kehoe wrote in an Aug. 8, 2010, letter to the pension board. “I have also had more than four months of physical therapy for the injuries sustained at the haz-mat incident.”

The pension board approved Kehoe’s request for duty disability — but Kehoe didn’t get as much as he wanted. Under Illinois law, Kehoe and other firefighters born before 1956 could receive disability benefits based only on their most recent civil-service ranking. In Kehoe’s case, that meant his disability pay is based on his salary as a battalion chief, not the higher-paying district chief job he held when he was hurt.

That cost Kehoe about \$10,000 a year. He sued, arguing that the law is unconstitutional, but dropped the case in January 2011 — a month after he began appearing in the Emanuel campaign commercial.
