

## **DISABILITY FAQs**

### **What does it mean to be disabled?**

There are two different standards for determining if someone is “disabled” for retirement purposes.

A member of the State Employees Retirement System (SERS) is eligible to apply for a disability retirement if he or she is permanently unable to continue to perform the duties of the position in which he or she is employed.

After a disability retirement has lasted twenty-four months, the retiree may continue to receive disability retirement benefits if he or she is totally disabled from any suitable and comparable job.

### **What is a “suitable and comparable job”?**

A “suitable and comparable job” is defined by a Memorandum of Understanding between the State and the State Employees Bargaining Agent Coalition (SEBAC).

The Memorandum defines “suitable and comparable job” as “a job paying a rate that is substantially equivalent to the salary range of the position the individual held at the time the individual’s disability occurred and which is of a similar type to the job performed or work for which s/he is qualified in keeping with the individual’s prior work experience, education, or training received by the retiree while in state employment.”

### **What is the difference between a service-connected disability and a non-service-connected disability?**

A “service-connected disability” is a disability that results from an injury the employee suffered while in the performance of his or her duty as a state employee. A SERS member who suffers a service-connected disability is eligible for retirement, regardless of how long he or she has been employed by the State.

All other cases of disability are “non-service-connected disabilities.” Only SERS members who have completed at least ten (10) years of vesting service in SERS are eligible to retire under a *non-service-connected* disability retirement.

The amount of the retirement benefit that SERS will pay is the **same** for service-connected and non-service-connected disability retirements.

### **Who decides if I’m disabled?**

The Medical Examining Board is a group of physicians who have been appointed by the Governor to decide whether an applicant satisfies the medical criteria for a disability retirement. Each case is decided by a panel of three physicians.

### **How can I apply for a disability retirement?**

Your agency's Human Resources department will help you prepare an application and will submit your application to the Retirement Services Division.

### **What forms and records will I need to apply?**

There is no hard and fast rule about what records you should provide to the Medical Examining Board. We recommend you submit the following:

- A CO-649 Disability Retirement Application Medical Report form, completed by the physician who treated you.
- If you are applying for a service-connected disability retirement, copies of all relevant accident reports (WC 207).
- Your signed and completed Initial Questionnaire and Statement of Applicant for Disability Retirement form (CO-1050).
- Narrative reports, explaining your treatment, from every physician who has treated you for the diagnosis for which you are seeking a disability retirement.
- Written reports of any relevant diagnostic test. (Films are not accepted.)
- Hospital or other reports of any surgical procedure connected with your disability.
- Initial evaluations and/or discharge summaries in connection with any physical therapy you have received. (Please do not include daily Notes.)
- Any other substantive reports that are relevant to your condition.
- Any statement you wish to make that either describes your condition or identifies the facts and records you consider to be most important.

### **Do I have to choose between service-connected and non-service connected?**

Your application for a disability retirement will ask you to state if you are applying for a service-connected disability. If you are, you may also indicate that you will accept a non-service-connected disability in the event the Medical Examining Board decides that your condition is not service-connected.

Even if you accept the non-service-connected disability, you may still seek reconsideration of the decision regarding service connection.

### **After I complete my application, how long will I wait for a hearing?**

Your hearing before the Medical Examining Board will generally take place within five months of your retirement date.

### **How will I know when the hearing will take place?**

You will be notified by mail when you have been placed on the agenda of an upcoming hearing. The dates and agendas for each hearing are also posted on this website, at [Meetings » Office of the State Comptroller » State of Connecticut](#).

### **Do I have to attend the hearing?**

No. You are not required to attend the hearing.

### **May I attend the hearing if I want to?**

Yes. **Hearings of the Medical Examining Board are conducted virtually, via Zoom.** A link to the hearing will be included in the agenda that is posted on this website. You **may not** attend the hearing in person.

Although you may **attend** the hearing **via Zoom**, you will **not** be permitted to address the Medical Examining Board unless you are applying for reconsideration of a previous denial.

All applicants must establish their eligibility for a disability retirement through the medical records and written statements, if any, that they submit.

### **May I bring someone to represent me at the hearing?**

Yes. You may be accompanied by an attorney, a union representative, a family member, or anyone else from whom you would like advice or who can present your case. However, neither you nor your representative will be permitted to address the Medical Examining Board unless you are applying for reconsideration of a previous denial. You must establish your eligibility for a disability retirement through the medical records and written statements, if any, that you submit.

### **How will the Medical Examining Board reach its decision?**

The applicant bears the burden of proving that he or she is disabled. Although the Medical Examining Board may request additional information or records, and it may pose questions to applicants who attend the Board's hearings, you should try to ensure that the medical records and any written statements you submit are sufficient to establish that you are disabled.

