

**353B.08 DISABILITY BENEFITS.**

Subdivision 1. **Duty disability eligibility requirements.** (a) For any former member of a consolidating relief association, upon termination of active employment as a police officer or firefighter, whichever applies, in the municipality in which the consolidating local relief association was located, any person who was a member of a consolidating local relief association who is not entitled to a service pension, who becomes disabled from an injury or illness arising out of or in the course of the line of duty shall be entitled upon application to receive a duty disability benefit.

(b) The additional requirement of the acquisition of credit for at least one month of allowable service credit shall apply for former members of the Winona Fire Department Relief Association.

Subd. 2. **Nonduty disability eligibility requirements.** (a) For any former member of a consolidating relief association, upon termination of active employment as a police officer or firefighter, whichever applies, in the municipality in which the consolidating local relief association was located, any person who was a member of a consolidating local relief association, who is not entitled to a service pension, who becomes disabled from an injury or illness which does not arise out of or does not occur in the course of the line of duty shall be entitled upon application to receive a nonduty disability benefit.

(b) The following additional requirement shall apply for the former members of the consolidating relief associations as indicated:

(1) the acquisition of credit for at least ten years of allowable service credit, Chisholm Firefighters Relief Association; and

(2) the acquisition of credit for at least one month of allowable service credit, Winona Fire Department Relief Association.

Subd. 2a. **Classes of disabilities in certain instances.** (a) Except as specified in paragraph (b), there shall be no classes of disabilities or disability benefits for former members of consolidating relief associations.

(b) The classes for disabilities and disability benefits shall be the following for the former members of the consolidating relief associations as indicated:

(1) A first class disability shall be a total inability to engage in any gainful employment resulting from any medically determinable injury or illness, a second class disability shall be an inability to engage in any gainful employment resulting from any medically determinable injury or illness which is greater than a 50 percent inability and less than a total inability, and a third class disability shall be an inability to engage in any gainful employment resulting from any medically

determinable injury or illness which is less than a 50 percent inability but is an inability to perform the duties of a firefighter in the municipality, Hibbing Firefighters Relief Association; and

(2) A disability shall be an inability to perform the duties of a firefighter in the municipality resulting from any medically determinable injury or illness, with a first class disability additionally requiring an inability to perform any manual labor, a second class disability additionally encompassing a disability less severe than a first class disability allowing for the performance of light manual labor or office work, and a third class disability additionally encompassing a disability less severe than a second class disability allowing for the performance of manual labor which is less strenuous or demanding than light manual labor, Minneapolis Fire Department Relief Association.

Subd. 3. **Application.** Every claim or demand for a disability benefit shall be initiated by a written application on a form prescribed by the executive director of the Public Employees Retirement Association which shall be accompanied by medical evidence to support the claimed disability.

Subd. 4. **Medical evidence; benefit eligibility; determination.** The medical basis for the claimed disability and the eligibility for a disability benefit shall be evaluated by the medical adviser for the Public Employees Retirement Association. If the submitted medical evidence is not conclusive to establish the claimed disability and eligibility for a disability benefit, the medical adviser shall notify the executive director of the Public Employees Retirement Association of that situation and the executive director shall undertake referral of the applicant to the applicable medical consultants for examination and medical recommendation. The recommendation of the medical adviser and that of any medical consultants shall be reviewed by the executive director. If there is sufficient evidence of the claimed disability and eligibility for a disability benefit, the executive director of the Public Employees Retirement Association shall grant the person the disability benefit. An appeal of any adverse determination may be made to the board of the Public Employees Retirement Association.

Subd. 5. **Benefit accrual.** The benefit shall accrue from the first day of the month next following the commencement of the disability or the first day of the month next following the date on which any sick leave, annual leave, or salary continuation payments cease.

Subd. 6. **Duty disability benefit amount.** (a) The duty disability benefit shall be an amount equal to the service pension amount to which the person would have been entitled if the person had credit for the greater of actual years of allowable service or 20 years of allowable service, had attained the minimum age for the receipt of a service pension, and had applied for a service

pension rather than a disability benefit for the former members of the following consolidating relief associations:

- (1) Albert Lea Firefighters Relief Association;
- (2) Albert Lea Police Relief Association;
- (3) Anoka Police Relief Association;
- (4) Austin Police Relief Association;
- (5) Buhl Police Relief Association;
- (6) Chisholm Police Relief Association;
- (7) Duluth Police Relief Association;
- (8) Faribault Fire Department Relief Association;
- (9) Mankato Police Benefit Association;
- (10) Minneapolis Police Relief Association;
- (11) New Ulm Police Relief Association;
- (12) Red Wing Police Relief Association;
- (13) St. Paul Police Relief Association;
- (14) South St. Paul Police Relief Association; and
- (15) Virginia Police Relief Association.

