



Mail completed form to:  
30-30 47th Avenue, 10th Fl  
Long Island City, NY 11101

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## INSTRUCTIONS FOR MEMBERS FILING FOR DISABILITY RETIREMENT

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**Please follow these instructions carefully. They are designed to ensure that your application will be processed promptly.**

- **Please check the application packet to see that all of the following forms are included:**
  - Application for Accident Disability Retirement or Application for Ordinary Disability Retirement
  - Applicant's Personal Report of Disability
  - Physician's Report of Disability
  - General Authorization For Medical Information
  - Disability Questionnaire
  
- Make sure that the application is acknowledged before a Notary Public or Commissioner of Deeds before it is mailed to NYCERS. If you are submitting the application in person you will not have to have it notarized if you can show a job identification card (picture).
  
- Have the Physician's Report of Disability filled out by the physician who has been treating you for the disabling condition. We have included three copies of this form, in case you have been treated by more than one physician. Please note that you must complete the authorization at the bottom of the form.
  
- The Applicant's Personal Report of Disability must contain the names of all hospitals, medical groups and physicians that have treated you for the disabling condition.
  
- A separate General Authorization for Medical Information must be completed for each hospital and medical group listed on the Applicant's Personal Report of Disability form as having treated you for your disabling condition. Hospitalization information should include the dates of admission and discharge and your hospital number.
  
- If you have any questions concerning these instructions, please call the Medical Division.

**Please read carefully: It is your responsibility to:**

1. Submit all current medical evidence to support the claim for disability retirement at least 10 days prior to the date you will be given an appointment to appear before the Medical Board. We will request medical evidence on your behalf from a hospital or H.I.P. center (not personal physicians). We cannot schedule you to come before the Medical Board until we have the required medical evidence. If the evidence is not received timely, your application could be officially suspended or closed, and you may not be eligible to reapply for disability retirement depending on your employment status.
2. Submit all X-Rays, CT Scans, MRI Films, and reports by the appointment date.
3. (For Tier 3 and Tier 4 members with Tier 3 rights only) Submit proof of filing for a Primary Social Security Disability Award within 60 days of applying for disability retirement with NYCERS. See the application for details.
4. Provide (if you are approved for Accident Disability Retirement or a Line-of-Duty Disability Retirement, except Uniformed Sanitation members) a recent Workers' Compensation Notice of Decision when you submit your option selection forms. If you are not receiving Workers' Compensation benefits, you must submit a statement from the Workers' Compensation Board regarding the status of your case. We cannot finalize payment of your disability benefits until we have this information.
5. Notify this office immediately if you plan to have surgery for the illness/injury for which you are applying for disability retirement. We will schedule you to appear before the Medical Board (if you submit the required medical evidence) prior to the surgery since the Medical Board will not be able to examine you for this illness/injury until six months after the surgery. **If you do not appear for this examination, you must submit proof that you were medically unable to do so. Failure to provide this proof will result in the suspension or closure of the application and depending on your employment status, you may not be eligible to re-apply for disability retirement. Please bear in mind that you will have to be examined by the NYCERS Medical Board before a determination can be made on your application for disability retirement.**

**Please note: Should you apply for and receive a return of your accumulated salary deductions your membership will terminate and your application will not be processed.**



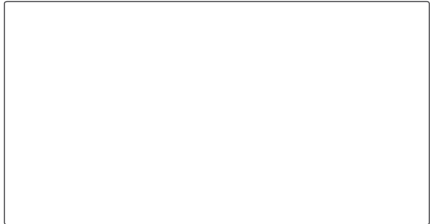


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## Application for Disability Retirement Tier 2 Members

This application is for Tier 2 Members who wish to apply for a Disability Retirement. Please be sure you read and understand the requirements for filing for a Disability Retirement located on the Instructions and Terms pages. In order for the New York City Employees' Retirement System (NYCERS) to process this application, this form must be completed in its entirety. **NOTE: If the address you provide on this form is different from your address on file with NYCERS, the new address will become your official address in NYCERS' records.** If you have any questions, contact NYCERS' Call Center at 347-643-3000.

In addition to this application, you must also submit to NYCERS:

- Physician's Report of Disability (Form #606)
- General Authorization for Release of Medical Information (Form #608)
- NYCERS Questionnaire (Form #609)

**Save time by applying online.**  
Log in/register at [www.nycers.org](http://www.nycers.org)

### Select a Benefit:

Be sure to read the requirements on the Instructions and Terms pages to determine the law you are eligible under. All applications will be processed according to the benefit(s) selected below.

**I am applying for (Select all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary Disability (NYC Admin. Code §13-167) | <input type="checkbox"/> Both Accident and Ordinary Disability (NYC Admin. Code §13-167 and §13-168) |
| <input type="checkbox"/> Accident Disability (NYC Admin. Code §13-168) | <input type="checkbox"/> World Trade Center (WTC) Disability Retirement (NYC Admin. Code §13-168)    |

NYC Admin. Code = New York City Administrative Code

### Member Information:

Member Number	Last 4 Digits of SSN	Phone Number	Date of Birth [MM/DD/YYYY]
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
First Name	M.I.	Last Name	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Address			Apt. Number
<input style="width: 95%;" type="text"/>			<input style="width: 95%;" type="text"/>
City		State	Zip Code
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Email Address			
<input style="width: 95%;" type="text"/>			
Agency		Title	
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	

### List your Disabling Conditions:

The conditions listed on this form are the **only** conditions the Medical Board will consider under this application.

<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>





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**Select a Temporary Option**

This application allows you to select a temporary option, which determines what will happen to your benefit if you should die before the date of your first full payment (the "Interim Period"). If you select either the 100% Joint-and-Survivor Option or the Ten-Year Certain Option, you must name a beneficiary. If you die before selecting an option, or if you fail to name a beneficiary, **NO DEATH BENEFIT WILL BE PAYABLE FROM NYCERS.**

Please read the descriptions for each option before choosing only one temporary option. **Note: You may not name your Estate for the Joint-and-Survivor Option.**

- **If you choose the Maximum Retirement Allowance**, do not name a beneficiary.
- **If you choose the 100% Joint-and-Survivor Option**, you may designate only one beneficiary. Under this option, NYCERS requires proof of birthdate for your beneficiary, as well as additional valid documentation, such as a marriage certificate(s), for all names that your beneficiary has been known by that are different from the name on the birthdate evidence you submit.
- **If you choose the Ten-Year Certain Option**, you may designate your Estate, **or** one primary and two contingent beneficiaries on this form. If space is needed for additional contingent beneficiaries, contact NYCERS' Call Center at 347-643-3000. Under this option, birthdate evidence for your beneficiary/beneficiaries is not required.
- **If you wish to select an option other than those provided on this form**, contact NYCERS' Call Center at (347) 643-3000.

