

## Part 1 General Provisions

### 49-21-101 Title.

This chapter is known as the "Public Employees' Long-Term Disability Act."

Renumbered and Amended by Chapter 250, 2002 General Session

### 49-21-102 Definitions.

As used in this chapter:

- (1) "Date of disability" means the date on which a period of continuous disability commences, and may not commence on or before the last day of actual work.
- (2)
  - (a) "Eligible employee" means the following employee whose employer provides coverage under this chapter:
    - (i)
      - (A) any regular full-time employee as defined under Section 49-12-102, 49-13-102, or 49-22-102;
      - (B) any public safety service employee as defined under Section 49-14-102, 49-15-102, or 49-23-102;
      - (C) any firefighter service employee or volunteer firefighter as defined under Section 49-23-102 who began firefighter service on or after July 1, 2011;
      - (D) any judge as defined under Section 49-17-102 or 49-18-102; or
      - (E) the governor of the state;
    - (ii) an employee who is exempt from participating in a retirement system under Subsection 49-12-203(4), 49-13-203(4), 49-14-203(1), or 49-15-203(1); and
    - (iii) an employee who is covered by a retirement program offered by a public or private system, organization, or company designated by the State Board of Regents.
  - (b) "Eligible employee" does not include:
    - (i) any employee that is exempt from coverage under Section 49-21-201; or
    - (ii) a retiree.
- (3) "Elimination period" means the three months at the beginning of each continuous period of total disability for which no benefit will be paid. The elimination period begins on the nearest first day of the month from the date of disability. The elimination period may include a one-time trial return to work period of less than 15 consecutive calendar days.
- (4) "Maximum benefit period" means the maximum period of time the monthly disability income benefit will be paid under Section 49-21-403 for any continuous period of total disability.
- (5) "Monthly disability benefit" means the monthly payments and accrual of service credit under Section 49-21-401.
- (6) "Objective medical impairment" means an impairment resulting from an injury or illness which is diagnosed by a physician and which is based on accepted objective medical tests or findings rather than subjective complaints.
- (7) "Physician" means a licensed physician.
- (8) "Regular monthly salary" means the amount certified by the participating employer as the monthly salary of the eligible employee, unless there is a discrepancy between the certified amount and the amount actually paid, in which case the office shall determine the regular monthly salary.

- (9) "Regular occupation" means either the primary duties performed by the eligible employee for the 12 months preceding the date of disability, or a permanent assignment of duty to the eligible employee.
- (10) "Rehabilitative employment" means any occupation or employment for wage or profit, for which the eligible employee is reasonably qualified to perform based on education, training, or experience.
- (11)
- (a) "Total disability" means the complete inability, due to objective medical impairment, whether physical or mental, to engage in the eligible employee's regular occupation during the elimination period and the first 24 months of disability benefits.
- (b)
- (i) "Total disability" means, after the elimination period and the first 24 months of disability benefits, the complete inability, as determined under Subsection (11)(b)(ii), to engage in any gainful occupation which is reasonable, considering the eligible employee's education, training, and experience.
- (ii) For purposes of Subsection (11)(b)(i), inability is determined:
- (A) based solely on physical objective medical impairment; and
- (B) regardless of the existence or absence of any mental impairment.

Amended by Chapter 15, 2014 General Session

**49-21-103 Creation of program.**

There is created for eligible employees the "Public Employees' Long-Term Disability Program."

Renumbered and Amended by Chapter 250, 2002 General Session

**49-21-104 Creation of trust fund.**

- (1) There is created the "Public Employees' Long-Term Disability Trust Fund" for the purpose of paying the benefits and costs of administering this program.
- (2) The fund shall consist of all money and interest paid into it in accordance with this chapter, whether in the form of cash, securities, or other assets, and of all money received from any other source.
- (3) Custody, management, and investment of the fund shall be governed by Chapter 11, Utah State Retirement Systems Administration.

Renumbered and Amended by Chapter 250, 2002 General Session

**49-21-105 Purpose -- Flexibility -- Administration.**

- (1) The purpose of this chapter is to provide long-term disability benefits for an eligible employee.
- (2) Subject to the provisions of Section 49-21-201, the program may include one or more long-term disability benefit plans that differ from the benefit plan specified by this chapter for an eligible employee of a covered employer as defined under Section 49-20-102.
- (3) The program shall be administered by the office, under policies and rules adopted by the board.

Amended by Chapter 66, 2013 General Session