

Disability

Member Handbook

An Overview of Disability Benefits

For active State and Teacher members, and active PLD members who are covered under the MainePERS Article 3-A Disability Plan



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maine **PERS**
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An Overview of Disability Benefits

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The information in this handbook is intended to give you a general understanding of benefits available to members of Maine Public Employees Retirement System (MainePERS). The contents are not the basis of any rights between MainePERS and any party, nor does this handbook provide all of the detail of the laws and rules that govern MainePERS membership and related rights. There are frequent changes to the statutes and rules relating to MainePERS, and the most recent law may not be reflected in this handbook. Before making a decision relating to your rights and benefits, you should review current law, and consult with MainePERS staff and your own advisers.

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Members of the Maine Public Employees Retirement System (MainePERS) are covered by a disability retirement program. This booklet is intended to assist you in understanding the disability application process and eligibility for benefit payments.

ELIGIBILITY FOR DISABILITY BENEFITS

- Being a member of MainePERS is the first requirement when applying for disability benefits. If you have received a refund of your member contributions, you are not eligible to apply for disability benefits. Other requirements include the following:
- Your medical condition results in a permanent mental or physical incapacity that makes it impossible for you to perform the duties of your job or of another job of comparable stature and compensation that your employer offers you.
- You became incapacitated prior to reaching your normal retirement age of 60 or 62 unless you are a member of a special plan or you are covered under the non-age restricted disability provisions. MainePERS is available to assist you in determining which provisions govern your eligibility for disability benefits.
- Your incapacity arose while you continued to receive compensation from your employer and paid contributions to MainePERS for the compensation.
- Your employer is unable to modify the duties of your employment position including changing your job duties or the way you perform a certain task, or providing special equipment for your use.
- If, at the time you apply for disability retirement benefits, you have already been incapacitated for two or more years, you must also demonstrate that your incapacity makes it impossible for you to engage in any substantially gainful activity for which you are qualified based on training, education, or experience. This means that you are able to earn at least 80% of your average final compensation, adjusted by a cost-of-living allowance.

If you are applying for benefits based on a medical condition that existed prior to your membership in MainePERS, you will need to have accrued continuous creditable service or demonstrate that the pre-existing medical condition is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of your employment.

If you have questions about this information or your circumstances, please contact MainePERS for assistance.

WHEN TO APPLY

If you are unable to perform the duties of your employment position due to a medical condition and you expect this situation to be permanent, you may want to apply for disability benefits.

Consider your circumstances and determine the best approach for you. Generally, members apply for disability prior to exhausting all their vacation and sick leave. While there is a retroactive benefit provision, it extends to only the six months preceding the date your application is received by MainePERS.

If you are planning to terminate your job or go on an unpaid leave of absence prior to receiving a decision on your disability application, this action could affect benefits such as health and life insurances as well as survivor benefits. Consider discussing your options with your employer before you terminate your employment.

HOW TO APPLY

Contact MainePERS at 207-512-3170; toll-free 1-800-451-9800, or TTY 207-512-3102. The application is available for download at www.maineper.org. The application is brief and requires specific information such as:

- a list of the medical condition(s) you want MainePERS to consider.
- a list of all physicians or other caregivers who have treated you

- a list of any hospitals or clinics where you have received treatment
- identify your primary care physician
- provide information about the job you held when you became incapacitated, what tasks you are unable to perform, and the name of your employer

Complete the consent forms so that MainePERS is able to obtain records from the healthcare providers you identify on your application and information about your employment from your employer.

Gathering medical information is an important part of the work that MainePERS does in processing your application. As the applicant, the information you provide about medical treatment assists MainePERS in determining your eligibility for disability benefits. The medical information needs to establish the existence of your medical condition(s), the functional limitations that make it impossible for you to perform your job duties and that those limitations are expected to be permanent. If you have questions about this information, please contact MainePERS.

The application process typically takes three to six months. Partnering with the Disability Specialist managing your application is one way to ensure that MainePERS receives all the information necessary to complete the application process.

WORKERS' COMPENSATION AND SOCIAL SECURITY

If the condition(s) for which you are applying for a disability benefit is work related, the statute requires that you provide proof of applying for Workers' Compensation benefits.