**Choose Only ONE Option:**

Please provide information about your beneficiary/beneficiaries following the option you have elected (unless you elect the Maximum Retirement Allowance). Print neatly and in ink. Use your beneficiary's given name (Mary Smith, not Mrs. John Smith). **DO NOT** erase, use white-out, or cross out any typed or printed information on this form, as it renders the form invalid.

**Maximum Retirement Allowance** – I elect to receive the maximum lifetime retirement allowance payable to me. I understand that all payments cease upon my death, and that under this option I cannot elect a beneficiary.

**– OR –**

**100% Joint-and-Survivor** – This temporary option provides your designated beneficiary with a lifetime benefit if you die during the Interim Period. The benefit is calculated as if you had elected the 100% Joint-and-Survivor option as your final option. Among the factors considered in the calculation are the life expectancies of both you and your designated beneficiary. Under this option, you receive a pension lower than the Maximum Retirement Allowance because the same amount is to be paid over two lifetimes. In this case, the benefit payable to your beneficiary for their lifetime would be 100% of the reduced pension you would have received during your lifetime. **You may not nominate your Estate for this option.**

**The beneficiary whom I wish to nominate to receive the 100% Joint-and-Survivor benefit is:**

**Joint & Survivor Beneficiary**

First Name	M.I.	Last Name
Full Social Security Number	Date of Birth [MM/DD/YYYY]	Relationship
	/ /	
Address		Apt. Number
City	State	Zip Code

If this beneficiary is under the age of 21, you have the option to name a guardian of the property of the minor by checking this box and completing **Form #137.**

**Or Non Joint-and-Survivor Option, Next page...**





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**- OR - NON JOINT-AND-SURVIVOR OPTION**

**Ten-Year Certain (including Option One on annuity)** – Under this option, you receive a pension lower than the Maximum Retirement Allowance. If you die within ten years of your retirement, this same reduced monthly retirement benefit will be paid to your surviving primary beneficiary for the remainder of the ten-year period. If the designated primary beneficiary predeceases you, the balance of the payment continues to your contingent beneficiary. If none exists, it is paid in a lump sum to your Estate. Should a primary beneficiary die after receiving payments, the balance will be paid in a lump sum to your contingent beneficiary. If none exists, the lump sum balance is paid to the Estate of the primary beneficiary. You may nominate both a primary and contingent beneficiary/beneficiaries under this option.

**Section A - Designation of Estate for Ten-Year Certain as Primary Beneficiary.** (Check the box and leave Section B blank.)

I am nominating my Estate as my sole beneficiary. I understand that by checking this box, the benefit payable under the Ten-Year Certain Option will be payable to my Estate in a lump sum. In order for this selection to be valid, I may not write in any other beneficiary's name on this form, and I have, in fact, left all other designation of beneficiary sections on this form blank.

**Section B - Designation of individuals as beneficiary/beneficiaries to receive the Ten-Year Certain benefit.**

The beneficiary/beneficiaries whom I wish to nominate to receive the Ten-Year Certain benefit is/are:

Ten-Year Certain Primary Beneficiary	First Name	M.I.	Last Name
	Full Social Security Number	Date of Birth [MM/DD/YYYY]	Relationship
	Address	Apt. Number	
City	State	Zip Code	

If this beneficiary is under the age of 21, you have the option to name a guardian of the property of the minor by checking this box and completing **Form #137.**

**Note:** If naming multiple contingent beneficiaries, indicate the share of the benefit you would like each to receive. The combined percentage for all contingents named must equal 100%. **You may name your Estate as a contingent beneficiary.**

Ten-Year Certain Contingent Beneficiary	First Name/Estate Name	M.I.	Last Name
	Full Social Security Number	Date of Birth [MM/DD/YYYY]	Relationship
	Address	Apt. Number	
City	State	Zip Code	

If this beneficiary is under the age of 21, you have the option to name a guardian of the property of the minor by checking this box and completing **Form #137.**

Share of Benefit   %  

**Space for an additional contingent beneficiary on next page.**

**Sign this form and have it notarized, PAGE 4**





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**Additional Contingent Beneficiary for Ten-Year Certain Option:**

Ten-Year Certain Contingent Beneficiary	First Name/Estate Name	M.I.	Last Name
	Full Social Security Number	Date of Birth [MM/DD/YYYY]	Relationship
	Address		Apt. Number
City		State	Zip Code
<input type="checkbox"/> If this beneficiary is under the age of 21, you have the option to name a guardian of the property of the minor by checking this box and completing <b>Form #137</b> .			Share of Benefit <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; font-weight: bold;">%</div>

**NOTE:** If space is needed for additional contingent beneficiaries, contact NYCERS' Call Center at 347-643-3000.

**Federal Tax Withholding** – For complete instructions, refer to [www.irs.gov/forms-pubs/about-form-w-4-p](http://www.irs.gov/forms-pubs/about-form-w-4-p). If you do not complete this election, your tax deduction will be defaulted to “Single” with all other fields set to 0 (zero).  
If you do not want to withhold Federal income tax from your pension, skip fields 1 - 8 and place a check in field 9 below.

1. <input type="checkbox"/> Single or Married, filing separately <input type="checkbox"/> Married, filing jointly or Qualifying widow(er) <input type="checkbox"/> Head of household
2. Taxable income from a job or multiple sources of periodic payments (include spouse's taxable income if filing jointly): \$ _____ (If you (or your spouse) have a job, <b>do not</b> complete Steps 3-7 on this form.)
3. Number of qualifying children <b>under</b> age 17: _____ × \$2,000 = \$ _____
4. Number of other dependents: _____ × \$500 = \$ _____
5. Other credits: _____ \$ _____
Add lines 3 - 5. <b>Total Credits</b> = \$ _____
(Fields 6-8 are OPTIONAL.)
6. Other income: \$ _____      7. Other deductions: \$ _____      8. Extra withholding: \$ _____
9. <input type="checkbox"/> Do not withhold Federal income tax from my pension.

