

SENATE BILL NO. 405—SENATOR CANNIZZARO

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public employees' retirement. (BDR 23-925)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Public Employees' Retirement System; providing for the eligibility of certain police officers and firefighters who sustain certain injuries in the line of duty to apply for disability retirement benefits administered by the Public Employees' Retirement System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the eligibility of members of the Public Employees' Retirement System who have 5 years or more of service credit for disability retirement benefits administered by the System. (NRS 286.620) **Section 1** of this bill provides for the eligibility of police officers and firefighters who have attained permanent status and are members of the System but do not have 5 years of service credit to apply for disability retirement benefits if they sustain a catastrophic injury in the line of duty and meet certain other conditions. **Section 1** defines the term "catastrophic injury." Additionally, for the purpose of calculating the amount of the disability retirement allowance under **section 1**: (1) a member is deemed to have not less than 30 years in the service of a public employer; and (2) making any reduction in the benefits for the member's age is prohibited. **Section 2** of this bill makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A police officer or firefighter who has attained permanent status and is a member of the System is eligible to apply for



1 *disability retirement pursuant to NRS 286.620, regardless of*
2 *whether the police officer or firefighter has 5 years of service*
3 *credit, if the police officer or firefighter becomes totally unable to*
4 *perform the essential functions of:*

5 *(a) His or her current job;*

6 *(b) Any comparable job for which the member is qualified by*
7 *training and experience; or*

8 *(c) Any other position the member has held within the*
9 *immediately preceding year,*

10 *↪ with or without reasonable accommodation, as a result of a*
11 *catastrophic injury of a permanent and total nature sustained in*
12 *the line of duty.*

13 *2. In addition to the requirements set forth in subsection 1 of*
14 *NRS 286.620, a member applying for disability retirement*
15 *pursuant to subsection 1 must prove that the disability which*
16 *results in the inability to perform the essential functions of a job*
17 *described in subsection 1 is permanent and total.*

18 *3. A member who is eligible to apply for disability retirement*
19 *pursuant to this section shall be deemed to have not less than 30*
20 *years of service credit and no reduction for the age of the member*
21 *may be made for the purpose of calculating the amount of the*
22 *disability retirement allowance.*

23 *4. As used in this section, "catastrophic injury" means an*
24 *injury to a person resulting in:*

25 *(a) The total loss of sight in one or both eyes;*

26 *(b) The total loss of hearing in one or both ears;*

27 *(c) The loss by separation of any arm or leg;*

28 *(d) An injury to the head or spine which results in paralysis of*
29 *the legs, the arms or both the legs and arms;*

30 *(e) An injury to the head which results in severe cognitive*
31 *impairment, as determined by a nationally recognized method of*
32 *objective psychological testing;*

33 *(f) An injury consisting of second or third degree burns on 50*
34 *percent or more of:*

35 *(1) The body;*

36 *(2) Both hands; or*

37 *(3) The face;*

38 *(g) The total loss of or significant and permanent impairment*
39 *of speech;*

40 *(h) A coma or vegetative state;*

41 *(i) The loss or significant impairment of function of one or*
42 *more vital internal organs or organ systems;*

43 *(j) The mangling, crushing or amputation of a major portion*
44 *of an extremity; or*



1 (k) *A substantial injury of similar magnitude to those listed in*
2 *paragraphs (a) to (j), inclusive.*

3 **Sec. 2.** NRS 286.620 is hereby amended to read as follows:

4 286.620 1. ~~[A]~~ *Except as otherwise provided in section 1 of*
5 *this act, a* member of the System who has 5 years or more of service
6 credit and who becomes totally unable to perform the member's
7 current job or any comparable job for which the member is qualified
8 by training and experience, because of injury or mental or physical
9 illness of a permanent nature is eligible to apply for disability
10 retirement if:

11 (a) Except as otherwise provided in subsection 5, the member's
12 employment will be terminated because of the disability;

13 (b) The member is in the employ of a participating public
14 employer at the time of application for disability retirement;

15 (c) The member proves that the disability renders the member
16 unable to perform the duties of the member's present position and of
17 any other position the member has held within the past year;

18 (d) The member files a notarized application for disability
19 retirement with the System which indicates a selection of option and
20 to which is attached a personal statement by the member, describing
21 the disability, the duties which the member can and cannot perform,
22 and any benefits the member is entitled to receive for disability from
23 any other public source;

24 (e) The public employer files an official statement certifying the
25 member's employment record, job description, work evaluations,
26 record of disability and absences that have occurred because of the
27 disability; and

28 (f) The immediate supervisor of the member files an official
29 statement regarding the effect upon the work of the member after
30 the disability, job functions that can and cannot be performed
31 because of the disability, and whether or not there are alternative
32 jobs that can be performed by the member.

33 2. Except as otherwise required as a result of NRS 286.537 ~~[A]~~
34 *or section 1 of this act*, the amount of the disability retirement
35 allowance must be calculated in the same manner as provided for
36 service retirement calculations in NRS 286.551, except that no
37 reduction for the member's age may be made and that the allowance
38 must be reduced by the amount of any other benefit received from
39 any source on account of the same disability:

40 (a) If the benefit is provided or was purchased by the
41 expenditure of money by a Nevada public employer; and

42 (b) To the extent that the total of the unmodified benefit and the
43 other benefit would otherwise exceed the member's average
44 compensation.



1 3. A member may apply for disability retirement even if the
2 member is eligible for service retirement.

3 4. Each child of a deceased recipient of a disability retirement
4 allowance is entitled to receive the benefits provided by NRS
5 286.673 only if the decedent had not reached the age and completed
6 the service required to be eligible for a service retirement allowance,
7 except that these benefits must not be paid to anyone who is named
8 as a beneficiary under one of the options to an unmodified
9 allowance.

10 5. If a member whose application for disability retirement has
11 been:

12 (a) Approved, dies before the member's employment is
13 terminated, but within 60 days after the application was approved;
14 or

15 (b) Mailed before the member's death as indicated by the date of
16 the postmark dated by the post office on the envelope in which it
17 was mailed, dies before the Board has acted upon the application
18 and the Board approves thereafter the application,

19 ➡ the member's beneficiary is entitled to receive an allowance
20 under the option selected rather than the benefit otherwise provided
21 for a survivor.

22 6. The termination or adjustment of a disability retirement
23 allowance resulting from the death of a recipient of an allowance
24 pursuant to this section must not become effective until the first day
25 of the month immediately following the death of the recipient.

26 **Sec. 3.** This act becomes effective on July 1, 2019.

