

# Answers to your questions about Disability Retirement Benefits

## 1. Am I eligible for PERS disability retirement benefits?

PERS has two categories of disability: non-duty and duty.

Non-duty criteria:

- you have 10 or more years of qualifying service under PERS (see Q 2), and
- you are disabled and unable to perform any work for a minimum of 90 consecutive days.

Duty criteria:

- you have established membership under PERS, and you are unable to perform any work for a minimum of 90 consecutive days, and
- your work activities were the major contributing cause of your injury or disease.

## 2. Must I have EXACTLY 10 years or more of PERS creditable service to be eligible for non-duty disability?

No. In some cases eight years, six months, and one day may be sufficient. For disability eligibility purposes, we can count the first six months of your employment before becoming a PERS member if you were required to serve a probationary period. We can also count service credits earned prior to the time your employer joined PERS if your employer agreed to do this. PERS may also consider up to 90 days of accumulated sick leave toward this requirement.

## 3. When and how should I apply for PERS disability retirement benefits?

You should apply as soon as you are physically off the job, whether or not you are on paid leave. Contact the PERS Tigard headquarters office to obtain an application packet. These forms are your official application to retire due to disability. Applying promptly will help us process your claim efficiently.

## 4. How can I expedite my claim?

You should speak to your physicians before applying for PERS disability retirement and explain that they will be contacted to confirm and document your disabling condition. If your claim is duty-related, your physician(s) must document how your disabling condition was caused by your PERS-covered employment. Any mental or emotional disorder claims require a report from a psychiatrist or a licensed psychologist and a medical doctor. Orthopedic claims require a report from an orthopedic specialist or neurosurgeon. When you complete your application for disability retirement, list only the physicians who can address your current disability period and disabling condition.

## 5. Must I be disabled only from my current job or from any work I can perform?

Your disability must render you unable to perform any work you are qualified to perform.

## 6. How does PERS make a disability determination?

When you apply for disability retirement benefits, you will complete a Medical Information Release form. PERS will then contact your doctor, health care provider, hospital, or clinic for medical

information. PERS may also require documentation from your workers' compensation carrier or any insurance company involved. After sufficient medical documentation is received and reviewed by PERS staff and our medical advisor, a recommendation of approval or denial is submitted to the PERS director. The director may approve or deny the recommendation or may require additional documentation.

**7. I was disabled and have since returned to work. Can I still apply for the time period I did not work?**

No. You may not apply for prior periods if you have since returned to employment.

**8. I was disabled four years ago and have not been able to work since. Can I still apply?**

Yes, you can apply *within* five calendar years of the date you last worked for a PERS-covered employer. The disabling condition must have been *continuous* since your termination date, your termination must have been due to your disabling condition, and you must not have received a refund of your PERS account.

**9. What if I terminated employment and the disabling condition was NOT continuous from my termination date?**

You must apply within six months of your termination date if you were disabled within that six-month period, have not received a refund of your PERS account, and you continue to be disabled.

**10. How long does it take to process an application for disability?**

The total disability process can take up to six months or longer from the day PERS receives your initial application. The actual length of time is determined by how quickly PERS receives adequate physician and employer documentation. This is why PERS encourages you to alert your physician that forms are coming which require a quick response.

**11. When will my disability retirement benefits become effective?**

Your disability retirement benefits become effective the first of the month following your last day of work or the last day of paid salary or paid leave, whichever is later. However, no payment can be made until the required 90-consecutive-day period of incapacity has elapsed.

**12. Do I have to use all of my vacation and sick leave before I will get a payment?**

No. PERS does not require you to use all of your leave. However, PERS cannot pay you for any month in which you receive salary or paid leave from your employer.

**13. If my disability application is approved, how much will I receive for a monthly benefit?**

PERS will send you an estimate of your disability benefits at the time you apply for disability retirement. The same calculation methods are used to calculate either disability or service retirement benefits.