(b) The duty disability benefit shall be an amount equal to 48 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Fridley Police Pension Association;
- (2) Richfield Police Relief Association;
- (3) Rochester Fire Department Relief Association;
- (4) Rochester Police Relief Association;
- (5) St. Cloud Fire Department Relief Association;
- (6) St. Cloud Police Relief Association;
- (7) St. Louis Park Police Relief Association; and
- (8) Winona Police Relief Association.

(c) The duty disability benefit shall be an amount equal to 50 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Austin Firefighters Relief Association;
- (2) Crookston Fire Department Relief Association;
- (3) Fairmont Police Benefit Association;
- (4) Mankato Fire Department Relief Association;
- (5) South St. Paul Firefighters Relief Association; and
- (6) Virginia Fire Department Relief Association.

(d) The duty disability benefit shall be an amount equal to 45 percent of the salary base for the former members of the Crystal Police Relief Association.

(e) The duty disability benefit shall be an amount equal to 40 percent of the salary base for the former members of the following consolidating relief associations:

- (1) West St. Paul Firefighters Relief Association; and
- (2) West St. Paul Police Relief Association.

(f) The duty disability benefit shall be the following for the former members of the consolidating relief associations as indicated:

(1) 52 percent of the salary base for former members who were disabled before January 31, 1994, and 48 percent of the salary base for former members who become disabled after January 31, 1994, Bloomington Police Relief Association;

(2) 40 percent of the top salary for a patrol officer, Brainerd Police Relief Association;

(3) \$100 per month, Chisholm Firefighters Relief Association;

(4) 37.5 percent of the salary base if the person has credit for less than ten years of allowable service, 43.75 percent of the salary base if the person has credit for more than nine years but less than 15 years of allowable service and 50 percent of the salary base if the person has credit for more than 14 years of allowable service credit, Columbia Heights Fire Department Relief Association, Paid Division;

(5) 43.75 percent of the salary base, Columbia Heights Police Relief Association;

(6) 25 percent of the salary base if the person has credit for less than 12 years of allowable service and an additional amount equal to 2.5 percent of the salary base per year if allowable

service for each year of allowable service in excess of 11 years of allowable service, not more than 50 percent, Crookston Police Relief Association;

(7) 51.0625 percent of the salary base, Duluth Firefighters Relief Association;

(8) 12.5 percent of the salary base if the person has credit for less than six years of allowable service, 2.5 percent of the salary base per year of allowable service if the person has more than five years of allowable service, but not more than 50 percent of the salary base, Faribault Police Benefit Association;

(9) the dollar amount which equals the benefit which would be payable under chapter 176 for a comparable benefit which qualifies for a workers' compensation benefit for a first class disability, 75 percent of the amount payable in the event of a first class disability for a second class disability and 50 percent of the amount payable in the event of a first class disability for a third class disability, Hibbing Firefighters Relief Association;

(10) \$120 per month, Hibbing Police Relief Association;

(11) 51.25 percent of the salary base for a first class disability, 41.25 percent of the salary base for a second class disability, and 31.25 percent of the salary base for a third class disability, Minneapolis Fire Department Relief Association;

(12) 40 percent of the salary base if the person has credit for less than 20 years of allowable service and two percent of the salary base per year of allowable service if the person has more than 19 years of allowable service, but not more than 50 percent, Red Wing Fire Department Relief Association;

(13) 54 percent of the salary base, Richfield Fire Department Relief Association;

(14) 50 percent of the salary base if the person has credit for less than 20 years of allowable service and an amount equal to the service pension amount to which the person would have been entitled based on the applicable amount of allowable service if the person had attained the minimum age for the receipt of a service pension and had applied for a service pension rather than a disability benefit and if the person has credit for at least 20 years of allowable service, St. Louis Park Fire Department Relief Association;

(15) 50 percent of the salary base if the person is not able to perform the duties of any other gainful employment, 39.375 percent of the salary base if the person is only able to perform the duties of light manual labor or office employment and 33.75 percent of the salary base if the person is able to perform the duties of other manual labor, St. Paul Fire Department Relief Association; and

(16) 42.667 percent of the salary base, Winona Fire Department Relief Association.

Subd. 7. **Nonduty disability benefit amount.** (a) Except as specified in paragraph (b) or (c), the nonduty disability benefit shall be an amount equal to the amount of the duty disability benefit.

