

## CHAPTER 353E

LOCAL GOVERNMENT CORRECTIONAL SERVICE  
RETIREMENT PLAN

353E.001 DEFINITIONS.

353E.06 DISABILITY BENEFITS.

**353E.001 DEFINITIONS.**

**Subdivision 1. Duty disability.** "Duty disability," physical or psychological, means a condition that is expected to prevent a member, for a period of not less than 12 months, from performing the normal duties of a local government correctional service employee as defined under section 353E.02 and that is the direct result of an injury incurred during, or a disease arising out of, the performance of normal duties or the actual performance of less frequent duties, either of which are specific to protecting the property and personal safety of others and that present inherent dangers that are specific to the positions covered by the local government correctional service retirement plan.

**Subd. 2. Less frequent duties.** "Less frequent duties" means tasks designated in the applicant's job description as either required from time to time or as assigned, but which are not carried out as part of the normal routine of the applicant's job.

**Subd. 3. Normal duties.** "Normal duties" means specific tasks designated in the applicant's job description and which the applicant performs on a day-to-day basis, but do not include less frequent duties which may be requested to be done by the employer from time to time.

**Subd. 4. Regular disability.** "Regular disability," physical or psychological, means a condition that is expected to prevent a member, for a period of not less than 12 months, from performing the normal duties of a local government correctional service employee as defined under section 353E.02 and that results from a disease or an injury that arises from any activities while not at work or while at work from performing those normal or less frequent duties that do not present inherent dangers that are specific to the occupations covered by the local government correctional service retirement plan.

**History:** 2007 c 134 art 4 s 31

**353E.06 DISABILITY BENEFITS.**

**Subdivision 1. Duty disability qualification requirements.** A local government correctional employee who is determined to qualify for a duty disability as defined in section 353E.001, subdivision 1, is entitled to a disability benefit. The disability benefit must be based on covered service under this chapter only and is an amount equal to 47.5 percent of the average salary defined in section 353E.04, subdivision 2, plus an additional percent equal to that specified in section 356.315, subdivision 5a, for each year of covered service under this chapter in excess of 25 years.

**Subd. 2. Regular disability qualification requirements.** A local government correctional employee who has at least one year of covered service under this chapter and who is determined to qualify for a regular disability benefit as defined in section 353E.001, subdivision 4, is entitled to a disability benefit based on covered service under this chapter. The disability benefit must be computed in the same manner as an annuity under section 353E.04, subdivision 3, and as though the employee had at least ten years of covered correctional service.

*[For text of subd 3, see M.S.2006]*

**Subd. 4. Disability benefit application; accrual of benefits.** (a) Procedures for the application process and determining eligibility for disability benefits are defined in section 353.031.

(b) The disability benefit begins to accrue when the applicant is no longer receiving any form of compensation, whether salary or paid leave; 90 days preceding the filing of the ap-

plication, or, if annual or sick leave, or any other employer–paid salary continuation plan is paid for more than the 90–day period, from the date salary ceased, whichever is latest. No member is entitled to receive a disability benefit payment when there remains to the member’s credit any unused annual leave, sick leave, or any other employer–paid salary continuation benefits or under any other circumstances when, during the period of disability, there has been no impairment of the person’s salary.

(c) No payment may accrue beyond the end of the month in which entitlement has terminated. If the disabilitant dies before negotiating the check for the month in which death occurs, payment must be made to the optional annuitant or beneficiary.

*[For text of subds 5 to 7, see M.S.2006]*

**Subd. 8. Continuing benefit eligibility.** Continuing eligibility for a disability benefit is subject to section 353.031, subdivision 8.

**History:** 2007 c 134 art 4 s 32–35