

**67A.460 Permanent occupational disability -- Annuity rate -- Disability retirement benefits -- Reversion to service retirement precluded.**

- (1) If a total and permanent occupational disability occurs, the member shall receive an annuity calculated pursuant to subsection (2) of this section. This benefit shall begin at the time the member's salary ceases, and shall be paid during his or her entire lifetime. At the member's death, his or her eligible surviving spouse, if any, shall receive the benefits as provided under KRS 67A.492, and his or her minor children, if any, shall receive benefits as provided under KRS 67A.440.
- (2) The minimum annuity rate for a total and permanent occupational disability shall be:
  - (a) Fifty percent (50%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred on or after July 1, 2013;
  - (b) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred prior to July 1, 2013; or
  - (c) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is equal to twenty percent (20%) or more. The minimum annuity rate provided by this paragraph shall be increased by one half (1/2) of the amount by which the member's percentage of disability exceeds twenty percent (20%), but this increase shall be not more than fifteen percent (15%) of the member's last rate of salary and the member's total annuity shall not be greater than seventy-five percent (75%) of his or her last rate of salary.
- (3) The member's percentage of disability shall be the average of the impairment rating determined by two (2) physicians selected by the board under KRS 67A.480, using the "Guides to the Evaluation of Permanent Impairment".
- (4)
  - (a) If a member is eligible for a service retirement annuity under KRS 67A.410 and the amount of the member's service retirement annuity would exceed the amount of his or her total and permanent occupational disability annuity, as determined by the board under this section, then the member may elect to receive an additional service retirement annuity payment equal to the amount by which the member's service retirement annuity would have exceeded the amount of his or her total and permanent occupational disability annuity, in addition to the member's disability annuity, by filing with the board the application required by KRS 67A.410.
  - (b) Effective July 1, 2022, any member who is approved by the board to convert a service retirement to a disability retirement shall be precluded from requesting to revert back to a service retirement. The provisions of this paragraph shall apply to any member who begins receiving disability retirement on or after July 1, 2022, or any member who has been approved for a disability retirement prior to July 1, 2022, but has not yet reverted back to a service retirement.

**Effective:** July 1, 2022

**History:** Amended 2022 Ky. Acts ch. 140, sec. 6, effective July 1, 2022. -- Amended 2013 Ky. Acts ch. 7, sec. 9, effective March 14, 2013. -- Amended 2010 Ky. Acts ch. 90, sec. 7, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 144, sec. 7, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 4, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 380, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 189, sec. 16, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 106, sec. 11, effective July 1, 1974.