

**95.863 Total and permanent disability not occasioned by duties of member --  
Accrual of annuity -- Cost-of-living increases.**

- (1) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member shall have rendered at least ten (10) years of total service, he shall be entitled to a disability retirement annuity. The amount of such annuity shall be equal to two and one-half percent (2-1/2%) of average salary, as defined in KRS 95.851(13), for each full year of total service, subject to a minimum payment of twenty-five percent (25%) of such average salary, and a maximum payment, excluding cost-of-living increases, of fifty percent (50%) of average salary. If the calculated monthly benefit is less than five hundred dollars (\$500) per month, the board may increase the monthly benefit to a minimum of five hundred dollars (\$500) monthly if the increase can be supported on an actuarially sound basis by the fund. Payment of this annuity shall be made during disability of the member. Any member who retired prior to June 21, 1974, shall receive an increase of ten dollars (\$10) per month for each year or part thereof of retirement prior to June 21, 1974, with a maximum increase of one hundred seventy dollars (\$170) per month. Upon death of the member, if an eligible widow or minor children survive, such survivors shall be entitled to the regular annuities provided under KRS 95.861.
- (2) Any annuity for nonoccupational disability shall begin to accrue upon the expiration of ninety (90) days following the commencement of disability, provided that, if the member is receiving salary for sick leave for a period of more than ninety (90) days, payment shall accrue from the date such salary ceases. If written application for such annuity shall not have been filed with the board prior to the expiration of ninety (90) days from the date of disability, the annuity shall begin to accrue from the date the application shall be filed but not prior to the expiration of ninety (90) days from the date of disability, nor in any event prior to the time when salary payments to the employee shall have ceased.
- (3) Any member retired pursuant to this section shall receive the same cost-of-living increases granted to other retirees pursuant to the terms of KRS 95.859(3).

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 341, sec. 5, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 132, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 84, sec. 2, effective March 24, 1992. -- Amended 1984 Ky. Acts ch. 351, sec. 5, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 367, sec. 4, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 396, sec. 6. -- Created 1956 Ky. Acts ch. 16, sec. 13, effective July 1, 1956.