INSTRUCTIONS FOR MEMBERS FILING FOR DISABILITY RETIREMENT

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.

Mail completed form to:
30-30 47th Avenue, 10th Fl
Long Island City, NY 11101
Application for Disability Retirement Tier 1 Members

This application is for Tier 1 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 page. 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)

**Select a Benefit:**
Be sure to read the requirements on the Instructions and Terms page 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):**

- [ ] Ordinary Disability (NYC Admin. Code §13-167)
- [ ] Accident Disability (NYC Admin. Code §13-168)

NYC Admin. Code = New York City Administrative Code

**Member Information:**

<table>
<thead>
<tr>
<th>Member Number</th>
<th>Last 4 Digits of SSN</th>
<th>Phone Number</th>
<th>Date of Birth [MM/DD/YYYY]</th>
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</thead>
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First Name | M.I. | Last Name

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<th>Address</th>
<th>Apt. Number</th>
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City | State | Zip Code

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<tr>
<th>Email Address</th>
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Agency | Title

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<th>List your Disabling Conditions:</th>
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<tbody>
<tr>
<td>The conditions listed on this form are the <em>only</em> conditions the Medical Board will consider under this application.</td>
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</table>

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

Sign this form and have it notarized, PAGE 2
When you calculate my Disability Retirement benefit, please use the following person to estimate my Joint-and-Survivor Options (Note: This form is not a designation of beneficiary):

First Name | M.I. | Last Name
---|---|---

Date of Birth [MM/DD/YYYY] | Relationship
---|---

**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. ☐ Single or Married, filing separately  ☐ Married, filing jointly or Qualifying widow(er)  ☐ 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, **do not** complete Steps 3-7 on this form.)
3. Number of qualifying children **under** age 17: _____ x $2,000 = $ ____________
4. Number of other dependents: _____ x $500 = $ ____________
5. Other credits:
   $ ____________

Add lines 3 - 5. **Total Credits** = $ ____________

(Fields 6-8 are OPTIONAL.)

9. ☐ Do not withhold Federal income tax from my pension.

I, the undersigned, request to make application for Disability Retirement.

**Signature of Member**

Date

---

**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**

---

Sign this form and have it notarized, THIS PAGE
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 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, notice of the denial will be sent to you with your rights and remedies as a result of the denial.

Terms

A Tier 1 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;


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);


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.

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)

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

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

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

**Subjective evidence:**
Symptoms, Complaints, Etc.

**Treatment and result:**
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<th>Member Number</th>
<th>Last 4 Digits of SSN</th>
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<tr>
<th>Physician First Name</th>
<th>Physician Last Name</th>
<th>Title (MD, DO, DC etc.)</th>
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<th>Signature of Physician</th>
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**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.

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<tr>
<th>Signature of Applicant</th>
<th>Date</th>
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<th>M.I.</th>
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in Care of (if applicable) Full Social Security Number

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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.
Authorization to Discuss Health Information:

9(b). ☐ By initialing here _______ I authorize ____________________________

(Initials) Name of individual health care provider
to discuss my health information with my attorney, or a governmental agency, listed here:

________________________________________________________________________________________________________________________

(Assign/Firm Name or Governmental Agency Name)

10. Reason for release of information: ☐ At request of individual ☐ Other: __________________________

11. Date or event on which this authorization will expire: _____________________________________________________________

12. If not the patient, name of person signing form: _______________________________________________________________

13. Authority to sign on behalf of patient: ________________________________________________________________

All items on this form have been completed and my questions about this form have been answered. In addition, I have been provided a copy of this form.

Signature of Member or Representative authorized by law

Date

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 he or she acknowledged to me that he or she 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

Instructions for the Use of the HIPAA-compliant Authorization Form to Release Health Information Needed for Litigation

This form is the product of a collaborative process between the New York State Office of Court Administration, representatives of the medical provider community in New York, and the bench and bar, designed to produce a standard official form that complies with the privacy requirements of the federal Health Insurance Portability and Accountability Act ("HIPAA") and its implementing regulations, to be used to authorize the release of health information needed for litigation in New York State courts. It can, however, be used more broadly than this and be used before litigation has commenced, or whenever counsel would find it useful.

The goal was to produce a standard HIPAA-compliant official form to obviate the current disputes which often take place as to whether health information requests made in the course of litigation meet the requirements of the HIPAA Privacy Rule. It should be noted, though, that the form is optional.

