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.
Application for Disability Retirement
Tier 2 Members

Please read the information on the Terms page before completing this application.

NOTE: If the address you provide on this form is different from your address in our system, the new address will become your official address in our records.

I am applying for (Check one box only):  ☐ Accident Disability ☐ Ordinary Disability ☐ Both Accident and Ordinary ☐ World Trade Center Disability

Member Number

Last 4 Digits of SSN

Date of Birth [MM/DD/YYYY]

Agency

Title

PART A. To be completed by Accident Disability Applicants only (if applying for Ordinary Disability only, proceed to Part B):
I am physically 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 while in the performance of duty and not as the result of willful negligence on my part. The accident that caused my disability occurred as follows: (PLEASE PRINT)

Date [MM/DD/YYYY]

Time 

Place

Conditions and Description

Result of Accident

Witnesses

PART B: To be completed by ALL applicants for disability retirement:

In accordance with provisions of law governing the New York City Employees' Retirement System, I hereby make application for retirement from City service on account of physical or mental disability which incapacitates me for service. The nature of this disability is described in the Applicant's Report of Personal Disability. I am also submitting herewith a completed Physician's Report of Disability and an authorization for release of my hospital records directly to NYCERS' Medical Board.

Beneficiary Selection: This selection will afford you maximum protection by way of the Ten-Year-Certain Option (which includes Option One on annuity) from the date of your retirement to the date of your first full payment. If you do not list a primary beneficiary on the reverse, or do not file another option selection, and you die prior to selecting an option, NO death benefit will be payable from this system. You may choose one primary and one contingent beneficiary. The primary beneficiary will be used to supply you with figures under the various options.

If you wish to select coverage for your beneficiary during this interim period under an option other than the Ten-Year Certain Option, you may do so by filing a Retirement Option Election Form with NYCERS. We recommend that you come to our Customer Service Center to secure and file the necessary form. This retirement application acts as a selection of option which can be superseded at a later time. However, if you do not file a timely Option Selection at a later date, as directed by this office, you will be retired under the Ten-Year-Certain Option on this form, and any death benefit payable will be based on that selection.

Sign this form and have it notarized, Page 3
Member Number  

Last 4 Digits of SSN

### The beneficiary whom I nominate to receive the Ten-Year Certain Option, (including Option One on annuity) after my death, is:

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If this beneficiary is a minor, check here and complete the guardian information on Form 137

Percentage %

### In the event that your Primary Beneficiary dies before the end of the ten-year period.

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If this beneficiary is a minor, check here and complete the guardian information on Form 137

Percentage %

### PART C: Mandatory for Ordinary Disability Applicants - Optional for Accident Disability Applicants:

#### Federal Tax Withholding

Federal tax law provides that all payers are required to withhold Federal income tax on periodic payments (similar to wages), unless you elect to be excluded from such withholding. This election will remain in effect until revoked by you. If you do not complete this election, Federal income tax will be withheld at the rate of a married individual claiming three exemptions.

**Please indicate your withholding selection by marking the appropriate choice below:**

1. Do not withhold Federal income tax from my pension. (Do not complete 2 or 3 if you select this option)

2. Withhold based on number of exemptions using the following status (You **may** also enter a dollar amount in choice 3):

   - Single
   - Married
   - Married, but withhold at higher "Single" rate

(Check one only)

3. In addition to the amount withheld based on my exemptions and filing status in choice 2,

   I would like to withhold $ ________ Per Month (Must specify dollar amount only)

Note: You cannot enter an amount here without entering a number of exemptions in choice 2 (even if that number is zero).
Mail completed form to:
30-30 47th Avenue, 10th Fl
Long Island City, NY 11101

Member Number  Last 4 Digits of SSN

First Name  M.I.  Last Name

Address  Apt. Number

City  State  Zip Code

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 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

If you have an official seal, affix it

Official Title

Expiration Date of Commission
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).

Please Note

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:

. 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 next preceding the date of retirement;

Under the Accident Disability Retirement provisions of the Administrative Code of the City of New York:

. 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.)

To apply for a disability retirement, you should complete this application together with Applicant's Report of Personal Disability, have the application acknowledged before a Notary Public or Commissioner of Deeds, and file both forms in the office of the New York City Employees' Retirement System at 30-30 47th Avenue, 10th Floor, Long Island City, NY 11101 (by mail) or at 340 Jay Street, Mezzanine Level, in downtown Brooklyn (in person). A Physician's Report of Disability should also be filed in our office.

You will be advised as to the date set for an examination by, or under the direction of, NYCERS' Medical Board.

If the Medical Board finds you disabled, and recommends retirement, the report on the application 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 an option. If you fail to select an 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.

World Trade Center (WTC) Disability Law
The World Trade Center (WTC) Disability Law provides a 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 our WTC Disability Law Fact Sheet #703, available on our website at www.nycers.org.

Withdrawal of Application

Provided that the NYCERS Medical Board has not yet finalized its finding, you may withdraw your application for disability retirement upon written request to the Retirement System and with approval of the Medical Board.

