

Disability Benefits and Procedures

If you are a member of the Kentucky Employees Retirement System (KERS), the County Employees Retirement System (CERS), or the State Police Retirement System (SPRS) and you become disabled during the course of employment, you may be eligible to receive disability retirement benefits from the Kentucky Retirement Systems (Systems). Provided below and on the following pages are the requirements necessary to qualify for disability retirement as well as the steps you must take in order to apply for benefits.

Qualifications for Non-Hazardous Members

In order to qualify for disability retirement, a non-hazardous member must meet the following requirements.

The member must have a minimum of 60 months of service credit, 12 of which are credited as current service.¹

The member's application must be on file at the Systems no later than 24 months after the last day of paid employment in a regular full-time position.

The medical examiners employed by the Systems determine that the member is functionally incapacitated since his or her last day of paid employment from performing his or her job, or a job of similar duties.

In addition, members participating prior to August 1, 2004 who are eligible for an unreduced benefit cannot apply for a disability benefit.

An incapacity must not result directly or indirectly from bodily injury, mental illness, disease or condition which pre-existed the membership in the Systems or reemployment, whichever is more recent. The prohibition against pre-existing conditions shall not apply if the incapacity is the result of bodily injury, mental illness, disease or condition that has been substantially aggravated by an injury or accident arising out of or in the course of employment, or if the member has at least 16 years of current or prior service with employers participating in the Systems.

¹The 60 month service requirement shall be waived if the disability is a result of a duty-related injury. A duty-related injury is a single traumatic event that occurs while the employee is performing the duties of his position; or a single act of violence committed against the employee that is found to be related to his job duties, whether or not it occurs at his job site. The person must be totally and permanently disabled to engage in any occupation for remuneration or profit as a result of a duty-related injury.

Qualifications for Hazardous Members

In order to qualify for disability retirement, a hazardous member must meet the following requirements.

The member must have a minimum 60 months of service credit, 12 of which are credited as current service.²

The member's application must be on file at the Systems no later than 24 months after the last day of paid employment in a regular full-time position.

The medical examiners employed by the Systems determine:

The member is incapable of engaging in any occupation for remuneration or profit, or

The member is totally incapable of working in a hazardous position, but may still be capable of performing other types of work.

In addition, members participating prior to August 1, 2004 who are eligible for an unreduced benefit cannot apply for a disability benefit.

An incapacity must not result directly or indirectly from injury intentionally self-inflicted while sane or insane; injury or disease resulting from military service; bodily injury, mental illness, disease or condition which pre-existed membership in the Systems or reemployment, whichever is more recent. The prohibition against pre-existing conditions shall not apply if the incapacity is the result of bodily injury, mental illness, disease or condition that has been substantially aggravated by an injury or accident arising out of or in the course of employment, or if the member has at least 16 years of current or prior service with employers participating in the Systems.

² The 60 month service requirement shall be waived if the disability is a total and permanent disability or a hazardous disability that is a result of an act in the line of duty. An act in the line of duty is an act occurring or a thing done which was required in the performance of the specified duties.

Steps Required to Apply for Disability

Members who wish to apply for disability should follow the steps listed below:

Step 1: The member must accurately complete and file a Form 6000, Notification of Retirement, within 24 months of the last day of paid employment in a regular full-time position. Upon receipt of a valid Form 6000, a disability packet will be mailed which includes the forms listed below. If the member's disabling condition resulted from a duty-related injury (non-hazardous members) or as a result of an act in the line of duty (hazardous members), an incident report must accompany the Form 6000.

Step 2: The member must obtain all medical information pertaining to the disabling condition for which he is applying for disability and file the information with the Systems. The Systems is not responsible for copying medical records for the member.

Step 3: The member must accurately complete a Form 8035, Employee Job Description, listing and describing the duties of the job performed as of the last day of paid employment and file the form with the Systems.

NOTE

Requests for Accommodations: An employee must make a request for reasonable accommodations under the Americans with Disabilities Act (as provided for in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630. You MUST submit evidence of your request for accommodations.