<b>Signature of Member</b>	<b>Date</b>

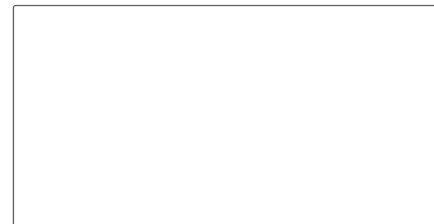
**This form must be acknowledged before a Notary Public or Commissioner of Deeds**

State of \_\_\_\_\_ County of \_\_\_\_\_ On this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, personally appeared before me the above named, \_\_\_\_\_ to me known, and known to me to be the individual described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same, and that the statements contained therein are true.  
**Signature of Notary Public or Commissioner of Deeds** \_\_\_\_\_  
**Official Title** \_\_\_\_\_ **Expiration Date of Commission** \_\_\_\_\_

If you have an official seal, AFFIX IT



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## Instructions

To apply for a Disability Retirement, complete this application together with Form #606 - Physician's Report of Disability, Form #608 - General Authorization for Release of Medical Information, and Form #609 - NYCERS Questionnaire, and submit them to NYCERS.

If you are submitting this application by mail, have it notarized by a Notary Public or Commissioner of Deeds, and mail it to 30-30 47th Avenue, 10th Floor, Long Island City, NY 11101. Forms #606, #608, and #609 do not require a notary, but if submitting by mail, send them to NYCERS' Medical Unit, 335 Adams Street, Suite 2300, Brooklyn NY 11201-3724.

Consultations with a disability retirement case manager are available **by appointment only**. To schedule an appointment, contact NYCERS' Call Center at 347-643-3000. To submit these forms in person to NYCERS, you may place fully completed and notarized forms in a secure Drop Box at the entrance of NYCERS' Walk-in Center, located at 340 Jay Street in downtown Brooklyn, Monday through Friday, 8 am to 5 pm.

NYCERS' Medical Unit will inform you of your Medical Board examination date.

If the Medical Board finds you disabled, and recommends retirement, the Medical Board report will be presented to the Board of Trustees. Thereafter, a letter will be sent setting forth the amounts payable under the various options available to you. You will then be required to select a final option. If you fail to select a final option in the period prescribed, you will be awarded the temporary option you selected when filing for Disability Retirement. If you choose not to select a temporary option, or your selection has been deemed invalid, you will be awarded the Maximum Retirement Allowance without optional modification.

If the Medical Board recommends denial of your application and the Board of Trustees accepts the recommendation of the Medical Board, a notice of the denial will be sent to you with your rights and remedies as a result of the denial.

See Terms on Next Page.







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## Terms

A Tier 2 Member of the New York City Employees' Retirement System (NYCERS), who is in City service, may apply for retirement:

### **Under the Ordinary Disability Retirement provisions of the Administrative Code of the City of New York (§13-167):**

On account of disability received from any cause, provided that the member has ten or more years of City service, and was otherwise in City service in each of the ten years preceding retirement, except for Correction Officers for whom there is no service requirement. Members of the Uniformed Sanitation Force plans are required to have five or more years of Allowable Sanitation Service, or ten or more years of City service and having been a member otherwise in City service in each of the five years before the date of retirement;

### **Under the Accident Disability Retirement provisions of the Administrative Code of the City of New York (§13-168):**

If physically or mentally incapacitated for the performance of City service as a natural and proximate result of an accidental injury received in such City service, while a member and not as a result of willful negligence on the part of the member. Such application must be filed with NYCERS within two years from the happening of such accident (except for members of the Uniformed Force of the Departments of Sanitation and Correction);

### **Under the World Trade Center (WTC) Disability Law of the Administrative Code of the City of New York (§13-168):**

The World Trade Center (WTC) Disability Law provides a rebuttable presumption of accidental disability for NYCERS Members who participated in WTC Rescue, Recovery or Clean-Up Operations and become disabled from a Qualifying Condition or Impairment of Health. Benefits are paid according to the provisions that cover accidental disability for your tier and title. For complete details and eligibility requirements, please read WTC Disability Law Fact Sheet #703, available on NYCERS' website at [www.nycers.org](http://www.nycers.org).

### **Withdrawal of Application**

You may withdraw your application for a Disability Retirement benefit by submitting [Form #619 - Withdrawal of Disability Retirement Application](#) to NYCERS' Medical Unit. This application can be withdrawn up to and until the Medical Board has finalized its findings on your application, and with approval of the Medical Board. You may not withdraw an application filed by your agency on your behalf.

### **Returning to Work**

Disability retirees who are returning to public service within New York City or New York State may be subject to post-retirement earning limitations. For complete details, please see NYCERS' [Brochure #958 - Earnings Limitations for Disability Retirees](#).







**Physician's Report of Disability**

**To be returned to NYCERS with member's application for disability retirement**

**To NYCERS' Medical Board:**

This is to certify that

First Name	M.I.	Last Name

an employee in the New York City Department of

is under my care for the following:

**Diagnosis:** (Clinical problem and duration)

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If caused by an accident: (Type, Place and Date)

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Date [MM/DD/YYYY]  

/ /

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When, if ever, may he or she return to the full duties of his or her title?

Date [MM/DD/YYYY]

/ /

**Objective evidence:**

X-Rays, EKG (Photocopies), Laboratory Reports, Pertinent physical findings, Consultant Reports, Hospital Reports, Etc.

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**Subjective evidence:**

Symptoms, Complaints, Etc.

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**Treatment and result:**

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Member Number	Last 4 Digits of SSN

Physician First Name	Physician Last Name	Title (MD, DO, DC etc.)

Address	Apt. Number

City	State	Zip Code

Signature of Physician	Date

**Applicant's Authorization for Release of Information**

Dear Doctor \_\_\_\_\_, you are hereby authorized by me to fill out this form for the information of the Medical Board of the New York City Employees' Retirement System.