If you are employed by an employer who also pays into Social Security, the statute requires that you provide proof that you have applied for Social Security disability benefits before you file a MainePERS disability application.

If questions arise when reading this booklet or when completing the disability application, please contact MainePERS. We have representatives available to assist you with your questions or to aid in the completion of your application.

WHAT HAPPENS AFTER APPROVAL OR DENIAL

Approval:

If your application for disability benefits is approved, MainePERS will call you and notify you in writing. To begin receiving a disability benefit, you must terminate your employment position. Then, your employer provides verification to MainePERS of the last date you receive pay. This information determines the effective date of your disability benefit.

Denial:

If your application for disability benefits is denied, MainePERS will call you and notify you in writing about why your application was denied. The letter will also provide information about appealing the denial of your application. All appeals must be filed within 30 days of receiving an adverse decision.

REVIEWING YOUR CONTINUED ELIGIBILITY FOR DISABILITY BENEFITS

If you're approved for disability benefits, MainePERS will periodically review your continuing eligibility for these benefits. Although MainePERS may initiate a review at any time, the general practice is to review each person once every two years. Unlike your initial application for disability, the review looks beyond just your former employment position to any type of employment that allows you to engage in substantially gainful activity. This means any type of work for which you are qualified by training, education, or experience, and for which you could earn an amount equal to your substantially gainful activity standard. The standard is based upon the greater of either 80% of your average final compensation (the average of your three highest years of compensation) or \$20,000, adjusted by any cost-of-living allowance.

If MainePERS determines that you are no longer eligible for disability benefits, statute requires that your benefit be discontinued. However, benefit payments continue if you engage in actively seeking work and provide documentation of your employer search to MainePERS.

REHABILITATION SERVICES

If your application for disability benefits is approved, MainePERS may arrange vocational rehabilitation services at your request to assist with the transition back into the workforce. The vocational rehabilitation focus is on providing services that, in combination with your training, education and experience, would allow you to engage in employment considered substantial gainful activity.

BENEFIT AMOUNTS

The amount of your disability benefit is determined by whether you are covered by the age or non-age restricted provision.

- **No-Age Limit Disability Provision** - pays 59% of your average final compensation for as long as you continue to be eligible for disability benefits. Your disability retirement benefit will change to regular service retirement at the point when the two benefits become equal. This provision allows members who continue to work past their normal retirement age to apply for disability benefits if they become disabled.
- **Age-Limited Disability Provision** - pays 66 2/3% of your average final compensation for as long as you continue to be eligible for disability benefits. Your disability retirement benefit will change to a regular service retirement benefit at the point when the two benefits become equal, or 10 years after your normal retirement age, whichever occurs first. This provision requires that you become disabled prior to reaching your normal retirement age.

For help in determining which provision you're covered by, please contact MainePERS.

THE EFFECT OF OTHER INCOME ON YOUR MAINEPERS DISABILITY BENEFIT

- Other types of income may affect your MainePERS disability benefit. For example, if: 1) you receive disability benefits under Workers' Compensation (or a similar law) for the same disability, or 2) you receive Social Security disability benefits for the same disability and from the same employment that qualifies you to receive MainePERS disability benefits. The combination of these benefits and your disability retirement benefit cannot exceed 80% of your average final compensation. This means that your MainePERS benefit may be reduced.
- Informing MainePERS about other types of income is important in order to avoid an overpayment of benefits from MainePERS that would later have to be repaid.

If, while you receive a MainePERS disability benefit, you receive a lump-sum settlement from Workers' Compensation or Social Security, notify MainePERS immediately in order to determine whether your MainePERS benefit needs to be adjusted.

EARNINGS FROM EMPLOYMENT

If your medical condition(s) permit, you may earn money while receiving your MainePERS disability benefit. The amount you are eligible to earn is limited by statute. If you earn amounts equal to or greater than 80% of your average final compensation adjusted by any cost-of-living allowance, your benefit may be terminated. To find out the amount you may earn before affecting your benefit, please contact MainePERS. You must also report your annual earnings to MainePERS.



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CONTACT US!



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