

This section provides information regarding the employer’s role pertaining to the Statewide Death & Disability Plan (SWD&D). For a detailed description of the plan benefits please refer to SWD&D Plan Brochure, FPPA Rules and Regulations and the Colorado Revised Statutes located at fppaco.org/benefits-SWDD.html

Occupational Disability		Total Disability
Temporary Occupational	Permanent Occupational	
40% of base salary	50% of base salary	70% of base salary

Survivor Benefits	
On - Duty	Off - Duty
Up to 70% of base salary	Up to 50% of base salary

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Important

A member should apply for disability retirement before leaving employment, but **MUST** apply within 180 days from their last day on the payroll. The member will **NOT** be eligible for disability benefits if they fail to apply for a disability retirement within 180 days from their last day on payroll,

A. Statewide Death & Disability Plan Eligibility and Coverage

1. Eligibility

The SWD&D Plan benefits are available for members not already eligible for normal retirement under a defined benefit plan, or members who have not met 25 years of accumulated service and age 55 under a money purchase plan.

Survivor benefits are only available for an eligible surviving spouse or dependent children. If the member dies and leaves no surviving spouse or dependent children. In this case, refer to the specific provisions of the member’s retirement plan regarding payments to a beneficiary or estate.

However, no benefits are payable from the SWD&D Plan if:

- The member becomes disabled or dies after termination of employment and, consequently, eligibility for membership in the SWD&D Plan.
- A member becomes disabled or dies while they are on an unauthorized Leave of Absence.
- A member becomes disabled or dies while on an authorized leave of absence during which SWD&D Plan contributions were not made.
- The member is eligible for normal retirement under a defined benefit or hybrid plan, or has 25 years of service and attained age 55 under a money purchase plan and becomes disabled on or off-duty or dies **off-duty**.

2. Coverage

The Statewide Death & Disability Plan provides 24-hour coverage for members, both on and off duty.

- 1. Full-Time Employees** (Employees who work at least 1600 hours in any calendar year)
Most police officers and firefighters employed full-time in Colorado are covered by the SWD&D Plan. Clerical staff is not covered by the SWD&D Plan.
- 2. Part-Time Employees** (Employees who work less than 1600 hours in any calendar year)
If the employer has elected, part-time police officers and firefighters may also be covered under the SWD&D Plan. Coverage of part-time employees only includes permanent, regularly scheduled employees and does not include temporary or seasonal employees.

B. Required Contributions

For members hired by their current employer prior to January 1, 1997, contributions to the SWD&D Plan were funded by the State of Colorado. No contributions are made to FPPA for these members, though current salary information should be maintained.

For members hired by their current employer on or after January 1, 1997, who is eligible for coverage under the SWD&D Plan, the contribution rate for January 1, 2021 – December 31, 2021 is currently set at 3.0% of base salary. The contribution rate for January 1, 2022 – December 31, 2022 will be 3.2% of base salary.

If a member was originally hired prior to January 1, 1997, separated service and then rehired after that date, contributions shall be made to the SWD&D Plan for that member at the current contribution rate.

The FPPA Board may adjust the contribution rate every year by two tenths of one percent (or .02). The Board's decision is based on the annual actuarial valuation.

It is a local decision as to whether the contribution is paid by the member, the employer (on behalf of the member) or split between the member and the employer.

Rule 101.14 of the FPPA Rules and Regulations defines salary as:

Salary, for the purpose of calculating the contribution to the Statewide Death & Disability Plan required by Section 31-31-811 (4), Colorado Revised Statutes, as amended, means base salary as defined in Rule 101.05, except that for Members who are not enrolled in the Statewide Defined Benefit Plan or the Statewide Money Purchase Plan, salary shall include Member contributions to any alternative retirement plan which are "picked up" by the employer.

SWD&D Plan contributions must be submitted based on the member's pensionable earnings (base salary). If a member takes an authorized leave of absence, then D&D contributions must be submitted based on the members' full pensionable earnings prior to the leave, or the employer may elect not to continue coverage.

Note: If contributions are not made for a member on an authorized leave of absence, coverage under the Statewide Death and Disability Plan shall be suspended.

For a member who works for two employers concurrently and is covered by the SWD&D

Rule 408.04 of the FPPA Rules and Regulations states:

Contributions are required on all employment that qualifies for participation in the SWD&D plan, including situations where a member works for two employers concurrently. However, if a member becomes ineligible for coverage based on employment with one employer, the member is ineligible for coverage under the other employer.

Plan by both employers:

No SWD&D Plan contributions are made to FPPA for members eligible for normal retirement benefits under the following plans

- The Statewide Defined Benefit Plan
- The Statewide Hybrid Plan - Defined Benefit and Money Purchase Component
- The Colorado Springs New Hire Pension Plan – Police and Fire Components
- The Statewide Defined Benefit Plan - Supplemental Social Security Component
- An old hire defined benefit pension plan, or
- Members who have reached age 55 with 25 years of accumulated service and are participants under
 - The Statewide Money Purchase Plan,
 - The Statewide Hybrid Plan - Money Purchase Component Only, or
 - A local money purchase plan.