Signature of Applicant	Date

First Name	M.I.	Last Name

in Care of (if applicable)	Full Social Security Number

Address	Apt. Number

City	State	Zip Code



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### General Authorization for Medical Information

Member Number	Last 4 Digits of SSN	Date of Birth [MM/DD/YYYY]
		/ /
First Name	M.I.	Last Name
Address		Apt. Number
City	State	Zip Code

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

1. This authorization may include disclosure of information relating to **ALCOHOL** and **DRUG ABUSE, MENTAL HEALTH TREATMENT**, except psychotherapy notes, and **CONFIDENTIAL HIV\* RELATED INFORMATION** only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission on Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.
6. **THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9(b).**

7. Name and address of health provider or entity to release this information:

8. Name and address of person(s) or category of person to whom this information will be sent:

9(a). Specific information to be released:

- Medical Record from (insert date) \_\_\_\_\_ to (insert date) \_\_\_\_\_
- Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films, referrals, consults, billing records, and records sent to you by other health care providers.
- Other: \_\_\_\_\_

Include: (Indicate by Initialing)

\_\_\_ **Alcohol/Drug Treatment** \_\_\_ **Mental Health Information** \_\_\_ **HIV-Related Information**

\* **Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which reasonably could identify someone as having HIV symptoms or infection and information regarding a person's contacts.**





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## Questionnaire for Disability Retirement Applicants

Member Number	Last 4 Digits of SSN	Phone Number	Date of Birth [mm/dd/yyyy]
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
First Name	M.I.	Last Name	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Address			Apt. Number
<input style="width: 95%;" type="text"/>			<input style="width: 95%;" type="text"/>
City		State	Zip Code
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

### To NYCERS' Medical Board:

I, the undersigned, believe that I am incapacitated for further service as a \_\_\_\_\_  
*Your Job Title*

in the Department of \_\_\_\_\_  
*Your Agency*

due to the disabling conditions listed on my Application for Disability Retirement.

**Questions 1-17 are to be completed by ALL members applying for Disability Retirement.**

### 1. What is the name of your union, and local?

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### 2. Did you have previous service with New York City or New York State prior to your current membership?

Yes     No

*If yes, provide a start date and an end date for each period of service:*

Period of Service	Start Date		End Date		Period of Service	Start Date		End Date	
	Month	Year	Month	Year		Month	Year	Month	Year
1.	___/___	___/___	___/___	___/___	3.	___/___	___/___	___/___	___/___
2.	___/___	___/___	___/___	___/___	4.	___/___	___/___	___/___	___/___

### 3. Are you a veteran?

Yes     No

*If yes, name the branch(es) you served in, and provide a start and end date for each period of service:*

Branch of Service	Start Date		End Date		Branch of Service	Start Date		End Date	
	Month	Year	Month	Year		Month	Year	Month	Year
	___/___	___/___	___/___	___/___		___/___	___/___	___/___	___/___
	___/___	___/___	___/___	___/___		___/___	___/___	___/___	___/___





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**4. List the name(s) of doctors or institutions from whom you are receiving, or have received in the past, treatment for your alleged conditions, including address(es) and frequency of visits:**

Name of Doctor or Institution	Address	Frequency of Visits

**Note:** The Physician's Report of Disability must be completed by each doctor listed above and submitted with your application.

**5. When did your symptoms begin?**

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Month                      Day                      Year*

**6. List the nature of treatment, including medications being taken:**

Treatment	Medication	Frequency

**7. Check boxes below to indicate tests performed (submit a copy of ALL REPORTS, if possible):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Blood and Urine         | <input type="checkbox"/> X-Rays                     | <input type="checkbox"/> EMG (Electromyogram)        |
| <input type="checkbox"/> EKG (Electrocardiogram) | <input type="checkbox"/> Myelogram                  | <input type="checkbox"/> CT scan                     |
| <input type="checkbox"/> Stress Test             | <input type="checkbox"/> Pulmonary Function studies | <input type="checkbox"/> Pathology or Biopsy Reports |
| <input type="checkbox"/> Other _____             |   |  |





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**8. I have been hospitalized and/or treated for this condition at the following hospital(s) and/or medical group(s):**

Name of Hospital/ Medical Group	Address	Date of Admission	Date of Discharge	Diagnoses	Was surgery performed?
					<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide date:
					<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide date:
					<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide date:
					<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide date:
					<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide date:

**Note:** An appropriate authorization for release of medical information must be completed for each hospital and/or medical group listed above, and submitted with your application.

**9. Do you feel that you are totally and permanently disabled from performing the usual duties of your title?**

Yes       No

**10. Are you working now?**

Yes       No

*If no, when did you stop?*

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Month      Day      Year







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**11. Did you file for Social Security Disability Benefits?**

Yes       No

**12. Are you receiving Social Security Disability payments?**

Yes       No

*If Yes, how much monthly?*

\$ \_\_\_\_\_

**13. Did you file a Workers' Compensation claim?**

Yes       No

**14. Are you receiving Workers' Compensation payments?**

Yes       No

*If Yes, how much bi-weekly?*

\$ \_\_\_\_\_

**15. Do you drink alcohol?**

Yes       No

*If Yes, how often?*

\_\_\_\_\_

*How much?*

\_\_\_\_\_

**16. Do you take any medications daily?**

Yes       No

*If Yes, what?*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**17. Do you use any recreational drugs?**

Yes       No

*If Yes, what and how often?*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If you are NOT filing for accidental disability, skip to page 6 and sign.**





Mail Completed Form to:  
335 Adams Street, Suite 2300  
Brooklyn, NY 11201-3724

NYCERS USE ONLY

F609

Member Number      Last 4 Digits of SSN

--	--

**Questions 18-33 are to be completed ONLY by members applying for Disability Retirement as a result of an incident that occurred while performing their job duties while in City service, or who have filed for a Performance-of-Duty Disability Retirement.**

**18. What is the date that the injury occurred?**

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Month      Day      Year*

**19. Were you on full duty at the time of the injury?**

Yes       No

**20. Were you performing any unusual work at that time?**

Yes       No

*If Yes, describe:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**21. What were you doing when you were injured?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**22. What part of your body was injured?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**23. How were you injured?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**24. Were there any witnesses to the incident when you were injured?**

Yes       No

*If Yes, give Name, Title and Address (if known):*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**25. When did you stop working because of the injury?**

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Month      Day      Year*

**26. Do you have proof of this occurrence?**

Yes       No

*If Yes, submit supporting documentation with this questionnaire.*

**27. When were you first treated for the injury referred to above, and by whom?**

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Month      Day      Year*

By whom? \_\_\_\_\_

Place? \_\_\_\_\_







Mail Completed Forms to:  
30-30 47th Avenue, 10th Fl  
Long Island City, NY 11101

NYCERS USE ONLY

F615

## Authorization for Release of Information

Only use this form to authorize the New York City Employees' Retirement System (NYCERS) to provide information and/or records to a third party on your behalf, upon request. If you have any questions, please contact NYCERS' Call Center at 347-643-3000. **NOTE: The address and contact information entered on this form will be used to update NYCERS' records if they differ from what is currently on file.**

Print clearly in CAPITAL letters using only blue or black ink.

