

## Application Filing Process & Frequently Asked Questions

### WHO IS ELIGIBLE TO APPLY?

Any member of the Employees' Retirement System (ERS) who has at least 13 years, 4 months of creditable service, is currently employed, and has a permanent disabling condition is eligible to apply for disability benefits. An employee must be employed on the date the application is received in the ERS office. When a completed application is filed with ERS, the employee must go on leave (either paid leave or leave without pay). Filing an application for disability retirement does not guarantee an approval.

### WHAT CONSTITUTES A DISABILITY?

O.C.G.A §47-2-123(b) provides for a disability retirement when the Medical Board certifies to the Board of Trustees the following:

- 1) member is medically or physically incapable of further performance of duties in:
  - a) the position held at the time the disability originated, and
  - b) in any alternative position offered (see next question/answer),
- 2) that the incapacity is likely to be permanent, and
- 3) that he or she should be retired.

### WHAT IS AN ALTERNATIVE POSITION?

The disability applicant must be offered an alternative position by his or her department if one is available. The offered alternative position must meet the following:

- 1) The physical requirements are compatible with the applicant's physical limitations, and
- 2) The annual compensation and possibility for advancement are comparable or greater than the current position, and
- 3) The duties are reasonably compatible with the applicant's experience and education, and
- 4) The position is covered under the applicant's Retirement Plan, and
- 5) The position is available within 45 calendar days of ERS acceptance of the disability application.

### HOW DO I APPLY?

You are required to submit your disability retirement application through your human resources office, to be forwarded to ERS for review and acceptance. Upon ERS acceptance, your agency then has ten (10) business days to interview you. Based on this interview, the disability information you have provided, and the above criteria, your agency will determine whether an alternative position is available. If no alternative position is available, your completed disability retirement application will be submitted to the ERS Medical Board.

If an alternative position is available and offered, you have four options:

- 1) **You can accept the position**, voiding your disability application.
- 2) **You can dispute your ability to perform in the alternative position** by submitting a written appeal to your agency and ERS within 30 days after receiving the offer. The Medical Board then determines whether you are reasonably capable of performing either your current job duties or those of the alternative position. The Medical Board's decision is final.
- 3) **You can refuse the alternative position after losing an appeal to the Medical Board**; however, this will invalidate your disability retirement application.
- 4) **You can refuse the alternative position and not file an appeal within 30 days**. This also voids your disability application.



## WHAT INFORMATION IS NEEDED?

You must complete parts I through V of the Application for Disability Retirement.

### **Part I – Retirement Application**

Includes member information, option choice, beneficiary designations, tax forms, and direct deposit form.

### **Part II – Employee’s Disability Self-Report**

Details the portion(s) of your job you cannot perform and why.

### **Part III – Employer’s Disability Report**

Your supervisor relates information regarding your employment. This includes their observations, a copy of your current job description or performance management plan, certification of employment, and a statement concerning any job accommodations that may have been made by your employer

### **Part IV – Physician’s Report**

Each physician who treated you for your disability within the last 18 months completes this form and attaches supporting medical records and documentation, including X-Rays, MRI’s, lab reports or other test results. **You are responsible for any charges associated with obtaining this information.**

### **Part V – Current Detailed Job Description**

Your employer provides information detailing your normal job duties. This job description must be given to all physicians and medical providers.

## WHO MAKES THE DECISION?

ERS employs the services of Board Certified physicians who are specialists in their respective fields. Three of these physicians who specialize in the area of your disabling condition receive a complete copy of your application, all disability forms and information, your current job description, and any offered alternative position’s job description (see page 1).

These Medical Board physicians independently review your application and make a recommendation regarding your disability status to the Board of Trustees. The Medical Board may request an independent medical examination performed by an outside specialist. In this case, ERS will arrange and pay for the examination.

## WHAT DETERMINES THE AMOUNT OF MY BENEFITS?

Disability retirement benefits are based upon age at retirement, total years and months of creditable service (including creditable leave\*), and the highest 24 consecutive months of salary. The plateaus of service and projection are:

- *13 years and 4 months through 18 years of service - 75% of the calculated benefit as if the employee worked until age 60*
- *18 years and 1 month through 22 years and 9 months of service - 100% of the calculated benefit as if the employee worked until age 60*
- *22 years and 10 months through 27 years and 6 months of service - 75% of the calculated benefit as if the employee worked until age 65*
- *27 years and 7 months or more service - 100% of the calculated benefit as if the employee worked until age 65*

