**South Carolina General Assembly**

121st Session, 2015-2016

**H. 5161**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Neal

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Introduced in the House on March 23, 2016

Currently residing in the House Committee on **Ways and Means**

Summary: Disability retirement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/23/2016 House Introduced and read first time ([House Journal‑page 21](file:///h:\HJ%20Archive\2016\03-23-16.docx))

3/23/2016 House Referred to Committee on **Ways and Means** ([House Journal‑page 21](file:///h:\HJ%20Archive\2016\03-23-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5161&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/23/2016](file:///p:\pprever\2015-16\5161_20160323.docx)

**A** **BILL**

TO AMEND SECTION 9‑1‑1540, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT, SO AS TO EXTEND THE DATE BY WHICH A PERSON MUST APPLY RELATIVE TO THE MEMBER’S LAST DAY OF EMPLOYMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 9‑1‑1540 of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

“Section 9‑1‑1540. (A) Upon the application of a member in service or of the member’s employer that is received by the system before January 1, 2014, a member in service on or after July 1, 1970, who has the earned service required pursuant to Section 9‑1‑1510 for the member’s class, or a contributing member who is disabled as a result of an injury arising out of and in the course of the performance of the member’s duties regardless of length of membership on or after July 1, 1985, may be retired by the board not less than thirty days and not more than nine months next following the date of filing the application on a disability retirement allowance if the system, after a medical examination of the member, certifies that the member is mentally or physically incapacitated for the further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. For purposes of this section, a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member was employed by a covered employer in the system occurred not more than ~~ninety days~~ eighty-four months ~~prior to~~ before the date of filing.

The South Carolina Retirement System may contract with the Department of Vocational Rehabilitation to evaluate the medical evidence submitted with the disability application relative to the job being performed and make recommendations to the medical board. The system may approve a disability retirement subject to the member participating in vocational rehabilitation with the Department of Vocational Rehabilitation. Upon determination by the department that a member retired on disability is able to reenter the job market and work is available, the retirement system may adjust the benefit paid by the system in accordance with Sections 9‑1‑1580, 9‑1‑1590, 9‑9‑60, and 9‑11‑90.

(B)(1) Upon the application of a member in service or of the member’s employer received by the system after December 31, 2013, a member in service who has the earned service required for the member’s class pursuant to Section 9‑1‑1510, or who is disabled as a result of an injury arising out of and in the course of the performance of the member’s duties regardless of length of membership, may be retired by the board if the member is determined to be disabled pursuant to subsection (B)(2) of this section. For purposes of this section, a member is considered to be in service on the date the application is filed if the last day the member was employed by a covered employer in the system occurred not more than ~~ninety days~~ eighty-four months before the date of filing and, if the member has retired on a service retirement allowance, the member’s date of retirement occurred not more than ~~ninety days~~ eighty-four months before the date of filing.

(2) A member whose application for disability retirement benefits was received by the system after December 31, 2013, is considered disabled if the member qualifies for the payment of Social Security disability benefits and is eligible for benefits pursuant to this section upon proof of the disability, provided that the date of disability established by the Social Security Administration falls within one year after the last day the member was employed by a covered employer in the system. The member shall submit to the retirement system the Social Security Award Notice certifying the date of entitlement for disability benefits as issued by the Social Security Administration. Upon final approval by the system, disability benefits become effective on the date of entitlement as established by the Social Security Administration or the day after the member’s last day on the payroll of a covered employer, whichever is later.”

SECTION 2. This act takes effect upon approval by the Governor and applies to any disability retirement application filed or otherwise eligible to be filed within the three year open period or thereafter.

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