

Disability Retirement

Have Questions on Disability?

1. Call **LASERS** toll free at 800.256.3000 or 225.922.0600 in Baton Rouge for information on all aspects of disability retirement.
2. Obtain your 4-0 *Disability Retirement Application Booklet* containing four-page form number 4-1 R1105 from your agency Human Resources office.

You may be entitled to disability retirement benefits if you have accumulated at least 10 years service credit and become totally incapable of performing normal duties in accordance with LASERS law.

To be eligible for benefits, you must:

1. file your written application with LASERS while in state service. If you do not file your written application while in state service, you must present clear and convincing evidence that the disability was incurred while you were in active service,
2. be certified as disabled by a physician on the State Medical Disability Board,
3. have become disabled while you were an active member of LASERS, and
4. have not received a refund of contributions.

Members who are eligible for regular retirement are not eligible to apply for disability benefits.

You may also apply for disability benefits after leaving state service if you have 20 years service credit, have withdrawn from active service before age of regular retirement eligibility, did not receive a refund of contributions, or have not already retired.

Application

You must file a written application with LASERS

including a statement from your personal physician certifying your disability. You may apply through your agency human resource office. There is a four-page form to complete within the 4-0 *Disability Retirement Application Booklet*, Form 4-1: *Disability Application*, pages 1-2; *Disability Report*, page 3; and *Attending Physician's Statement*, page 4. All four pages must be submitted to LASERS at the address at the top of the form along with a copy of your medical records. It is the responsibility of the member applying for disability to obtain a copy of their medical records.

Certification

A physician on the State Medical Disability Board will review your medical records. Based on his review, the physician will either:

1. approve you for disability retirement;
2. ask for additional records or testing;
3. request an Independent Medical Exam (IME) at LASERS expense; or
4. deny you for disability retirement.

Right of appeal

To challenge the Board physician's determination, you must file a written appeal within 30 days of the determination. A second examination will be performed by a State Medical Disability Board physician. You must pay the cost of the second examination. If the second physician concurs with the original findings, any further appeal must be made through state court. If the second examining physician disagrees with findings of the first physician, a third Board physician is selected to give his opinion. The majority opinion of the three examining physicians shall be final and any further appeal must be made through state court.

Disability

Effective date

Disability retirement takes effect on one of the following dates:

1. the application filing date, or
2. the day after exhausting all your sick or annual leave, or
3. the day after you terminate active state service.

Disability benefit

You can receive a maximum disability retirement benefit equal to LASERS regular retirement formula without an age reduction. With the exception of Option 4A, you also may choose an optional plan as provided for regular retirees.

Disability retirees are limited in the amount they can earn from gainful employment. Earnings from other employment are limited to the difference between final average compensation, adjusted for inflation, and the disability benefit. You are required to submit a notarized annual earnings statement by May 1 each year. These earnings statements must detail income earned from employment in the previous tax year. LASERS must suspend your disability benefit if this statement is not received within the time specified.

Certification of continuing disability

State law requires that you periodically provide LASERS with certifications of continuing disability until you reach normal retirement age. LASERS will coordinate the continued certification of disability benefits. Your disability retirement benefits will cease if you are not certified in a timely manner as being continuously disabled. Failure to comply with certification requirements will result in termination of disability benefits.

In accordance with La. R.S. 11:463 (effective May 21, 1999), LASERS will pay for the medical examination required to certify your continuing eligibility for disability benefits.

Upon meeting the requirements for regular retirement, the retiree is converted from disability to regular retirement.

Returning to active service

LASERS will discontinue your disability benefits if you are less than 60 years of age and are restored to active state service. You again will become a contributing member of LASERS, and all previous service credit will be restored. The period of disability will be credited as eligibility only service if you contribute for at least three more years, but only to establish regular retirement eligibility and not to compute benefits. LASERS will restore prior service, and you will be credited with all your service upon subsequent retirement. In the event that this occurs, be aware that your eligibility for DROP may be affected.

Disability retirees can go back to work for a six month trial period. Your disability benefits will be suspended if you terminate before six months. Disability benefits will restart without you having to reapply for disability. If you continue for six months or longer, your disability benefits will be terminated.

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