Member Number OR	Pension Number	Last 4 SSN	Mobile Number
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
First Name	M.I.	Last Name	
<input style="width: 100%;" type="text"/>			
Address			Apt. Number
<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>
City		State	Zip Code
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Email Address			
<input style="width: 100%;" type="text"/>			

## Union and Employer Authorization

Do not share my Medical and Non-Medical records with my union or employer.

### Authorization for all other Entities

I hereby authorize the New York City Employees' Retirement System (NYCERS) to provide the information listed on page 2 regarding the NYCERS account referenced above to the following individual/entity (hereinafter Third Party):

First Name	M.I.	Last Name
<input style="width: 100%;" type="text"/>		
Name of Entity (if applicable)		
<input style="width: 100%;" type="text"/>		
Address		Apt. Number
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>
City		State
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>
		Zip Code
		<input style="width: 100%;" type="text"/>

Continue on the next page.





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Long Island City, NY 11101

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**F615**

Member Number  Pension Number  -  Last 4 SSN

<input type="checkbox"/> Any and all Non-Medical records. <input type="checkbox"/> Only the specified Non-Medical records listed below:  1. <input type="text"/> 2. <input type="text"/> 3. <input type="text"/> 4. <input type="text"/> 5. <input type="text"/>	<input type="checkbox"/> Any and all Medical records. <input type="checkbox"/> Only the specified Medical records listed below:  1. <input type="text"/> 2. <input type="text"/> 3. <input type="text"/> 4. <input type="text"/> 5. <input type="text"/>
---	---

I understand that NYCERS has no authority to control the future use or dissemination of any information released to the Third Party identified above. Therefore, I release NYCERS, the City of New York, and any officers, agents, or employees thereof, from any and all liability that may arise out of the Third Party's possession and/or use of the information and/or records provided pursuant to this authorization. This authorization is effective on the date signed below, and will remain in effect until NYCERS' receipt of a written, notarized revocation from the Member/Retiree/Beneficiary.

<b>Signature of Member</b>	<b>Date</b>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

**This form must be acknowledged before a Notary Public or Commissioner of Deeds.**

State of \_\_\_\_\_ County of \_\_\_\_\_ On this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, personally appeared before me the above named, \_\_\_\_\_ to me known, and known to me to be the individual described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same, and that the statements contained therein are true.

**Signature of Notary Public or Commissioner of Deeds** \_\_\_\_\_  
**Official Title** \_\_\_\_\_ **Expiration Date of Commission** \_\_\_\_\_

**If you have an official seal, AFFIX IT**





# Disability Retirement

Tier 1 and 2

July 2017

## TIER MEMBERSHIP INFORMATION:

1. Employees who became members of NYCERS prior to July 1, 1973 are members of Tier 1.
2. Employees who became members of NYCERS on or after July 1, 1973 and before July 27, 1976 are members of Tier 2.

## WHAT IS ORDINARY DISABILITY AND ACCIDENTAL DISABILITY?

An ordinary disability is defined as an injury or illness that prevents an employee from performing the routine duties of his or her job title.

An accidental disability can only result from an accident occurring in the performance of duty. The courts have defined the term accident as a “sudden, fortuitous mischance, unexpected, out of the ordinary, and injurious in impact.” Not every line of duty injury results in the award of an accident disability retirement benefit.

**The eligibility tables on the back page explain the filing requirements for ordinary and accidental disability.**

## WHAT INFORMATION MUST I SUBMIT TO NYCERS IN ORDER TO BE PROCESSED FOR DISABILITY RETIREMENT?

You must complete and submit the following NYCERS forms:

- Application for Ordinary Disability Retirement or Accidental Disability Retirement (Form #601 for Tier 1 members; Form # 602 for Tier 2 members)
- Your Personal Report of Disability (Form # 605)
- Your Physician's Report of Disability (Form # 606)
- General Authorization for Medical Information (Form # 608)
- Questionnaire to Be Completed by Applicant for Disability Retirement. (Form # 609)

Before you complete any of the above forms, read the instructions in Form # 801 which comes with the application.

If your disability was the result of an accident on the job, your agency must submit an Accident or Incident Report prepared by you and your manager or supervisor, completely describing all the injuries and the events surrounding them. This report is most valuable if it is written at the time of the accident.

Submit your own medical evidence if you are being treated by a private physician. This includes any medical information not otherwise reportable on Form # 606.

Submit all X-rays, CT Scans, MRI films, and reports before your scheduled appointment date with NYCERS' Medical Board.

## HOW DO I APPLY FOR A DISABILITY RETIREMENT?

Here are the steps for your initial application:

- Submit your application (completed and notarized).
- Authorize NYCERS to request information from your hospital or health care facility, AND/OR submit any and all medical evidence from a private physician to support your claim for disability.

NYCERS' will not process your disability retirement application until the Medical Division receives the items above and determines your eligibility. If you are not eligible, you will be notified in writing of the reason.

### Disqualifying Conditions:

You are no longer on payroll, with or without pay, when you appear before the Medical Board.

You did not apply for Accident Disability within two years from the date of the accident (except members of the uniformed forces of the departments of Correction and Sanitation).

You do not have sufficient *Credited Service* required by your Plan and Tier.

You vested, retired, or received a refund of your contributions which terminated your membership.

## WHAT HAPPENS ONCE NYCERS RECEIVES MY APPLICATION, AND HOW IS IT PROCESSED?

Once NYCERS receives your properly completed and notarized disability retirement application, NYCERS will:

1. Verify your eligibility to make application or ask your employing agency to verify your employment status.
2. Ask hospitals and health centers to provide a medical history, if you have completed Form # 608.
3. Verify that your case file, including medical records, is complete. (The processing of your case will be suspended or closed, if medical evidence is insufficient.)
4. Schedule you to appear before NYCERS' Medical Board for a medical interview and/or examination. (Confirm your appointment at least 7 days in advance by calling (347) 643-3000, press 8, then 1)

*(continued on page 2)*



**Note:** Failure to appear for your appointment before NYCERS' Medical Board, without medical proof that you were unable to do so, will result in official suspension of your disability retirement application. Depending on your employment status, you may not be eligible to reapply for disability retirement.

- NYCERS' Medical Board will review your medical file, conduct an interview and examination, and make its determination.

