**Disability Pension** – Union 788 ATU & Clerical

Subject to the following provisions, participants with at least ten (10) years Credited Service who become disabled on or after April 1, 1990 may be eligible for disability pension benefits. For purposes of this section, disability shall be defined as becoming mentally or physically incapable of performing the job duties of the last position held with the Agency.

**Effective Date**: If a participant is approved for disability pension benefits, the participant’s status as a disability pensioner will be effective on the later of:

1. The first day of the month following a six (6) month waiting period. The waiting period begins on the participant’s first day off work as a result of the disabling condition, or
2. The first day of the month following receipt of a participant’s application for disability pension; however, the effective date of a disability pension will not be earlier than the first day of the month following the date a participant attains ten (10) years Credited Services; however,
3. If a participant is approved for Social Security disability benefits, such a participant’s disability pension will be effective the first of the month following a three (3) month waiting period or the first of the month after all sick leave has been exhausted, whichever comes first from the participant’s first day off work as the result of the disabling condition.

The monthly disability benefit will be equal to the amount of the Normal Form pension as of the effective date of the participant’s disability pension. Payment options available to Normal Form retirees will be available to disability pensioners. The disability pension benefits will be reduced by any amount of Unemployment Compensation or weekly Workers’ Compensation payments for the period following the effective date of the participant’s disability pension. The disability pension benefit will not be reduced by any amount of Social Security benefits or by any other governmental benefit received, not otherwise described herein.

Participants are required to file an application for disability pension benefits not later than six (6) months from their first day off as the result of a disabling condition. Participants who apply for disability pension benefits must furnish the Agency with medical records and a statement from their attending physician that they are incapable of performing their job duties. This statement must contain a description of the mental or physical condition causing the disability.

**Eligibility:** Eligibility for a disability pension shall be determined in the following manner:

1. (a) Any participant approved for Social Security Disability Benefits shall be eligible for disability pension benefits, or

(b) Any participant determined to be disabled by an Agency appointed physician shall be eligible for disability pension benefits.

Disability Pension

1. Disability pensions will be subject to a three (3) year own occupation limit. After three (3) years the participant receiving a disability pension shall have to meet the Social Security definition of disability and show proof of a Social Security disability award, or have his/her benefits suspended until age 65, or the earliest age the participant is eligible for normal form pension benefits.
2. Provide that if a disability participant fails to meet the income and continued disability tests set out in this Agreement, the pension will be suspended until age 65, or the earliest age the participant is eligible for a normal form pension benefit.
3. Effective January 1, 2003, amend the monthly limitations on gross earnings from employment that a disability pensioner can earn from fifteen hundred dollars ($1,500) to two thousand ($2,000) per month.

Disability pension benefits will not be payable for any month in which a disability pensioner receives gross earnings from employment exceeding $2,000.

If a disability pensioner regains sufficient health or mental capacity to resume his/her job duties, disability pension benefits will be discontinued and the individual will be restored to his/her former position with full seniority rights. Provided the participant was in Disability Pension Status for five (5) years or less, upon the participant’s return to duty, the participant and the Agency will make pension contributions in an amount equal to the contributions which were not made on behalf of the participant during the period of disability, and pension service for the period of the disability will be credited. However, if such a disability pensioner returns to duty for a period of less than one (1) year and is unable to perform his/her job duties because of the same disabling condition, the participant shall revert to his/her initial disability pension status; participant contributions for the period of disability will be refunded; and, only the service recognized for the initial disability pension benefit will be credited.

If a participant’s application for disability pension is denied; the participant will return to duty immediately, or, upon providing proper medical documentation, will be placed on a Leave of Absence for a period which cannot extend beyond one (1) year from the participant’s first day off. If the participant fails to return to work immediately, or fails to provide medical documentation to be placed on Leave of Absence or fails to return to work by the end of the Leave of Absence period, such employee will be dropped from the rolls.

See ATU 788 Collective Bargaining Agreement for full policy.