- If you are a general service employee, the years and months of service you would have accrued had you been able to work to age 58 will be used to calculate a monthly disability benefit.

- If you are a police officer or firefighter employee, the years and months of service you would have accrued had you been able to work to age 55 will be used to calculate a monthly disability benefit. If your disability was 100 percent job-related (duty disability), you may choose to receive a monthly disability benefit of 50 percent of your final average salary.

**14. Are the same payment options available for disability as are available for a regular retirement?**

The lump-sum options are not available under disability. All other payment options are available.

**15. How much time do I have to make a disability option election?**

You will have 60 days to change your option from the issue date of your first benefit payment.

**16. What happens to my individual account if I receive a disability benefit?**

Just as for a service retirement benefit, your account balance is used to help pay for your benefit.

**17. How long will disability retirement benefits continue?**

Disability retirement benefits will continue as long as you meet the PERS disability criteria.

**18. Will my case be reviewed periodically?**

Law requires periodic reviews of your disability status to continue disability retirement payments. Reviews are no longer required once you reach normal retirement age (58 for general service Tier One members, 60 for general service Tier Two, 55 for police officer or firefighter members).

**19. May I cancel my disability retirement application?**

Yes, you may cancel your application for disability retirement benefits anytime before you are in constructive receipt of your first disability retirement check. You must complete a cancellation form provided by PERS and sign it before a notary. **IMPORTANT NOTE:** By completing this form, you are canceling all membership rights to PERS disability retirement benefits, including appeal rights.

**20. Is health insurance available on disability?**

Yes. Your employer may provide health insurance coverage. You should contact your payroll or personnel office for information. If you receive notification that your disability retirement application has been approved, you will receive PERS Health Insurance Program information regarding PERS-sponsored health insurance plans in which you can enroll. If you have questions, call the PERS Health Insurance Program at 503-224-7377 or outside Portland toll-free at 800-768-7377.

**22. If I go back to work and later retire under service retirement, can I select an option different than my disability retirement option selection?**

Yes. You will need to apply for a service retirement and make a new option selection.

**23. What happens if my application for disability retirement benefits is denied?**

PERS will notify you by certified mail, citing the reason. You will be allowed an additional 30 days to provide PERS with further documentation to support your claim. Upon the expiration of 30 days, you

will be provided an additional 30 days to appeal the denial of your claim. Upon the expiration of 30 days, you will be provided an additional 45 days to appeal the denial of your claim.

**24. Will my disability retirement benefits be adjusted because I am drawing workers' compensation, Social Security benefits, or payments from a disability insurance policy?**

For benefits payable beginning January 1, 2010, PERS disability retirement benefits will not be reduced due to a workers' compensation benefit.

All PERS disability retirement benefits payable before January 1, 2010, will be reduced for Tier Two members (hired on or after January 1, 1996) when the combined workers' compensation benefit and the PERS disability retirement payment exceed the member's gross monthly salary at the time of disability.

Although PERS does not adjust disability retirement benefits based on Social Security or disability insurance benefits, Social Security and/or insurance plans may adjust your awards or benefits based on your PERS disability retirement benefit. This could mean you will receive less in Social Security or insurance payments than you anticipate. You may want to check with Social Security or your disability insurance provider to see if this is the case.

**25. What happens when I am medically able to return to work?**

Your disability retirement benefit will be discontinued and your account balance will be reinstated to the amount in your account when your disability retirement first became effective.

**26. Can I return to any work after I start receiving PERS disability retirement benefits? How will this affect my PERS benefits?**

Yes, you can return to work. In some cases, members can return to work and still receive a disability retirement benefit. In other cases, a member's disability retirement benefit is reduced based on the amount of earnings from his or job, or stopped entirely.

For further information please contact the Customer Service Center for a copy of the Q & A, *Disabled Members Who Return to Work*.

If you are receiving a disability retirement benefit, you must notify PERS in writing within 30 days of employment that you have returned to work. You must provide your employment date, employer name and address, and your monthly salary.