#### WHAT HAPPENS AFTER I AM INTERVIEWED AND/OR EXAMINED BY THE MEDICAL BOARD?

NYCERS' Medical Board will make a recommendation to approve, deny, or defer a decision on your application.

You will receive notification of the Medical Board's recommendation in writing within 30 days from your appointment.

#### WHAT HAPPENS IF THE MEDICAL BOARD RECOMMENDS APPROVAL OF MY DISABILITY APPLICATION?

NYCERS will ask your agency to verify the last day you worked and the last day you were paid, if not previously provided. Upon receipt, NYCERS will establish a retirement date, calculate your advance payment, and send you a letter advising you of the amount.

#### IF THE MEDICAL BOARD DETERMINES I AM DISABLED, WHEN DO I RECEIVE A BENEFIT CHECK?

NYCERS normally issues an advance payment between 60 and 90 days from the time you are notified of the Medical Board's approval of your application.

Approximately 90 days after you receive your first advance payment, you will receive a letter advising you of the final amount payable to you under the various options, and a description of your benefit options.

#### WHAT HAPPENS IF THE MEDICAL BOARD DENIES MY APPLICATION FOR DISABILITY RETIREMENT?

After NYCERS' Board of Trustees accepts the Medical Board's recommendation to deny your application, you may elect a review by a Special Medical Review Committee of three independent doctors. (Uniformed Correction Officers are not eligible for Medical Review.)

**Note:** Your union or employer must make a request, to the Executive Director of NYCERS, for you to appear before the Special Medical Review Committee. This election binds you to the Committee's decision. You also waive your rights to reapply for a disability retirement, and to challenge the decision in court (Article 78 relief).

Members who do not elect final medical review may reapply for disability retirement by filing another application and submitting current medical evidence not previously reviewed by the Medical Board.

Members must remain on their agency's payroll (with or without pay) in order to maintain their eligibility to refile.

You also have the right to appeal non-medical issues relating to a denial of your disability retirement application. Requests to appeal must be in writing.

NYCERS' Board of Trustees does not have the authority to make medical decisions, or to overrule medical decisions of the Medical Board. NYCERS' Trustees do make decisions about whether a disability is caused by an accident, or whether an incident is an accident.

#### WHAT HAPPENS IF THE MEDICAL BOARD DEFERS ITS DECISION?

NYCERS will notify you of the deferral and ask you to provide additional information or appear for an evaluation before an independent medical consultant.

You are required to provide all information or appear for evaluation, within 45 days of the date of the NYCERS' Medical Board letter. If you do not, your application will be suspended.

#### CAN AN APPLICATION FOR ORDINARY OR ACCIDENT DISABILITY RETIREMENT BE WITHDRAWN?

If NYCERS Medical Board has not finalized its findings, you may withdraw your application for a disability retirement benefit upon written request to NYCERS and approval of the Medical Board.

#### ARE THERE ANY LIMITATIONS ON INCOME EARNED WHILE I COLLECT A DISABILITY RETIREMENT BENEFIT?

Pensioners are subject to limits on the income they earn while collecting disability retirement benefits.

For disability retirees who have reached normal retirement age, there are no limitations on earnings from:

- Private sector employment
- Federal government employment
- Any public service employment outside the State of New York

Limitations apply at certain income thresholds. In addition to the limitations on your income, other rules may apply to your employment while you are disabled. Before accepting employment, you should write or visit NYCERS to determine whether you are subject to income limitations.





## AM I REQUIRED TO REPORT TO NYCERS ANY INCOME I EARN WHILE COLLECTING MY DISABILITY RETIREMENT BENEFIT?

Yes. Once each year, (until you reach normal retirement age) you will be required to complete and return to NYCERS, the New York City Employees' Retirement Safeguards Information Affidavit disclosing your income during the preceding calendar year.

## WHAT HAPPENS IF I AM NO LONGER DISABLED AND WANT TO RETURN TO WORK?

Members retired by reason of disability for one year or more may request a Medical Board re-examination to establish their ability to return to work.

In some cases, the Medical Board may approve a disability retirement application contingent on re-examination at a later date. By law, each year, until you reach normal retirement age, you may be required to be re-examined by NYCERS Medical Board.

If, upon re-examination, the Medical Board determines that you are no longer disabled, the Department of Citywide Administrative Services will place your name on a list of preferred eligible candidates for appointment to a position in a salary grade not exceeding that from which you retired. Disability benefits will continue to be paid until you are offered a job. If you return to work, or fail to return to work when called, NYCERS will discontinue payment of your disability benefit.

**Note:** To be restored to active NYCERS' membership, please notify NYCERS' Pension Payroll Division immediately upon your return to work. Failure to do so may jeopardize your rights to future retirement benefits.

## ARE THERE TAX CONSEQUENCES ON DISABILITY RETIREMENT BENEFITS I RECEIVE?

Ordinary and accident disability retirement benefits are not subject to New York State and local income taxes. Ordinary disability retirement benefits are subject to Federal income tax.

Members who receive a  $\frac{3}{4}$  accidental disability retirement benefit are not subject to Federal tax on their benefit.

## WILL I GET A REDUCTION IN BENEFIT BECAUSE OF OTHER GOVERNMENT BENEFITS I MAY RECEIVE?

There is no reduction in benefit because of any Social Security payments.

Accident disability retirement benefits are reduced by 100% of any workers' compensation payments you receive.

## WHO ADMINISTERS MY HEALTH INSURANCE COVERAGE?

**NYCERS does not administer health insurance benefits.**

Ask your agency's personnel or human resources department about active employees' health insurance.

Questions regarding retirees' health insurance benefits and deductions should be directed to the following:

<b>NYC Office of Labor Relations:</b>	<b>(212) 513-0470</b>
<b>NYC Transit Authority:</b>	<b>(646) 376-0123</b>
<b>TBTA:</b>	<b>(646) 252-7935</b>



# Disability Retirement Tier 1 & Tier 2 Eligibility Requirements

PLAN	ORDINARY DISABILITY ELIGIBILITY BY YEARS OF SERVICE
Tier 1 Plans A & B Tier 2 Plans C & D Tier 1 Fractional	Ten or more years of <i>Membership Service</i> <b>and</b> while a member on payroll (with or without pay)
Tiers 1 & 2 Uniformed Sanitation Force	Five or more years of <i>Allowable Sanitation Service</i> <b>and</b> while a member on payroll (with or without pay)
Tiers 1 & 2 Transit Operating	Ten or more years of <i>Membership Service</i> <b>and</b> while a member on payroll (with or without pay)
Tiers 1 & 2 Uniformed Correction Force	No minimum service requirement, provided a member is on payroll (with or without pay)

**There are no minimum service requirements for Accidental Disability Retirement**

**Note:** Terms in italics are defined in the Summary Plan Description for your Tier and Program. Terms which sound alike may have different definitions in the various Tiers and Programs.

