

# HIV, TUBERCULOSIS OR HEPATITIS DISABILITY

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## Section 363-dd

### **Eligibility**

Regardless of the amount of service credit you have, you may be eligible for this benefit if you are permanently disabled because you contracted HIV, Tuberculosis or Hepatitis after contact with members of the public where there may have been exposure to bodily fluids. Police and firefighters will be presumed to have contracted such disease as the result of an accident in the performance of their job duties unless there is proof that the disease was not employment related. You must apply for Workers' Compensation benefits if eligible.

### **Notice of Accident**

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

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

The written notice must detail the time and place of the accident, the particulars thereof, the nature and extent of your injuries, and the alleged incapacity.

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

## The Benefit

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 also 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 disability retirement. The application must be filed while you are still in service or within two years of your discontinuance from service. When filing for this benefit, "in service" is defined as while you are:

- Being paid on the payroll;
- 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 other 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 from employment while receiving those benefits.

The Accidental Disability Retirement Application form (RS6047) is available from our website at [www.osc.state.ny.us/retire/forms/rs6047.pdf](http://www.osc.state.ny.us/retire/forms/rs6047.pdf). If you are eligible, applications for ordinary disability, performance of duty disability, accidental disability and regular service retirement benefits may be submitted simultaneously.