Sign this form and have it notarized, Page 3
Designation of Beneficiary(ies)
Post-Retirement Lump-Sum Death Benefit
This application is for those who wish to nominate a beneficiary(ies) to receive a post-retirement lump-sum death benefit. If the designated Primary Beneficiary(ies) predeceases you, the lump-sum payment will be paid to your designated Contingent Beneficiary(ies). If none exists, the lump-sum benefit will be paid to your estate. NOTE: If the address you provide on this form is different from your address in our system, the new address will become your official address in our records. If you have any questions, contact our Call Center at 347-643-3000.

I understand that at the time of my death after retirement, the lump-sum death benefit will be paid to my surviving designated Primary Beneficiary(ies). If the designated Primary Beneficiary(ies) predeceases me, the lump-sum death benefit will be paid to my designated Contingent Beneficiary(ies). If none exists, the lump-sum death benefit will be paid to my estate.

I, the undersigned, nominate as my beneficiary(ies) for the lump-sum death benefit payable on my death after retirement:

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 a minor, check here and complete the guardian information on Form 137

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 a minor, check here and complete the guardian information on Form 137
Mail completed form to:
30-30 47th Avenue, 10th Fl
Long Island City, NY 11101

Member Number OR Pension Number Last 4 Digits of SSN

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If the foregoing **Primary** beneficiary(ies) should predecease me, I hereby nominate the following as **Contingent** beneficiary(ies) for the above **Post-Retirement Lump-Sum Death Benefit**.

(Witnesses necessary only if mark is used for signature)

I am nominating my Estate as my beneficiary for my post-retirement lump-sum death benefit. I understand that 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.

Should I survive all designated beneficiaries, the post-retirement lump-sum death benefit shall be paid to my Estate or to such other beneficiary or beneficiaries as I shall hereafter nominate by filing another designation of beneficiary form with NYCERS.

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(Witnessed by (1):
Witnessed by (2):

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

State of _____ County of __________ On this ___ day of __________ 20___, personally appeared __________, 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.

If you have an official seal, affix it

Signature of Notary Public or Commissioner of Deeds

Official Title

Expiration Date of Commission

Sign this form and have it notarized, THIS PAGE
Applicant's Report of Personal Disability

Please return with member's application for disability retirement.

Membership 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

To NYCERS' Medical Board:
I, the undersigned, believe that I am incapacitated for further service as a
Title

in the Department of
because

I am being treated for this condition by the following doctor(s):
Name of Doctor(s) and Addresses

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

I have been hospitalized and/or treated for this condition at the following hospital(s) and/or medical group(s):
Name of Hospital(s) and/or Medical Group(s) and Addresses
Treatment Dates [MM/DD/YYYY]

/ / 

/ / 

/ / 

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

I will appear before NYCERS' Medical Board at 340 Jay Street, Mezzanine Level, in downtown Brooklyn when necessary for me 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
To be returned to NYCERS with member's application for disability retirement

To NYCERS' Medical Board:

This is to certify that

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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)

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

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**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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**Signature of Physician**

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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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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.
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:

__________________________________________________________________________________________

(Assistant/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, __________________________________________________________________

me to be the individual described in and who executed the foregoing instrument, and he or she acknowledged to me that he or she
exercised 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 been 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
Applicants for Disability Retirement

This application is to accompany your application for Disability Retirement. Please be sure you read and understand the questions asked on this form before answering. Should you have any questions, please contact our Call Center at 347-643-3000.

Member Number

Last 4 Digits of SSN

First Name

M.I.

Last Name

This section must be completed by ALL members applying for Disability Retirement.

1. What is (are) the disabling condition(s) which is (are) the basis for your applying for disability retirement?

________________________________________________________________________

2. Check all relevant boxes that indicate your symptoms

☐ Pain
☐ Weight Loss
☐ Depression
☐ Difficulty Walking
☐ Weakness
☐ Other

[MM/DD/YYYY]

3. When did symptoms begin? / / 

4. Please list the name(s), address(es) and frequency of persons and/or institutions from whom you are receiving treatment.

________________________________________________________________________

5. Nature of treatment, including medications being taken.

________________________________________________________________________

6. Check boxes below to indicate tests performed: (Bring a copy of ALL REPORTS, if possible.)

☐ Blood and Urine
☐ EKG (Electrocardiogram)
☐ Stress Test
☐ X-Rays
☐ Myelogram
☐ Pulmonary Function studies
☐ EMG (Electromyogram)
☐ CT scan
☐ Pathology or Biopsy Reports
☐ Other

7. Hospital admission(s): (Hospital Reports must be supplied to this office.)

(A) Name of hospital(s):

1). ____________________________________________

2). ____________________________________________
Member Number

Last 4 Digits of SSN

(B) Dates of admission and discharge:
1. 
   
2. 

(C) Diagnosis(es):
1. 
   
2. 

Was surgery performed?  □ Yes  □ No  If Yes, give dates and type of surgery performed.
1. 
   
2. 