(b) The nonduty disability benefit shall be the following for the former members of the consolidating relief associations as indicated:

(1) of the salary of a top patrol officer, 30 percent if the person has credit for less than ten years of allowable service and 40 percent if the person has credit for ten or more years of allowable service, Brainerd Police Benefit Association;

(2) a percentage of the salary base ranging from 39.8125 percent to 51.0625 percent as determined by the executive director of the Public Employees Retirement Association based on the severity of the circumstances and the extent of disability of the person, applied in a uniform manner and reflective to the extent practicable or determinable to the past administrative practices of the board of the consolidating relief association before the effective date of the consolidation, Duluth Firefighters Relief Association;

(3) two percent of the salary base per year of allowable service but in total not less than ten percent of the salary base and not more than 40 percent of the salary base, Red Wing Fire Department Relief Association;

(4) two percent of the salary base per year of allowable service but in total not more than 40 percent of the salary base, St. Paul Police Relief Association; and

(5) 35 percent of the salary base, Virginia Fire Department Relief Association.

(c) No nonduty benefit shall be payable from the Crookston Fire Department Relief Association.

Subd. 8. **Workers' compensation offset.** (a) Except as specified in paragraph (b) and except to the extent that section 423A.14 applies, there shall be no reduction in the amount of any disability benefit by virtue of the receipt of any workers' compensation benefit or amount under chapter 176.

(b) The amount of any disability benefit payable shall be reduced by the amount of any workers' compensation benefit or amount received or receivable under chapter 176 for the former members of the following consolidating relief associations:

(1) Crookston Fire Department Relief Association;

(2) Red Wing Police Relief Association; and

(3) West St. Paul Police Relief Association.

Subd. 9. **Other benefit offsets.** (a) Except as specified in paragraph (b) and except to the extent that section 423A.14 applies, there shall be no reduction in the amount of any disability benefit by virtue of any gainful compensation engaged in following the commencement of the disability benefit.

(b) The amount of any disability benefit payable shall be reduced by the amount by which the benefit and income from any gainful employment exceeds 120 percent of the salary base for the former members of the West St. Paul Firefighters Relief Association.

Subd. 10. **Other disability benefit coverage.** (a) For former members of the Buhl Police Relief Association, a disabled member shall be entitled to a short-term disability benefit of \$8 per day for a maximum of 26 weeks, during which period no duty or nonduty disability benefit shall be payable.

(b) For former members of the Crookston Police Relief Association, an additional benefit of \$25 per month for each child of the disabled person who has not attained the age of 18 years and who is actually dependent on the disabled person shall be payable, but in combination with the disability benefit payable as provided in subdivision 6 or 7, the total benefit shall not exceed 50 percent of the salary base.

Subd. 11. **Subsequent medical reexaminations.** Periodically, upon the recommendation of the medical adviser appointed as provided in section 353.031, based on the medical nature of the initial qualifying disability and its potential for improvement or recovery, the executive director of the Public Employees Retirement Association shall have a former member of a consolidating relief association who is receiving a disability benefit reexamined and reevaluated for continued entitlement to a disability benefit. If, upon the recommendation of the medical adviser, the executive director determines that the person is no longer entitled to receive a disability benefit, the disability benefit shall be discontinued effective as of the first day of the second month following that determination and the person shall be considered for reemployment as a police officer or a firefighter, whichever applies, by the municipality in which the consolidating relief association was located.

Subd. 12. **Return to service.** If a former member of a consolidating relief association who was receiving a disability benefit returns to active employment by a governmental subdivision, the disability benefit shall terminate, the person shall return to the appropriate active member status and shall retain any service credit rendered before the receipt of the disability benefit.

Subd. 13. **Recomputation of disability benefit.** (a) Except as additionally provided in paragraph (b), a disability benefit shall be recomputed as a service pension as provided in section 423A.11.

(b) A disability benefit shall be subject to the following recomputation as a service pension for the former members of the consolidating relief associations as indicated:

(1) for a person with 15 or more years of allowable service, the disability benefit shall be recomputed as a service pension upon the person attaining the age of 50 years based on credited allowable service, assuming a minimum of 20 years of service, Columbia Heights Fire Department Relief Association, Paid Division;

(2) for a person with more than 21 years of allowable service, the disability benefit shall be recomputed as a service pension upon the person attaining the age of 50 years based on credited allowable service, Crystal Police Relief Association; and

(3) for a person with sufficient allowable service to result in a service pension amount greater than 40 percent of the salary base, the disability benefit shall be recomputed as a service pension upon the person attaining the age of 50 years based on credited allowable service, St. Paul Police Relief Association.

**History:** 1987 c 296 s 25; 1993 c 202 art 2 s 2; 1997 c 241 art 2 s 3; 2007 c 134 art 4 s 30