While an employee who is age 60 or older (except if hired on or after July 1, 2007 - see below) may apply for disability benefits, there is no projection, and benefits are equal to those payable for a service retirement. For employees who first or again become a member of ERS on or after July 1, 2007, you are able to apply for disability retirement once you have attained 13 years and 4 months of creditable service, but the service projection to either age 60 or 65 will not be available. For employees first or again hired on or after January 1, 2009 and covered under the Georgia State Employees’ Pension and Savings Plan, you are able to apply once you have attained 15 years of creditable service, however projections are not available. Disability benefits will be calculated the same as service retirement, but without regard to age. (For more information about service retirement benefits, see our publication “ERS Handbook,” available at [www.ersga.org](http://www.ersga.org).) Also, anyone becoming a member on or after July 1, 2007 who is at least age 60 or has at least 30 years of creditable service will be ineligible to apply for disability retirement.

*\*Creditable leave (certified by your agency) will count towards service credit as long as you have a minimum total of 960 hours (6 months) of sick leave plus forfeited leave. (Accrued annual leave is not used. Your agency is required to pay you for that leave at the time you terminate employment.)*

## *CAN I KEEP ERS LIFE INSURANCE?*

As a member of ERS, you have life insurance equal to 18 times your gross monthly salary. The amount of life insurance will not increase for active employees who work beyond age 60, even if the gross monthly salary increases. As a working employee, a small portion of your ERS payroll deduction covers the premium for this insurance. At the time of retirement, your life insurance amount freezes and...

- ***If you have ERS service prior to 4/1/64*** your coverage will not reduce. You will have a small premium deducted from your monthly benefit.
- ***If your ERS membership is after 4/1/64*** as a disability retiree you would maintain the full value of this insurance until the age of 60, at which time the coverage would decrease by 30% and freeze. There are no premiums after retirement.

NOTE: For employees first or again hired on or after January 1, 2009 and covered under the Georgia State Employees' Pension and Savings Plan, life insurance coverage is not provided.

## *WHAT WILL BE DEDUCTED FROM MY BENEFIT?*

ERS only deducts for Federal Income Tax, State of Georgia Income Tax, Health and Dental Insurance, and any IRS directed or court ordered deductions.

- As an ERS retiree, you may be eligible to continue your State Health and Dental Insurance with premiums deducted from your retirement benefit. Questions regarding your health or dental coverage should be addressed to State Health Benefits or Flexible Benefits.
- If you have other insurance through the Flexible Benefits program, such as additional life insurance, spousal life insurance, etc., you should contact the Flexible Benefits office regarding continuation. Deductions would not be made from your allowance for these types of coverage after retirement.

Health Benefits: (404) 656-6322 / 1-800-610-1863

Dental/Flex Benefits: (404) 656-2730 / 1-888-698-0490

## *CAN I WORK AFTER RETIREMENT?*

You are subject to medical re-examination annually for the first five years following retirement and every three years thereafter until you reach age 60. If it is determined that you, as a disability retiree, are engaged in or are able to engage in a gainful occupation paying more than the difference between your retirement allowance and the earnable compensation you were receiving at the time of retirement, ERS will reduce your pension to an amount which, together with your annuity and the amount earnable by you, equals the earnable compensation you were receiving at the time of retirement. If your earning capacity changes, the amount of the pension will be further modified so that the modified pension shall not exceed an amount which, together with your annuity and the amount earnable by you, equals the earnable compensation you were receiving at the time of retirement. Discontinuance of the pension may occur if the disability retiree fails to comply with the examination request.

If a disability retiree returns to employment in an ERS-covered membership position, the disability retirement allowance will cease and the retiree will again become a contributing member of ERS.



## *KEY POINTS*

- You should have an estimate of your disability benefits calculated by ERS prior to applying for disability benefits.
- You must be employed by your agency on the date your application is received in the ERS office. You may be in leave without pay status, but you must not have terminated. Once an application is accepted by ERS you must go on leave (either paid leave or leave without pay).
- You have one year (12 months) from the date an application is received in this office for processing. No evidence received after the expiration date will be considered.
- An effective date of retirement can be no earlier than 30 days after an application is received. Retirement dates are on the first of the month.



## *APPLICATION TIMETABLE*

Agency Head/ Designee Interview 10 business days	Agency Job Offer 35 calendar days	Employee Accept/Dispute Job Offer 30 calendar days	Medical Board Final Decision 10-15+ business days
Application Accepted by ERS and Agency Notified cumulative days → 10	cumulative days → 45	cumulative days → 75	cumulative days → 90+ days

For more information regarding the Employees' Retirement System disability benefit process, please contact this office at (800) 805-4609 or (404) 350-6300, or visit our website at [www.ersga.org](http://www.ersga.org).

## EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA

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