8. Check all relevant boxes that your job requires.
   □ Lifting  □ Working Outdoors  □ Walking  □ Climbing  □ Other  

9. Do you feel that you are totally and permanently disabled from performing the usual duties of your title?
   □ Yes  □ No

Could you do other work?  □ Yes  □ No

10. Are you working now?  □ Yes  □ No

If Not, when did you stop?  

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

12. Are you receiving Social Security Disability Benefits?  □ Yes  □ No

13. Please give a daytime telephone number where you can be reached.  (   )

14. Did you have previous service with New York City or New York State prior to your current membership?
   □ Yes  □ No

If yes, When? 

[MM/DD/YYYY]  [MM/DD/YYYY]  [MM/DD/YYYY]
This section is to be completed ONLY by members applying for disability retirement as a result of an accidental injury during the performance of their duties while in City service.

15. What is your date of birth? / / (Attach a copy of your Birth Certificate.)

16. What was the date of the injury? / /

17. What part of your body was injured?

18. What were you doing when you were injured?

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 is the nature of the injury?

22. How were you injured?

23. Were there any witnesses to the incident when you were injured?  Yes  No

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

24. When did you stop working because of the injury? / /

25. Do you have proof of this occurrence?  Yes  No

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

   Date / /

   By Whom? ________________________________

   Place? ________________________________

27. State the name of medical persons or institutions who treated you for the injury described. State dates and frequency.

   Name of Person or Institution ____________________________  / /

   Name of Person or Institution ____________________________  / /

   Name of Person or Institution ____________________________  / /
Member Number               Last 4 Digits of SSN

28. Have you had any similar disability before the injury?  
   □ Yes  □ No

29. Have you had any other accidents or injuries on the job (either before or after the injury claimed herein)?
   □ Yes  □ No
   If Yes, give dates and description of injury
   ________________________________
   ________________________________

30. Have you had any accidents or injuries off the job?  □ Yes  □ No
   If Yes, give dates and descriptions of injury
   ________________________________
   ________________________________

31. Did you return to full duty after the injury herein claimed?  
   □ Yes  □ No
   If Yes, When?  [MM/DD/YYYY]

32. Did you return to light duty after the injury herein claimed?  
   □ Yes  □ No
   If Yes, When?  [MM/DD/YYYY]

33. Are you being treated for any other injuries/disorders?  
   □ Yes  □ No
   If Yes, describe injury/disorder and treatment.
   ______________________________________

34. Do you drink alcohol regularly (one-half pint or more per-week)?  
   □ Yes  □ No
   Do you drink occasionally?  □ Yes  □ No
   If yes, how often?
   ________________________________
   How much?

35. Do you take any medications daily?  □ Yes  □ No
   If Yes, What?

36. Do you use any recreational drugs?  □ Yes  □ No
   If Yes, What and how often?

37. Did you file a Workers' Compensation claim?  □ Yes  □ No
   Are you receiving Workers' Compensation payments?  □ Yes  □ No

38. If Yes, how much bi-weekly?
   ________________________________

Signature of Member               Date

[MM/DD/YYYY]  [MM/DD/YYYY]
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.

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 ¾ accidental disability retirement benefit are not subject to Federal tax on their benefit.

**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

**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.
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</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>

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

<table>
<thead>
<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>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></td>
<td></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>Day after last day paid on your 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>
</tbody>
</table>

Accidental Disability Retirement Effective Date & Filing Requirements

<table>
<thead>
<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></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 must be on your agency’s payroll (with or without pay) when your application is filed and 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.

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.

340 Jay Street, Brooklyn, NY Mezzanine level 30-30 47th Avenue, 10th Floor Long Island City, NY 11101 (347) 643-3000 www.nycers.org
Various laws and NYCERS’ Rules govern post-retirement earnings limitations for disability retirees. This brochure details such limitations. Please refer to the section of this brochure applicable to your tier.

**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 if he or she has not yet met the age requirement (service requirement for retirees of a special plan which permits retirement without regard to age) under his or her retirement plan. The amount a pensioner may earn is the difference between the maximum current salary of the next higher title from that which he or she retired, and the maximum pension portion of his or her retirement allowance.

**LIMITS AFTER ATTAINING SERVICE RETIREMENT AGE**

Once a disability retiree attains the minimum age requirement (service requirement for retirees of a special plan which permits retirement without regard to age) for his or her 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 his or her 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**

Tier 3, 4 and 6 disability retirees 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 you retired under, refer to your 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>$31,100 for 2018 (will change annually based on the Consumer Price Index) Exceeding this earnings limitation 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)</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)) 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</td>
<td>NO LIMITATION</td>
</tr>
<tr>
<td>TRANSIT RETIREES ONLY (Retired under RSSL §§ 506, 507, 605) Public &amp; ***Private employment anywhere</td>
<td>NO LIMITATION</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 to compare to the $1,800 limit most pensioners will exceed this 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.
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.

Member Number OR Pension Number Last 4 Digits of SSN Phone Number

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 ____________________________

Address: ____________________________ Name of Individual ____________________________ Name of Entity (If Applicable)

Daytime Phone: ____________________________

(thereinafter Third Party), 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:

__________________________________________

☐ Any and all Medical records.

☐ Only the specified Medical records listed below:

__________________________________________

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