

1 **20 NCAC 020 .0104**

**SHORT-TERM DISABILITY AND EXTENDED SHORT-TERM  
DISABILITY APPROVALS**

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4 (a) Only the Medical Board shall have the authority to deny short-term and extended short-term disability benefits.

5 (b) The following positions or entities shall have the authority to approve short-term and extended short-term disability  
6 benefits on behalf of the Retirement Systems Division:

- 7 (1) Director of the Retirement Systems Division;
- 8 (2) Director of Operations;
- 9 (3) Disability Benefits Processing Manager;
- 10 (4) Disability Benefits Processing Supervisor;
- 11 (5) Clinical Reviewer; or
- 12 (6) Medical Board.

13 (c) The Director of the Retirement Systems Division may designate additional positions to have the authority to  
14 approve, but not deny, short-term and extended short-term disability benefits.

15 (d) Only the Medical Board may approve applications for short-term or extended-short-term disability benefits from  
16 individuals who have been actively employed at the Department of State Treasurer within the 365 days preceding the  
17 date of disability indicated on the individual’s application for benefits.

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19 *History Note: Authority G.S. 135-105(f); G.S. 135-105(g)*  
20 *Eff. \_\_\_\_\_*

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22 **20 NCAC 020 .0105**

**SHORT-TERM DISABILITY NOTIFICATION DATE**

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24 (a) “Date of submission” means the date indicated on the Retirement Systems Division’s hand-stamped postal mark  
25 if the submission is by mail or in person, the timestamp if the submission is by email, or the transmission date if the  
26 submission if by facsimile transmission.

27 (b) “Notifications made” pursuant to G.S. 135-105(d) means the submission of a written request for reimbursement  
28 by an employer.

29 (c) “Submission” means the act of presenting a document to the Retirement System Division for processing,  
30 consideration, or determination through one of the following methods:

- 31 (1) Mail to the mailing address in Rule 20 NCAC 02B .0101;
- 32 (2) Electronic mail (email);
- 33 (3) Facsimile transmission; or
- 34 (4) In person at the physical address in Rule 20 NCAC 02B .0101.

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36 *History Note: Authority G.S. 135-105(d)*  
37 *Eff. \_\_\_\_\_*

1 **20 NCAC 020 .0106 EXTENDED SHORT-TERM DISABILITY APPLICATION DATE**

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3 (a) "Date of submission" means the date indicated on the Retirement Systems Division's hand-stamped postal mark if  
4 the submission is by mail or in person, the timestamp if the submission is by email, or the transmission date if the  
5 submission is by facsimile transmission.

6 (b) "Makes an application" pursuant to G.S. 135-105(g) means submission of the following information, in a method  
7 prescribed by the Retirement Systems Division:

- 8 (1) Full name;
- 9 (2) Mailing address;
- 10 (3) Email address;
- 11 (4) Telephone number;
- 12 (5) Date of birth;
- 13 (6) Member identification number assigned by the Retirement Systems Division;
- 14 (7) Last four digits of Social Security Number;
- 15 (8) Current or most recent employer;
- 16 (9) Employer contact name; and
- 17 (10) Signed and dated acknowledgement that the member has been receiving short-term benefits from  
18 the Disability Income Plan of North Carolina; is applying for extended short-term benefits; certifies  
19 that the illness did not result from active participation in a riot or actual or attempted commission of  
20 a terrorist act, felony, or intentional self-inflicted injury; authorizes health care providers to release  
21 to the Retirement Systems Division any medical records or other information about the disability;  
22 understands that a copy of such authorization will be as valid as the original; understands that the  
23 medical information is to be furnished at no cost; and understands that the member cannot withdraw  
24 contributions from the Retirement System while receiving benefits under the Disability Income Plan  
25 of North Carolina.

26 (c) "Submission" means the action of presenting a document to the Retirement System Division for processing,  
27 consideration, or determination through one of the following methods:

- 28 (1) Mail to the mailing address in Rule 20 NCAC 02B .0101;
- 29 (2) Electronic mail (email);
- 30 (3) Facsimile transmission; or
- 31 (4) In person at the physical address in Rule 20 NCAC 02B .0101.

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33 *History Note: Authority G.S. 135-105(g)*

34 *Eff. \_\_\_\_\_*

2 **TEACHERS' AND STATE EMPLOYEES' RETIREMENT**  
3 **SYSTEM OVERPAYMENT SAFE HARBOR**

4 (a) The following causes of overpayments are not entirely due to administrative error on the part of the Retirement  
5 Systems Division:

- 6 (1) The beneficiary received, but did not repay to the Retirement System or the Disability Income Plan  
7 of North Carolina, a benefit from the Social Security Administration, the U.S. Department of  
8 Veterans Affairs, other federal agency payments, Workers' Compensation, or the State's military  
9 disability program under G.S. 127A-108, where such benefits are required by law to be offset from  
10 benefits paid by the Retirement System or the Disability Income Plan of North Carolina, or where  
11 repayment of such benefits was agreed upon as a condition of approval for benefits from the  
12 Retirement System or the Disability Income Plan of North Carolina.
- 13 (2) The beneficiary, the beneficiary's employer, or the beneficiary's authorized agent submitted any  
14 information on an official form to the Retirement Systems Division, either on paper or  
15 electronically, that differed from the information ultimately used to determine the eligibility for, or  
16 amount of, benefits due.
- 17 (3) The Retirement Systems Division requested information necessary to initiate or continue the  
18 payment of benefits, by sending a letter to the mailing address that the beneficiary, the beneficiary's  
19 employer, or the beneficiary's authorized agent placed on file with the Retirement Systems Division,  
20 allowing at least three weeks between the date of the letter and the date for a response to be received,  
21 and the Retirement Systems Division did not receive a response by the time requested.
- 22 (4) A State or local government agency reported information to the Retirement Systems Division,  
23 including employment status, dates of service, or amounts of compensation, which changed the  
24 eligibility for, or amount of, benefits due to the beneficiary.
- 25 (5) The beneficiary experienced a forfeiture of creditable service for having been convicted of a felony  
26 under the provisions of G.S. 135-18.10, G.S. 135-18.10A, G.S. 135-75.1, or G.S. 135-75.1A .

27 (b) The Retirement Systems Division may initiate a review of the facts and circumstances related to the origin of any  
28 overpayment from the Retirement System or the Disability Income Plan of North Carolina, with the purpose of  
29 determining if the overpayment was entirely due to administrative error on the part of the Retirement Systems Division  
30 and therefore eligible for the alternate repayment terms of G.S. 135-9(c1). Additionally, the Director of the Retirement  
31 Systems Division shall, upon receipt of a written request by a beneficiary, beneficiary's employer, or the beneficiary's  
32 authorized agent, initiate such a review. If the Director determines the overpayment is not entirely due to  
33 administrative error on the part of the Retirement Systems Division, the Retirement Systems Division shall issue a  
34 letter to the requestor setting forth the reason or reasons for the denial. The Director shall make determinations on  
35 such requests pursuant to the authority provided under 20 NCAC 02A .0103.

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37 *History Note: Authority G.S. 135-9(c1)*

38 *Eff. \_\_\_\_\_*

2 **LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT**  
3 **SYSTEM OVERPAYMENT SAFE HARBOR**

4 (a) The following causes of overpayments are not entirely due to administrative error on the part of the Retirement  
5 Systems Division:

- 6 (1) The beneficiary received, but did not repay to the Retirement System, a benefit from the Social  
7 Security Administration, the U.S. Department of Veterans Affairs, other federal agency payments,  
8 Workers' Compensation, or the State's military disability program under G.S. 127A-108, where  
9 such benefits are required by law to be offset from Retirement System benefits, or where repayment  
10 of such benefits was agreed upon as a condition of approval for benefits from the Retirement System.
- 11 (2) The beneficiary, the beneficiary's employer, or the beneficiary's authorized agent submitted  
12 information on an official form to the Retirement Systems Division, either on paper or  
13 electronically, that differed from the information ultimately used to determine the eligibility for, or  
14 amount of, benefits due.
- 15 (3) The Retirement Systems Division requested information necessary to initiate or continue the  
16 payment of benefits, by sending a letter to the mailing address that the beneficiary, the beneficiary's  
17 employer, or the beneficiary's authorized agent on file with the Retirement Systems Division,  
18 allowing at least three weeks between the date of the letter and the date for a response to be received,  
19 and the Retirement Systems Division did not receive a response by the time requested.
- 20 (4) A State or local government agency reported information to the Retirement Systems Division,  
21 including employment status, dates of service, or amounts of compensation, which changed the  
22 eligibility for, or amount of, benefits due to the beneficiary.
- 23 (5) The beneficiary experienced a forfeiture of creditable service for having been convicted of a felony  
24 under the provisions of G.S. 128-38.4 or G.S. 128-38.4A.

25 (b) The Retirement Systems Division may initiate a review of the facts and circumstances related to the origin of any  
26 overpayment from the Retirement System, with the purpose of determining if the overpayment was entirely due to  
27 administrative error on the part of the Retirement Systems Division and therefore eligible for the alternate repayment  
28 terms of G.S. 128-31(c1). Additionally, the Director of the Retirement Systems Division shall, upon receipt of a  
29 written request by a beneficiary, beneficiary's employer, or the beneficiary's authorized agent, initiate such a review.  
30 If the Director determines the overpayment is not entirely due to administrative error on the part of the Retirement  
31 Systems Division, the Retirement Systems Division shall issue a letter to the requestor setting forth the reason or  
32 reasons for the denial. The Director shall make determinations on such requests pursuant to the authority provided  
33 under 20 NCAC 02A .0103.

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35 *History Note: Authority G.S. 128-31(c1)*  
36 *Eff. \_\_\_\_\_*