

## **SERVICE-CONNECTED DISABILITY RETIREMENT CONTRIBUTORY PLAN**

Service-connected disability means a physical or mental incapacity resulting from an accident for the further performance of duty, that at the time of the application for service-connected disability retirement is likely to be permanent.

The definition of an “accident” is an “unlooked for mishap or an untoward event which is not expected or designed, occurring while in the actual performance of duty at some definite time and place.” This definition must be met in order to qualify for service-connected disability retirement.

### **Eligibility Requirements**

You are eligible to receive a service-connected disability retirement benefit if you meet the following requirements:

- (1) The ERS Medical Board certifies that you are permanently incapacitated for the further performance of duty;
- (2) The ERS Board of Trustees determines you became disabled as a result of an accident that occurred at a definite time and place through no willful negligence on your part while you were actually performing the duties of your job;
- (3) Your employer files with the ERS Board of Trustees a copy of the employer's Workers' Compensation (WC-1) of the accident; and
- (4) You apply for a service-connected disability benefit within two years of the date of the accident or within two years of the date you stop receiving Workers' Compensation benefits, whichever is later.

**Please be advised that the Workers' Compensation law and decision are separate from the ERS and do not have any impact on the outcome of the disability application.**

### **Types of Service-Connected Disability *(applies only to accident dates prior to July 7, 1998)***

- (1) Service-connected total disability: The ERS Medical Board must certify that you are incapacitated for gainful employment and that such incapacity is likely to be permanent.
- (2) Service-connected occupational disability: The ERS Medical Board must certify that you are incapacitated for further performance of duty and that such incapacity is likely to be permanent.

### **Service-Connected Disability Retirement Benefit**

**For accident dates on or after July 7, 1998:**

The benefit amount of your service-connected disability retirement consists of:

- (1) Refund of your accumulated contributions (includes interest) at the time of retirement, plus
- (2) A pension of 50% of your average final compensation (AFC)

For accident dates prior to July 7, 1998:

The benefit amount of your service-connected disability retirement consists of:

- (1) An annuity of the actuarial equivalent of your accumulated contributions (includes interest) at the time of retirement, plus
- (2) A pension of 66-2/3% of your average final compensation (AFC)

For service-connected total disability, the full allowance shall continue for your lifetime.

For service-connected occupational disability, the full allowance shall only be for a three-year period during which time, the ERS shall assist in your rehabilitation. At the end of the three years, the annuity shall remain the same but the pension shall be reduced from 66-2/3% to 33-1/3% of your AFC. However, if you feel that your condition renders you totally disabled, the ERS will provide you with a "Three Year Evaluation" application. Should the ERS Medical Board find you are totally incapacitated for gainful employment, the full allowance shall be reinstated and paid for your lifetime.

Re-employment Benefit: Under special civil service laws, if you retire under service-connected occupational disability, you are given high priority for re-employment in any civil service position you qualify for, and you may not have to take an examination. If you accept such employment, it will not jeopardize your disability retirement allowance in any way. You may eventually qualify for a service retirement benefit provided the age and service requirements are met.

**Disability Process**

You or a guardian appointed by family court of an incapacitated person, may file an application with the ERS. ERS will request a copy of your employer's Workers' Compensation (WC-1) and an Employer's Statement Concerning Service-Connected Disability (Form 37) stating the time, place, and conditions of the service you rendered which resulted in the disability through no willful negligence on your part. Also required is a medical report, Statement of Examining Physician (Form 128), from your personal or attending physician(s). In addition, you or your physician(s) should submit to ERS any x-rays, medical reports, analyses, etc., which may be of value in presenting your case to the ERS Medical Board before whom you may be scheduled for an interview.

If Statement of Examining Physician (Form 128) is not submitted within 60 days from the date you filed a disability application, your application will be deemed cancelled.

Retirement can be effective the first day of the month, except for December when retirement on the first or last day of the month is allowed, provided the effective date shall be after the date the application is filed in the ERS office or the date you terminate service, whichever is later.

**Interview Process**

You will be scheduled to be interviewed by the ERS Medical Board which consists of three physicians. The purpose of the interview is to seek more information or to clarify information contained in the medical reports which have been reviewed. The ERS Medical Board will not be conducting a physical examination. The responsibility of providing evidence of the injury/condition, the incapacity, and the relationship between the accident and injury/condition is with the member applying for the disability retirement. Therefore, be sure to submit your x-ray films, laboratory or other reports about your injury/condition.

## **Medical Board Recommendation**

After the interview with you, the ERS Medical Board will prepare and submit a “recommendation” report to the ERS staff to review and prepare for the ERS Board of Trustees. There is no decision made at the interview.

All inquiries regarding your application process should be made directly to the ERS Oahu office. As the ERS Medical is an advisory board, they have been instructed to refer all applicant calls to the ERS. The ERS holds your complete service and disability record, and will be better able to answer your specific questions.

## **Decision**

After the ERS staff reviews the recommendation, a memorandum is prepared for the ERS Board of Trustees for their monthly meetings. The ERS Board of Trustees will approve, deny, or remand (return for review) the Medical Board's recommendation on the disability application. This process may take approximately 6-12 months depending on the complexity of the case.

If you need more information, please contact the following offices during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday (except Holidays):

Hawaii	(808) 974-4076; (808) 974-4077
Kauai	(808) 274-3010; (808) 274-3011
Maui	(808) 984-8181; (808) 984-8282
Oahu	(808) 586-1735
Fax No.	(808) 587-5766

If you are on the neighbor islands and wish to contact our Oahu office, call the toll-free numbers indicated below:

Hawaii	974-4000, ext. 61735
Kauai	274-3141, ext. 61735
Maui	984-2400, ext. 61735
Molokai/Lanai	1-800-468-4644, ext. 61735