When filling out Item 11, which requests the date or event when the authorization will expire, the person filling out the form may designate an event such as "at the conclusion of my court case" or provide a specific date amount of time, such as "3 years from this date."

If a patient seeks to authorize the release of his or her entire medical record, but only from a certain date, the first two boxes in section 9(a) should both be checked and the relevant date inserted on the first line containing the first box.
Questionnaire for Disability Retirement Applicants

Member Number

Last 4 Digits of SSN

Phone Number

Date of Birth [mm/dd/yyyy]

First Name

M.I.

Last Name

Address

Apt. Number

City

State

Zip Code

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?

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:

<table>
<thead>
<tr>
<th>Period of Service</th>
<th>Start Date</th>
<th>End Date</th>
<th>Period of Service</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
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<td>_____ / _____</td>
<td>_____ / _____</td>
<td>3.</td>
<td>_____ / _____</td>
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<tr>
<td>2.</td>
<td>_____ / _____</td>
<td>_____ / _____</td>
<td>4.</td>
<td>_____ / _____</td>
<td>_____ / _____</td>
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</table>

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:

<table>
<thead>
<tr>
<th>Branch of Service</th>
<th>Start Date</th>
<th>End Date</th>
<th>Branch of Service</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Name of Doctor or Institution</th>
<th>Address</th>
<th>Frequency of Visits</th>
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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:

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Medication</th>
<th>Frequency</th>
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7. Check boxes below to indicate tests performed (submit a copy of ALL REPORTS, if possible):

- [ ] Blood and Urine
- [ ] EKG (Electrocardiogram)
- [ ] Stress Test
- [ ] Other
- [ ] X-Rays
- [ ] Myelogram
- [ ] EMG (Electromyogram)
- [ ] CT scan
- [ ] Pulmonary Function studies
- [ ] Pathology or Biopsy Reports
Member Number     Last 4 Digits of SSN

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

<table>
<thead>
<tr>
<th>Name of Hospital/Medical Group</th>
<th>Address</th>
<th>Date of Admission</th>
<th>Date of Discharge</th>
<th>Diagnoses</th>
<th>Was surgery performed?</th>
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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

   / /
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.
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 Form to:
335 Adams Street, Suite 2300
Brooklyn, NY 11201-3724

Member Number Last 4 Digits of SSN

28. List the name(s) of doctors or institutions who treated you for the injury described, including address(es) and frequency of visits:

<table>
<thead>
<tr>
<th>Name of Doctor or Institution</th>
<th>Address</th>
<th>Frequency of Visits</th>
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</table>

29. Have you had any similar disability before the incident?
   □ Yes  □ No

30. Have you had any other accidents or incidents on the job (either before or after the incident claimed herein)?
   □ Yes  □ No

   If Yes, give dates and description of injury:
   
<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Year</th>
<th>Description</th>
</tr>
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</table>

31. Have you had any accidents or injuries off the job?
   □ Yes  □ No

   If Yes, give dates and descriptions of injury:
   
<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Year</th>
<th>Description</th>
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</tbody>
</table>

32. Did you return to light duty after the incident herein claimed?
   □ Yes  □ No

   If Yes, when?
   
   Start date:  
   Month / Day / Year
   
   End date:  
   Month / Day / Year

33. Did you return to full duty after the incident herein claimed?
   □ Yes  □ No

   If Yes, when?
   
   Start date:  
   Month / Day / Year
   
   End date:  
   Month / Day / Year

I will appear before NYCERS’ Medical Board at 340 Jay Street, Mezzanine Level, in downtown Brooklyn when I am scheduled to be examined.

Note: If you are unable to appear before NYCERS’ Medical Board for examination, please forward your physician’s certificate stating why.

Signature of Member Date

[Signature]
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: 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.

<table>
<thead>
<tr>
<th>Member Number</th>
<th>OR</th>
<th>Pension Number</th>
<th>Last 4 Digits of SSN</th>
<th>Phone Number</th>
</tr>
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<tbody>
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</tbody>
</table>

First Name          M.I.          Last Name

Address

Apt. Number

City          State          Zip Code

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 _____________________________________________ of _____________________________________________________________ with the following information regarding the NYCERS account referenced above (check all that apply):

☐ Any and all Non-Medical records.
☐ Only the specified Non-Medical records listed below:

Address:______________________________________________________ Daytime Phone: _______________________________

☐ Any and all Medical records.
☐ Only the specified Medical records listed below:

Union and Employer Authorization: ☐

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/Pensioner/Beneficiary.