## Ordinary Disability Retirement Effective Date & Filing Requirements

PLAN	EFFECTIVE DATE	FILING REQUIREMENTS
Tier 1 Plans A & B Tier 2 Plans C & D Tiers 1 & 2 Uniformed Sanitation Force Tiers 1 & 2 Transit Operating Force	Day after last day paid on employer's payroll, but not less than 30 days, or more than 90 days after the date application was filed with NYCERS.	You or another person acting on your behalf <b>or</b> A committee or conservator duly appointed by a court of competent jurisdiction <b>or</b> The head of the agency where you are employed  You must be on your agency's payroll (with or without pay) when your application is filed and while it is pending.
Tiers 1 & 2 Uniformed Correction Force	Day after last day paid on your employer's payroll.	

## Accidental Disability Retirement Effective Date & Filing Requirements

PLAN	EFFECTIVE DATE	FILING REQUIREMENTS
Tier 1 Plans A & B Tier 2 Plans C & D Tiers 1 & 2 Uniformed Sanitation Force Tiers 1 & 2 Transit Operating Force	<b>Later of:</b>  The date the application is filed <b>or</b> The date immediately following the date you were last paid on your employer's payroll.	You or another person acting on your behalf <b>or</b> A committee or conservator duly appointed by a court of competent jurisdiction <b>or</b> The head of the agency where you are employed  You must be on your agency's payroll (with or without pay) when your application is filed and pending.  <b>Additional requirement for Tier 1 Plans A&amp;B, Tier 2 Plans C&amp;D, and Tiers 1 and 2 Transit Operating Force:</b> Application must be filed within 2 years from date of accidental injury in City service. If application is denied because you were not incapacitated for performance of regular job duties at time of examination, you may reapply for reconsideration at any time within 5 years of accidental injury in City service, provided you have not attained age 55 for Tier 1 members, age 62 for Tier 2 members, or age 50 for Tiers 1 and 2 Transit Operating Force members.
Tiers 1 & 2 Uniformed Correction Force	The day after last day paid on employer's payroll.	You or another person acting on your behalf <b>or</b> A committee or conservator duly appointed by a court of competent jurisdiction <b>or</b> The head of the agency where you are employed. You must be on your agency's payroll (with or without pay) when your application is filed and while it is pending.

# Simultaneous Filing of Retirement Applications



NYC EMPLOYEES'  
RETIREMENT SYSTEM

All Tiers

August 2022

As of December 1, 2017, under certain circumstances, NYCERS members may choose to file both a service retirement application and any disability retirement application (e.g., an ordinary disability application, an accidental disability application, and/or a World Trade Center disability application) at the same time. This fact sheet answers commonly asked questions regarding simultaneous filing.

## When should a member file for disability or service retirement?

Members can file for either disability or service retirement, or both, at any time, once they:

- Meet the respective eligibility/filing requirements for both service retirement and disability retirement. See eligibility/filing requirements on NYCERS' website at [nycers.org/forms-publications](http://nycers.org/forms-publications); **AND**
- File the disability application(s) **prior to the effective retirement date** on the service retirement application.

## What are the advantages of filing both a service retirement application and disability application(s) simultaneously?

- Simultaneous filings permit an eligible member to start receiving a benefit (partial payments and health insurance) as soon as their first application is approved, without hindering other applications in progress.
- If the member is later approved under a different retirement benefit, the member may choose to retire under the second benefit (in some circumstances), and the benefits will be retroactive to the first retirement date, or to the earliest date permitted by law. However, with some exceptions, if a member is approved by the NYCERS Medical Board for disability retirement, the member **CANNOT** choose to retire for service. If a member is approved for a service retirement and is subsequently approved and retired under a disability retirement, the better of the two benefit calculations is used; however the retirement date can change.

## Does a member need to file for both types of retirement?

It is a member's choice to file for either type of retirement, or both.

**NOTE:** If a member has 20+ years of service and is eligible for a service retirement benefit, their benefit amount may not be greater if they are awarded an ordinary disability benefit.

A member may withdraw their disability application at any time prior to, but not after, NYCERS' Medical Board's determination. If such determination is an approval for disability benefits, the classification of disability retirement applies and is irrevocable.

## How will a member receive pension payments if they file for both types of retirement?

In most cases, the service retirement benefit is payable before the disability application is processed because the service retirement benefit is processed based on the retirement date elected. Therefore, a member would receive a **partial payment for the duration of the disability application process** and, if approved for a higher benefit, would receive the increase in benefits at the time their disability case is finalized. **Note:** A service retirement benefit cannot be finalized while a disability retirement application is still in process. Disability retirement processing can be extensive based on the type of disability filed, NYCERS' Medical Board/Board of Trustees' review, and/or any pending appeals/litigation, etc.

## Will a member receive two payments?

No. A member will only receive one payment. However, depending on the outcome of their disability retirement application, they could initially be paid based on the service retirement amount, and later switched to a disability benefit.



## How long does it take to process a member's applications?

Service retirement applications are processed immediately after the retirement date has passed. Payments are usually initiated either in the same month or the month following the retirement date, depending on the date of retirement. Disability retirement applications can take significantly longer to process due to NYCERS' requests for a member's medical/accident reports, medical records, interview/examination by NYCERS' Medical Board, ratification by the Board of Trustees, appeals, etc.

## What if a member no longer wants to wait for the disability application to be processed?

If a member does not wish to continue with their disability retirement application, they can withdraw their application prior to receiving a final decision of approval from the NYCERS Medical Board. If a disability retirement application is filed by a member's agency, the application can **only** be withdrawn by the agency.

## What happens when a member's disability application is approved by NYCERS' Medical Board?

After a member's disability retirement application is approved, their last day paid information will be requested from their agency, and their calculations will be initiated. Next, they will receive their Option Election package and their benefit will be finalized under disability retirement. Their service retirement application is then closed.

