

FIREFIGHTERS' LUNG DISEASE DISABILITY

Section 363-f

Eligibility

Regardless of the amount of service credit you may have, you may be eligible for this benefit if you are a paid firefighter permanently disabled due to lung disease.

To be eligible, you must have successfully passed a physical examination that failed to reveal any evidence of lung disease upon entry into paid firefighter service. Unless there is proof that the illness is not employment related, it is presumed that the lung disease is a result of an accident and was sustained in the performance of duty. Members may file for the performance of duty or accidental disability benefit.

Notice of Accident/Occurrence

To be eligible for this benefit, you must file a written notice of the accident with:

- The Retirement System within 90 days of the incident; or
- Your employer within 30 days of the date of the incident if your employer is covered by the Workers' Compensation Law or if the incident was on or after September 1, 1980.

If no written notice of the incident is filed, as noted above, you may still be eligible for this benefit if you file an application for an accidental and/or performance of duty disability retirement within one year following the alleged incident.

The written notice must detail the time and place of the incident, the particulars thereof, the nature of the illness and the alleged incapacity.

The Benefit

If approved, the performance of duty disability retirement benefit is a lifetime pension of one-half (50 percent) of your FAS, plus an annuity based on any annuity savings contributions you have made. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions, and Tier 5 and 6 members would not receive an annuity based on those contributions. This benefit is not offset by Workers' Compensation payments.

If approved, the accidental disability retirement benefit is a lifetime pension equal to three-quarters (75 percent) of your FAS, plus an annuity based on any annuity savings contributions you have made. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions, and Tier 5 and 6 members would not receive an annuity based on those contributions. The benefit will be reduced by the total amount of Workers' Compensation benefits that you are eligible to receive.

You must select an option for the payment of your disability benefits.

Filing

You, your employer or someone authorized with your power of attorney may file your application for accidental or performance of duty disability retirement. The application must be filed while you are still in service or within two years of your discontinuance from service. "In service" is defined as while you are:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (which may be extended for an additional two years); or
- Receiving Workers' Compensation or similar employer-funded benefits for up to two years since last being paid on the payroll, as long as you have not resigned or been terminated while receiving those benefits.

The Performance of Duty Disability Retirement Application form (PF6047) is available from our website at www.osc.state.ny.us/retire/forms/pf6047.pdf or the Accidental Disability Retirement Application form (RS6047) is available from our website at www.osc.state.ny.us/retire/forms/rs6047.pdf. If you are eligible, applications for other disability and regular service retirement benefits may be submitted simultaneously.