Signature of Member/Pensioner/Beneficiary          Date

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 he or she acknowledged to me that he or she 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

340 Jay Street, Brooklyn, NY 11201

www.nycers.org

(347) 643-3000

30-30 47th Avenue, 10th Floor

Long Island City, NY 11101
Tier 1 and 2

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.

5. 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.

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

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.

WHAT HAPPENS IF THE MEDICAL BOARD DEFERS ITS DECISION?

NYCERS will normally issue 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?

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 DEFERS ITS DECISION?

NYCERS will inform 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.

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).
**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 ¾ 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:

- **NYC Office of Labor Relations:** (212) 513-0470
- **NYC Transit Authority:** (646) 376-0123
- **TBTA:** (646) 252-7935
### Disability Retirement Tier 1 & Tier 2 Eligibility Requirements

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

**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.

### Ordinal Disability Retirement Effective Date & Filing Requirements

<table>
<thead>
<tr>
<th>PLAN</th>
<th>EFFECTIVE DATE</th>
<th>FILING REQUIREMENTS</th>
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</thead>
<tbody>
<tr>
<td>Tier 1 Plans A &amp; B</td>
<td>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.</td>
<td>You or another person acting on your behalf or A committee or conservator duly appointed by a court of competent jurisdiction or The head of the agency where you are employed</td>
</tr>
<tr>
<td>Tier 2 Plans C &amp; D</td>
<td>Day after last day paid on employer’s payroll.</td>
<td>You must be on your agency’s payroll (with or without pay) when your application is filed and while it is pending.</td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Uniformed Sanitation Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Transit Operating Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Uniformed Correction Force</td>
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### Accidental Disability Retirement Effective Date & Filing Requirements

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<tr>
<th>PLAN</th>
<th>EFFECTIVE DATE</th>
<th>FILING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1 Plans A &amp; B</td>
<td>Later of: The date the application is filed or The date immediately following the date you were last paid on your employer’s payroll.</td>
<td>You or another person acting on your behalf or A committee or conservator duly appointed by a court of competent jurisdiction or The head of the agency where you are employed</td>
</tr>
<tr>
<td>Tier 2 Plans C &amp; D</td>
<td></td>
<td>You must be on your agency’s payroll (with or without pay) when your application is filed and pending.</td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Uniformed Sanitation Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Transit Operating Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tiers 1 &amp; 2 Uniformed Correction Force</td>
<td>The day after last day paid on employer’s payroll.</td>
<td>You or another person acting on your behalf or A committee or conservator duly appointed by a court of competent jurisdiction or 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.</td>
</tr>
</tbody>
</table>

**Additional requirement for Tier 1 Plans A&B, Tier 2 Plans C&D, and Tiers 1 and 2 Transit Operating Force:** 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.
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; 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 account at 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
**Earnings Limitations for Disability Retirees**

### 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.

<table>
<thead>
<tr>
<th>NYS Retirement &amp; Social Security Law (RSSL) Section(s)</th>
<th>Earnings Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dual Purpose Disability Statutes for Tier 4 and Tier 6 Members, and Tier 3 Uniformed Corrections (605 &amp; 507-a) Public &amp; ***Private employment anywhere</td>
<td>$33,200 for 2021 (will change annually based on the Consumer Price Index) Exceeding this earnings limit will result in the suspension of your pension for 12 months</td>
</tr>
<tr>
<td>Accidental Disability for Tier 4 and Tier 6 Uniformed Sanitation (605-b)</td>
<td>Tiers 1 &amp; 2 safeguards apply (See Tiers 1 &amp; 2 section above)</td>
</tr>
<tr>
<td>Line-of-Duty Disability for Tier 3 Uniformed Corrections (507-c)</td>
<td></td>
</tr>
<tr>
<td>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 within NYS only</td>
<td>$1,800 (including any pension earned) per Section 1117 of the NYC Charter</td>
</tr>
<tr>
<td>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 anywhere &amp; Public employment outside of NYS after attaining age 65.</td>
<td>NO LIMITATION</td>
</tr>
<tr>
<td>TRANSIT RETIRES ONLY (Retired under RSSL §§ 506, 507, 605) Public &amp; ***Private employment anywhere</td>
<td>NO LIMITATION</td>
</tr>
</tbody>
</table>

### 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 2021 are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Blind</th>
<th>Not Blind</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>$2,190</td>
<td>$1,310</td>
</tr>
</tbody>
</table>

*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.