### **Can I receive retirement benefits while I'm waiting for a hearing?**

If you satisfy the age and service requirements for a voluntary retirement, you may choose to begin to receive early or normal retirement benefits, as appropriate, during the period in which your application for a disability retirement is pending. If your application is denied, you will continue

to receive voluntary retirement benefits. If your application is granted, your retirement will convert to a disability retirement, and your benefits for the preceding period will be adjusted retroactively.

**If I don't attend the hearing, how will I know what the Medical Examining Board decides?**

All applicants, regardless of whether they attend the hearing, will receive notice of the Board's decision by mail. The notice will include both a copy of the Board's written opinion and instructions about what will happen next.

**If the Medical Examining Board approves my application, how soon will my benefits begin?**

You will begin receiving your monthly disability retirement benefit within one-to-two months after approval.

**What if the Medical Examining Board turns me down?**

If the Medical Examining Board denies your application, you may seek reconsideration of its decision within one year. Your application for reconsideration must be in writing, and it must include additional facts or evidence that were not included in your original application.

**How quickly will the Medical Examining Board decide my application for reconsideration?**

Applications for reconsideration generally reach a hearing within six months after they have been filed.

**Is there any appeal from the decisions of the Medical Examining Board?**

Decisions by the Medical Examining Board may be appealed to the State Employees Retirement Commission. However, the Commission may not overrule the Medical Examining Board on a question of medical fact.

**If my application is approved, do I have any further obligations?**

**Yes.** All SERS members who are approved for a disability retirement are subject to **an additional review** after they have been retired for twenty-four months.

At that time, the member must establish that he or she is totally disabled from any suitable and comparable job. That is a different standard from the one that applies to an initial application.

Additionally, **all** SERS members who are approved for a disability retirement **must** apply for Social Security Disability benefits within twenty-four months from their date of retirement.

**Why must I apply for Social Security Disability benefits?**

This requirement is the result of negotiations between the State and SEBAC.

If you are approved for Social Security Disability benefits, you will be deemed to be totally disabled from any suitable and comparable job for purposes of SERS, and you will not be required to present any additional evidence on that issue to the Medical Examining Board.

### **Can I get help with my application for Social Security Disability benefits?**

Yes. The State of Connecticut has retained a company called the “Public Consulting Group” (PCG) to assist disability retirees with their applications for Social Security benefits. PCG will help you with your application **at no charge to you**.

PCG’s staff will guide you step-by-step through the process. For more information, please call PCG at **(800) 805-8329**.

### **If I’m approved for disability retirement after 24 months, is that decision final?**

In most cases, yes. But the Retirement Services Division may schedule a hearing for any member for whom there is reason to believe the member is no longer disabled.

### **How are disability retirement benefits calculated?**

There are several steps to the calculation of a disability retirement benefit. The first step is the calculation of your “Statutory Benefit.” Your Statutory Benefit approximates what your normal retirement benefit would be if you had been able to work at your salary until you had either reached age 65 or, if earlier, completed thirty years of service.

For details about how your Statutory Benefit is calculated, please see the Summary Plan Description for your retirement plan. You can find it at [Plan Information » Office of the State Comptroller » State of Connecticut](#).

### **Can I receive more or less than my Statutory Benefit?**

Yes. SERS rules provide that the calculation of your disability retirement benefit must take account of certain income you receive from other sources. The sources of income that count under these rules are:

- Workers’ Compensation Benefits
- Social Security Benefits
- Benefits under Section 5-142 of the Connecticut General Statutes

The rules apply to an amount known as your “**60% Minimum.**” Your 60% Minimum is an amount equal to 60% of the current base rate of pay for the position from which you retired. (This base rate of pay **does not** include any payment for overtime.)

The 60% Minimum rule applies **only** if your combined income from both SERS **and** from all of the relevant sources is **less** than your 60% Minimum. In that case, your SERS benefit may not be less than the smallest amount necessary to make your combined income equal to your 60% Minimum—even if that smallest amount is larger than your Statutory Benefit.

The rules also apply to an amount known as the “**80% Maximum.**” Your 80% Maximum is an amount equal to either (i) eighty percent of your Average Salary or (ii) eighty percent of the base rate of pay you received at the time you retired. You can find a short video about how we calculate your Average Salary here: [Counseling » Office of the State Comptroller » State of Connecticut \(internal-osc-pub-web-dev-358823746.us-east-1.elb.amazonaws.com\)](#).

The 80% Maximum rule applies **only** if your combined income from both SERS **and** from all of the relevant sources is greater than your 80% Maximum. In that case, your SERS benefit may not be larger than the **smallest** amount necessary to make your combined income **equal** to your 80% Maximum—even if that smallest amount is smaller than your Statutory Benefit.

