

# HEART DISEASE DISABILITY

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## Section 363-a

### Eligibility

Regardless of the amount of service credit you have, you may be eligible for the heart disease benefit if you are permanently disabled because of any condition impairing the heart caused by diseases of the heart. You must have successfully passed a physical examination upon entry into covered police or fire employment that failed to reveal any evidence of heart disease or other impairment of the heart. It is presumed that the illness was incurred in the performance and discharge of duty, unless there is proof that the illness was not employment related.

If you are a *police officer* and are permanently disabled by heart disease, you may be eligible for a performance of duty disability retirement benefit.

If you are a *firefighter* and are permanently disabled by heart disease, you may be eligible for an accidental disability or performance of duty disability retirement benefit.

### Notice of Accident/Occurrence

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

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

The written notice must include the time and place of the incident, relevant details of the incident, the nature and extent of your injuries, and the alleged incapacity.

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

## The Benefit

If approved, the performance of duty disability benefit payable is a lifetime pension equal to 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. It is not reduced by any Workers' Compensation benefit you may be eligible to receive.

If approved, the accidental disability retirement benefit is a lifetime pension equal to three-quarters (75 percent) of your FAS. You must apply for Workers' Compensation if you are eligible. Regardless of tier, the accidental disability benefit will be reduced by the total 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 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. 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 Performance of Duty Disability Retirement Application form (PF6047) is available from our website at [www.osc.state.ny.us/retire/forms/pf6047.pdf](http://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](http://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.