Step 4: The member must accurately complete a Form 8040, Prescription and Non-prescription Medications, listing all current medications he or she is taking and file the form with the Systems.

Step 5: Once Steps 2 - 4 have been completed, the member will need to certify that the information is ready for the medical examiners to review by completing a Form 8001, Certification of Application for Disability Retirement and Supporting Medical Information, and file the form with the Systems.

Employer Requirements

Once the member has filed a valid Form 6000, the Systems will request the following information from the employer:

Form 8030: The employer must complete a Form 8030, Employer Job Description, listing and describing the duties performed by the person as of his or her last day of paid employment and file the form with the Systems.

NOTE	<i>Requests for Accommodations: An employee must make a request for reasonable accommodations under the Americans with Disabilities Act (as provided for in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630). The employer must submit evidence of the response to the employee's request for accommodations. If the employer has not made a request as of the date the employer completes the Form 8030, the employer should indicate what accommodations could have been provided to the employee.</i>
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NOTE	<i>If you or your employer fail to complete and file the above forms and supporting medical information at the Systems within 180 calendar days of the date you filed the Form 6000, Notification of Retirement, your application for disability retirement shall be void. This could possibly prevent you from qualifying for disability retirement benefits in the future or delay the disability decision by our medical examiners which may delay your retirement benefit, and may delay health insurance coverage with the Systems.</i>
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How Disability Benefits are Calculated

For members participating prior to August 1, 2004, disability benefits are calculated in the same manner as normal retirement benefits except that additional months of service may be added to the member's account depending on age and years of service.

Members participating on or after to August 1, 2004 will be eligible for disability benefits based upon a different formula. The formula for non-hazardous members provides a disability benefit that is the higher of 20% of the final rate of pay, early/normal benefit based on actual service, actual age at retirement, and actual Final Compensation with reduction or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date with years of service and Final Compensation being determined as of the date of his or her disability. The formula for hazardous duty members provides a disability benefit that is the higher of 25% of final rate of pay, early/normal benefit based on actual service, actual age at retirement, and actual Final Compensation with reduction or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date with years of service and Final Compensation being determined as of the date of his or her disability.

Disability Determination

Upon receipt of the Form 8001 certifying that all objective medical evidence and other required forms are ready to be evaluated by the medical examiners, the Systems will submit all evidence for review. The examiners must determine if the member, since his or her last day of paid employment, has been mentally or physically incapacitated to perform the job, or job of like duties, from which he or she received his or her last paid employment. The incapacity must be expected to last at least 12 months or result in death to be considered permanent. In addition, the incapacity cannot be directly or indirectly related to a condition that pre-existed membership or re-employment for persons with less than 16 years of service, unless objective medical evidence demonstrates that an injury or accident arising out of or in the course of employment substantially aggravated the underlying pre-existing condition.

If disability retirement is approved, the retirement benefit will be effective the first day of the month following the last day of paid employment.

Appeal Process

If a member is denied disability retirement benefits by the medical examiners, the member will be notified of his or her right to appeal.

Disability Retirement Maximum

If a member applies for Social Security disability and/or Workers' Compensation, the disability benefits from the Systems shall be reduced if the combined income from the Systems, Social Security, and Workers' Compensation exceeds 100% of the member's final rate of pay or Final Compensation, whichever is greater.

Re-Employment

A member receiving disability retirement benefits who contemplates re-employment must provide the Systems with a detailed job description of the intended position. The job description must be completed by the employer. The medical examiners will review the intended position description to determine if the person may accept the new position and return to work and remain eligible to continue receiving disability benefits. If a person receiving disability retirement benefits fails to disclose to the Systems reemployment after disability retirement, the Systems may recover all prior retirement benefits paid to or on behalf of the person while reemployed.

Annual Review Process

Members receiving disability benefits are required by law to undergo an employment and medical staff review once a year or less frequently as determined by the medical examiners, but not less than once every five years. The reviews continue until the member reaches normal retirement age. A member receiving disability benefits will be required to file current employment and medical information for the bodily injury, mental illness, or disease for which he or she is receiving a disability benefit.