

House Bill 379

By: Representatives Bridges of the 10<sup>th</sup> and Cummings of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Employees' Retirement System of Georgia, so as to provide that a member of such  
3 retirement system employed on or after July 1, 2006, who has an impairment which prevents  
4 him or her from performing his or her duties in the position he or she held at the onset of the  
5 impairment shall not be entitled to receive a disability allowance unless his or her employer  
6 certifies that there is no available position comparable in compensation which such employee  
7 is capable of performing; to provide conditions for an effective date and automatic repeal;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'  
12 Retirement System of Georgia, is amended by striking in its entirety subsection (b) of Code  
13 Section 47-2-123, relating to allowance payable upon death, disability, or involuntary  
14 separation from employment under the Employees' Retirement System of Georgia,  
15 restrictions on separating from employment, restrictions on separating from state service an  
16 employee entitled to involuntary separation benefits, and inserting in lieu thereof the  
17 following:

18 "(b)(1) The provisions of this paragraph apply to members of this retirement system who  
19 became members prior to July 1, 2006. Any member in service who has at least 15 years  
20 of creditable service may be retired on a disability allowance by the board of trustees,  
21 upon written application to the board of trustees by the member or his or her employer  
22 and upon certification by the medical board that he or she is medically or physically  
23 incapable of further performance of his or her duties in the position he or she held at the  
24 time his or her disability originated, that incapacity is likely to be permanent, and that he  
25 or she should be retired; provided, however, that the medical board shall not consider any  
26 evidence of such disability which is not submitted within 12 months after the date the

1 member submits his or her first application for a disability retirement. The board of  
 2 trustees may retire such member not less than 30 days nor more than 90 days after  
 3 execution and filing of the written application.

4 (2) The provisions of this paragraph apply to members of this retirement system who  
 5 first or again became members on or after July 1, 2006. Any member in service who has  
 6 at least 15 years of creditable service may be retired on a disability allowance by the  
 7 board of trustees, upon written application to the board of trustees by the member or his  
 8 or her employer and:

9 (A) Upon certification by the medical board that he or she is medically or physically  
 10 incapable of further performance of his or her duties in the position he or she held at the  
 11 time his or her disability originated; that such incapacity is likely to be permanent; and  
 12 that he or she should be retired; provided, however, that the medical board shall not  
 13 consider any evidence of such disability which is not submitted within 12 months after  
 14 the date the member submits his or her first application for a disability retirement; and

15 (B) Upon certification by the employer that no other position available which is  
 16 comparable in compensation can be found within his or her department, agency, or  
 17 other employing unit which he or she is capable of performing, taking into  
 18 consideration such medical or physical impairment.

19 The board of trustees may retire such member not less than 30 days nor more than 90  
 20 days after execution and filing of the written application and receipt of all required  
 21 information."

## 22 SECTION 2.

23 This Act shall become effective on July 1, 2006, only if it is determined to have been  
 24 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
 25 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
 26 become effective and shall be automatically repealed in its entirety on July 1, 2006, as  
 27 required by subsection (a) of Code Section 47-20-50.

## 28 SECTION 3.

29 All laws and parts of laws in conflict with this Act are repealed.