

MASSACHUSETTS
Public Employee Retirement Administration Commission
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M E M O R A N D U M

TO: All Retirement Boards
FROM: Robert F. Stalnaker, Executive Director
RE: Disability Applications and Early Intervention Plans
DATE: December 9, 1998

We have received questions regarding the proper procedure a board should follow when they receive an accidental disability application from a member who has been out of work for more than thirty days as a result of a job-related injury. Chapter 252 of the Acts of 1998 (amending G.L. c. 32, §5B) requires employers to establish an early intervention team for such a member.

Since the act requires employers to act, the retirement board should process all applications normally unless advised otherwise by the early intervention team. Nothing in Chapter 252 of the Acts of 1998 requires or allows a retirement board to not process an application for accidental disability pending action by the team.

The retirement boards involvement in this early intervention process is limited to appointing a member to the early intervention team when requested by the employer. Only if the member fails to participate in the assessment or required rehabilitation of an early intervention plan will the member be deemed to have waived his or her rights to an accidental or ordinary disability retirement benefit.

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.