**NOTE:** World Trade Center reclassification cases can be processed after the service retirement is finalized.

## What happens if a member's application is denied by NYCERS' Medical Board?

If a member's disability retirement application is denied by NYCERS' Medical Board and there is no accident/causality issue to appeal before the Board of Trustees, and they have also filed for service retirement, their service retirement application will resume normal processing.

## What happens if a member appeals their disability denial?

If a member is found disabled by NYCERS' Medical Board, but the member's disability retirement application is denied by NYCERS' Medical Board due to an accident/causality issue, the member may appeal before the Board of Trustees. If they have also filed for a service retirement, they will continue to receive their service retirement benefit (partial payment) until the appeal is finalized.

## How does a member know which retirement benefit is best for them?

NYCERS cannot tell a member which benefit is better for them since retirement dates, monetary amounts, income limitations, and refunds vary by person and retirement type. For more information, they can log in or register to their secure [MyNYCERS](https://www.nycers.org) account at [www.nycers.org](https://www.nycers.org) to:

- Review and compare disability, service and vested retirement benefit calculations for their tier, title and plan
- Complete estimates online
- Request an estimate for each benefit
- Submit a Service Request for additional information



# Earning Limitations for Disability Retirees



NYC EMPLOYEES' RETIREMENT SYSTEM

All Tiers

April 2023

## Tiers 1 and 2

**Limits Before Attaining Service Retirement Age - Section 13-171 of the NYC Administrative Code** provides that a disability retiree may receive income from employment in the **private** sector or the **public** sector if they have not yet met the age requirement (or service requirement for retirees of a special plan which permits retirement without regard to age) under their retirement plan. The amount a retiree may earn is the difference between the maximum current salary of the next higher title from that which they retired, and the **maximum** pension portion of their retirement allowance.\*

**Limits After Attaining Service Retirement Age** - Once a disability retiree attains the minimum age requirement (or service requirement for retirees of a special plan which permits retirement without regard to age) for their retirement plan, **Section 1117 of the NYC Charter** governs post-retirement public employment. Section 1117 provides that a retiree's pension must be suspended if their total pension and earned income from **the City, State or a municipality within New York State** exceeds \$1,800 in any year.\*\* NYC Transit retirees are not subject to this limitation. **Income from Public Benefit Corporations or the private sector is exempt from the \$1,800 limitation in the NYC Charter.**

## Tiers 3, 4 and 6

Disability retirees in Tier 3, 4, and 6 are generally subject to post-retirement earnings limitations. The extent to which these limitations apply depends on the specific law under which you retired. The following table shows the limitations under each law. If you do not know the disability law under which you retired, refer to the Retirement Resolution or data sheet which was given to you at retirement.

NYS Retirement & Social Security Law (RSSL) Section(s)	Earnings Limitations
Dual Purpose Disability Statutes for Tier 4 and Tier 6 Members, and Tier 3 Uniformed Corrections (605 & 507-a) Public & ***Private employment <b>anywhere</b>	<b>\$34,200 for 2022</b> (will change annually based on the Consumer Price Index) Exceeding this earnings limitation will result in the suspension of your pension for 12 months
Accidental Disability for Tier 4 and Tier 6 Uniformed Sanitation (605-b)	Tiers 1 & 2 safeguards apply (See Tiers 1 & 2 section above)
Line-of-Duty Disability for Tier 3 Uniformed Corrections (507-c) Line-of-Duty Disability for Tier 4 and Tier 6 Emergency Medical Technicians (607-b) Accidental Disability for Tier 4 and Tier 6 Deputy Sheriffs (605-c) Tier 3 General Members and 22-Year Plan [506 (Ordinary), 507 (Accidental)] Public employment <b>within NYS only</b>	\$1,800 (including any pension earned) per Section 1117 of the NYC Charter
Line-of-Duty Disability for Tier 3 Uniformed Corrections (507-c) Line-of-Duty Disability for Tier 4 and Tier 6 Emergency Medical Technicians (607-b) Accidental Disability for Tier 4 and Tier 6 Deputy Sheriffs (605-c) Tier 3 General Members and 22-Year Plan [506 (Ordinary), 507 (Accidental)] ***Private employment <b>anywhere</b> & Public employment <b>outside of NYS</b> after attaining age 65.	NO LIMITATION Tier 3 General Members and 22-Year Plan [506 (Ordinary), 507 (Accidental)] Members: If you are under the age of 65, please see section below <i>Income Limitations Pursuant to RSSL §507(d)</i> .
TRANSIT RETIREES ONLY (Retired under RSSL §§ 506, 507, 605) Public & ***Private employment <b>anywhere</b>	NO LIMITATION

### Income Limitations Pursuant to RSSL §507(d)

The income limitations specified in RSSL §507(d) apply to Tier 3 General Members and, CO-20, CF-20, CC-20, 22-Year Corrections, and 22-Year Corrections Enhanced Disability Benefit Members.

Pursuant to RSSL §507(d), even if a retiree's disability benefit from NYCERS is not based on a finding of disability from the Social Security Administration (SSA), the retiree is subject to the same income limitations as if they were a recipient of Social Security Disability benefits from the SSA. These income limitations are applied up until the retiree reaches age 65. The income limitations under RSSL §507(d) apply for Private employment anywhere & Public employment outside of NY State.

The income limitations for year 2022 are as follows:

#### Monthly substantial gainful activity amounts by disability type

Year	Blind	Not Blind
2022	\$2,260	\$1,350

If a retiree exceeds the income limitations in any given year up until attaining age 65, the retiree must be placed on a preferred list with the New York City Department of Citywide Administrative Services. The retiree's placement should be based on the positions the retiree is qualified for, in a salary grade not to exceed that from which the person retired. NYCERS will continue to pay the disability pension benefit until the retiree is picked up off a preferred list. Once the retiree is picked up off the list, NYCERS must cease paying the disability pension -- even if the retiree does not accept the position.

The income limitations specified in RSSL §507(d) apply to 22-Year Corrections and 22-Year Corrections Enhanced Disability Benefit Members who retire for accidental disability under §507 only after a medical examination takes place and a retiree is no longer found to be disabled.

\*Exceeding earnings limitations under Section 13-171 will result in the suspension of your pension for the remainder of that calendar year.

\*\*Since the pension and earned income are added together, most pensioners will exceed the \$1,800 income limit once they start working. The pension will remain suspended for as long as you continue to work.

\*\*\*Employment with a Public Benefit Corporation in NYS is considered Private employment.