The 60% Minimum Rule and the 80% Maximum Rule are both complex and contain many details. You can learn more about them in the Summary Plan Description for your retirement plan on this website. [Plan Information » Office of the State Comptroller » State of Connecticut](#) You can also watch a presentation that summarizes the rules on this website, at [\[link\]](#)

### **What do I need to know most about the 60% Minimum Rule and the 80% Maximum Rule?**

- The 60% Minimum Rule is a guarantee. If you are awarded a disability retirement, your combined income from SERS and from the other relevant sources will not be less than your 60% Minimum, even if your SERS benefit is smaller.
- The 80% Maximum Rule is **not** a guarantee. SERS rules **do not** guarantee that you will receive an income equal to your 80% Maximum.
- The 80% Maximum Rule may have the effect of reducing your SERS benefit when your combined income from SERS and the other relevant sources is greater than your 80% Maximum. But it will **not** reduce your combined income **below** that amount.
- Both (i) your eligibility for workers’ compensation benefits, Social Security benefits, and benefits under Section 5-142 and (ii) the amount of such benefits may change over time. Whenever that happens, your SERS benefit will be adjusted to reflect the change. Therefore, **it is important that you notify the Retirement Services Division immediately when any such change occurs.**

- If you receive a **retroactive** payment of workers' compensation, Social Security, or Section 5-142 benefits, your SERS benefit may have to be adjusted retroactively, and you might be required to refund a portion of those benefits to SERS. This is another reason you should notify the Retirement Services Division **immediately** about any such payment.

### **What effect will my choice of a survivor option have on my retirement benefit?**

As a disability retiree, you will have the same right as any other SERS member to choose a form of payment that provides pension benefits after your death to a surviving person you have designated. For details about these survivor options, please see the Summary Plan Description for your plan. (You can find it at [Plan Information » Office of the State Comptroller » State of Connecticut](#).) You can also watch a video lesson about survivor options here: [Counseling » Office of the State Comptroller » State of Connecticut \(internal-osc-pub-web-dev-358823746.us-east-1.elb.amazonaws.com\)](#).)

If you select a survivor option, the amount of your pension will be reduced by a percentage that is calculated on the basis of the actuarial cost of the survivor benefit you have chosen. Your designated survivor will receive a pension in an amount that is either 50% or 100% (based on your choice) of your **reduced** benefit.

**Please note:** If you receive Social Security benefits in retirement; if, because of those benefits, your SERS benefit has been reduced under the 60% Minimum or 80% Maximum rules that are discussed above; and if your designated survivor does not receive the same Social Security benefits after your death; then the SERS benefit paid to your survivor will be re-calculated. The new benefit **will not** take account of the Social Security benefit you received.

### **Will I receive cost-of-living adjustments (COLAs) to my disability retirement benefit?**

Yes. Your disability retirement benefit from SERS will be increased by a COLA in every year in which the national rate of inflation is greater than zero.

Like all SERS members, you will receive your first COLA 30 months after the date of your retirement. After that, you will receive a COLA every year on the anniversary of your first COLA.

### **May I work while I'm retired?**

Yes. If you are able to work after you have been approved for a disability retirement, we encourage you to do so. In most cases, your employment will have **no effect** on the retirement benefit you receive from SERS.

### **What happens when I begin to receive Social Security retirement benefits?**

Social Security retirement benefits are taken into account under the 60% Minimum Rule that is explained above. If your SERS benefit is being calculated under the 60% Minimum Rule, then your benefit may be reduced once you begin to receive Social Security Retirement benefits.

Please note, however, that your total income—the combination of your SERS benefit and your Social Security benefit—will be **at least** as high as it was before you began to receive Social Security benefits. It might be **larger**, but under no circumstances will it be less.

### **What if I'm eligible for a hazardous duty retirement?**

The rules governing disability retirement apply to all types of employees, including hazardous duty employees. For some employees, a hazardous duty retirement might be more advantageous than a disability retirement, because workers' compensation benefits and/or Social Security benefits will have **no effect** on the amount of your SERS benefit under a hazardous duty retirement. Before you retire, you should thoroughly consider your options and discuss them with your agency's Human Resources department.

### **What if I recover?**

If the Medical Examining Board decides that you are no longer disabled, and if you have not yet reached your normal retirement age, your disability retirement benefit from SERS will be discontinued. You will receive both vesting service and credited service in SERS for the period during which you received disability retirement benefits (provided that your total credit may not be more than 30 years or your actual years of service before becoming disabled, whichever is larger).

If you are not reemployed at this time, and if you satisfy the age and service requirements, you will be deemed to have retired under a normal or an early retirement, and your pension will be adjusted under the rules governing those types of retirement. If you satisfy the service requirement for a vested rights retirement, you will retain the right to begin receiving retirement benefits at any time after you reach minimum retirement age.

If, at the time of your recovery, you have not satisfied the service requirement for a normal, early, or vested rights retirement, then you may receive a refund, with interest, of the contributions you made to SERS during your period of active employment.