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# Disability Benefits

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If you become totally and presumably permanently disabled while working for a PERS employer, you may be eligible to receive a monthly disability benefit from the PERS.

There are two types of PERS disability benefits—occupational and nonoccupational.

## Occupational Disability Benefits

To qualify for a PERS occupational disability benefit, you must meet the following requirements:

- ◆ Have a total and apparently permanent disability because of a physical or mental condition caused by a bodily injury sustained, or a hazard undergone, while in the performance and within the scope of your duties and not the result of your wilful negligence;
- ◆ Have a physical or mental condition that presumably permanently prevents you from satisfactorily performing your usual duties for an employer or the duties of another comparable position or job that an employer makes available for which you are qualified by training or education;
- ◆ Terminate PERS employment because of the disability (you can apply for disability benefits while you are still working); and
- ◆ File a timely application for the disability benefit with the PERS administrator. The application is timely if it is filed within 90 days after the termination of your employment.

There is no service requirement under the occupational disability provision. You continue to earn PERS service credit while you are receiving occupational disability benefits.

The PERS administrator will review your medical reports and other evidence to determine if you qualify. If you are found to be ineligible, you may appeal the denial to the Office of Administrative Hearings.

## Disability Benefits

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Your monthly disability benefit will be equal to 40% of your gross monthly compensation immediately before you terminated employment due to the disability.

### **EXCEPTION**

Members who first entered the PERS before July 1, 1976, will be allowed to choose whether they want to receive benefits under the current law or old law. The amount payable will depend on the date the member first entered the PERS and whether they were classified as “peace officer or fire fighter” or “all other” members.

Medical coverage will be provided to you, your spouse, and your eligible dependent children as long as you are receiving PERS occupational disability benefits.

You may be required by the PERS administrator to undergo a medical examination once a year to show proof of continuing eligibility.

If you return to PERS employment, at any time while receiving PERS occupational disability benefits, you must send a copy of your job description and a verification of your earnings and number of hours worked per week to the division. If a position requires similar physical strengths and abilities or pays a comparable wage, your occupational disability benefit could be ended. The division considers a comparable wage to be 75 percent of your earnings prior to when you terminated employment due to the disability. This salary base is adjusted annually for inflation.

### Nonoccupational Disability Benefits

To qualify for a PERS nonoccupational disability benefit, you must meet the following requirements:

- ◆ Have at least five paid-up years of PERS membership service;
- ◆ Have a physical or mental condition that presumably permanently prevents you from satisfactorily performing your usual duties for an employer or another position or job that an employer makes available for which you are qualified by training or education;
- ◆ Terminate PERS employment because of the disability (you can apply for disability benefits while you are still working); and
- ◆ File a timely application for the disability benefit with the PERS administrator. The application is timely if it is filed within 90 days after your termination of employment.

The PERS administrator will review your medical reports and other evidence to determine if you qualify. If you are found to be ineligible, you may appeal the denial to the Office of Administrative Hearings.

Your monthly disability benefit will be based on your average monthly compensation and years of paid-up PERS service at the time you terminated employment because of the disability.

Medical coverage will be provided to you, your spouse, and your eligible dependent children as long as you are receiving PERS nonoccupational disability benefits.

You may be required by the PERS administrator to provide medical evidence once a year to show proof of continuing eligibility.

If you return to work any time while receiving nonoccupational disability benefits, you must notify the Division. If you become employed in a part-time position, your continuing eligibility for nonoccupational disability benefits will be reviewed. If you become employed in a full-time position, you will no longer be eligible to receive nonoccupational disability benefits from PERS.

### Vocational Rehabilitation Requirements

If you first entered the PERS on or after July 1, 1986 (Tier II or Tier III), and you are appointed to occupational or nonoccupational disability, you must:

- ◆ Apply to the Division of Vocational Rehabilitation within 30 days of the date disability benefits begin; and
- ◆ Enroll in a rehabilitation program if you meet the eligibility requirements of the Division of Vocational Rehabilitation.

You will become ineligible and disability benefits will stop at the end of the first month that you meet any of the following:

- ◆ Fail to report to the Division of Vocational Rehabilitation;
- ◆ Are certified by the Division of Vocational Rehabilitation as failing to cooperate in a vocational rehabilitation program;
- ◆ Fail to interview for a job; or
- ◆ Fail to accept a position offered.

Members who first entered the PERS before July 1, 1986 (Tier I), are not required to comply with these vocational rehabilitation requirements.

### Continuing Eligibility Requirements

Members with a nonoccupational disability who first entered the PERS on or after July 1, 1976, must provide the PERS administrator with proof of continuing eligibility to receive disability payments under the Social Security Act one year from the date of appointment to disability and annually thereafter. If the member is not eligible for Social Security because they do not meet the earnings requirement, then the member must annually provide medical evidence to establish that disability payments under the Social Security Act would have been payable.

### Converting to a Normal Retirement Benefit

Your disability benefit will be converted to a normal retirement benefit when you reach either age or service eligibility, whichever is first. You continue to earn PERS service credit while receiving occupational disability benefits. You do not accrue PERS service credit while on nonoccupational disability.

You must apply for your normal retirement benefit. Payment of normal retirement benefits after disability is not automatic.

For more information regarding disability benefits, please see the brochures *PERS Nonoccupational Disability Benefits* or *PERS Occupational Disability Benefits*.

### Peace Officers and Fire Fighters Receiving Occupational Disability Benefits

A peace officer or fire fighter receiving occupational disability benefits can elect the higher of their occupational disability benefit or their normal retirement benefit upon reaching normal retirement age or service eligibility, whichever is first.

#### **WARNING**

If you refund your PERS contributions and interest, you will not be eligible for PERS disability benefits.