C. Forms

1. *Statewide Standard Health History Form*

This form details an employee's health and medical history. To comply with state law, all members must complete and sign the form within 30 days from their first day of employment.

Failure by the employer to timely file or fully complete the Statewide Health History Form with FPPA may result in the employer being liable for payment of benefits should a member die or become disabled because of a disability or medical condition the member had at the time of hire.

2. *Disability Retirement Application*

Employers must complete Packet 3 – Employer's Section and return the packet to the member for submittal along with the rest of the Disability Application. Some of the information required includes:

- employment status
- hire date, rank, and pensionable earnings (base salary)
- leave taken
- contributions to the member's retirement plan and the SWD&D Plan
- last day on the job
- *last day on the payroll (see description below)
- **a copy of the member's job description** (or statement of assigned duties) including whether the member was required to perform the duties listed in the job description on a regular basis.

The employer will also make a statement on the application indicating the member's reason for separation of employment and state any additional basis for disability. The employer must include documentation and any relevant evidence if an additional condition should be considered. If the member is found not disabled for the initial claimed condition, FPPA will then look to see if the employer lists an additional basis for disability.

***Last Day on the Payroll – Disability Benefits and Survivor Benefits**

Once granted, benefits are payable from the day following the member's last day on the employer's payroll. The "last day on payroll", for purposes of determining when disability or survivor benefits begin, includes any form of accrued leave time, if the member remains on the employer's payroll while exhausting such leave. For a member on an authorized unpaid leave of absence over 180 days, the last day on payroll is the date FPPA accepts the member's application as complete.

Lump sum payments by the employer for accrued leave will not be considered in calculating a member's last day on the payroll if the member's employment has been terminated. If a member is receiving short-term disability benefits from the employer, pending a determination by FPPA regarding the disability retirement application, the disability benefits under the SWD&D Plan will accrue from the date the member's short-term disability benefits are discontinued.

3. *Application for Survivor Benefits*

The SWD&D Plan may provide survivor benefits to a deceased member's spouse** and/or dependent children. In the event a member should pass away, either on or off duty, the employer should request an Application for Survivor Benefits packet from FPPA. The employer should complete Part D of the application and assist the survivor in completing the remainder of the form. An FPPA Benefit Administrator can assist with questions about the benefit or the procedures.

Please refer to the State of Colorado definition of “spouse”.

*For purposes of this benefit, spouse also includes a partner in a civil union effective May 1, 2013 - per Colorado Revised Statutes, Title 14, Article 15 - Colorado Civil Union Act(1) “Civil union” means a relationship established by two eligible persons pursuant to this article that entitles them to receive the benefits and protections and be subject to the responsibilities of spouses.

A common law spouse may be eligible for survivor benefits as described under FPPA RULE 402.01 and 402.02.

Also see CRS 31-31-801 and Rule 402 for information on the definition of Dependent Children.

D. When a Member Takes a Leave of Absence

Members or survivors are not eligible for benefits if the member was off the employer’s payroll at the time a member becomes disabled or dies as the result of an unauthorized Leave of Absence.

Coverage and Contributions for Authorized Leave of Absence

Coverage for members hired after January 1, 1997 would only continue if contributions for the member on the authorized Leave of Absence are paid to FPPA. If the monthly contribution is not received by FPPA, then coverage under the SWD&D Plan is suspended.

- If the employer is paying 100 percent of this contribution, please continue to remit the Death & Disability contribution each payroll during the authorized leave using the member’s latest pensionable earnings.
- If the contribution is split between the employer and the member or if the member pays the entire contribution, the employer must remit the entire monthly contribution to FPPA for the member to continue coverage under by the SWD&D Plan.
- Members or survivors may not be eligible for benefits if contributions for a member on an authorized leave of absence are not made and the member subsequently becomes disabled or dies.

For Members Who Take an Authorized Leave of Absence Pursuant to the Provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA)

Members on military leave for service that is covered by USERRA may qualify for a Leave of Absence of up to five years upon payment of the required SWD&D Plan contribution by the employer. Monthly contributions are required to maintain coverage. Any benefits payable under the SWD&D Plan shall be offset by any death or disability benefits received from the military.

The FPPA Board strongly encourages the employer to cover the member entirely during a period of military leave, but leaves this decision to local discretion. Within your contribution reporting process, please notify FPPA which members are on military leave.

For more information regarding Leave of Absence, refer to the home page on the FPPA website at fppaco.org/PDF/ER/LeaveOfAbsence_12-31-19.pdf.

E. Reinstatement of Employment Following a Temporary Occupational Disability

Periodic reexaminations may be required for members who are receiving temporary occupational disability benefits. In the event that, upon reexamination within the five-year benefit period, two of three examining physicians agree that the disability ceases to exist (except in the case of psychiatric related disabilities, wherein all three physicians must agree), and FPPA agrees, the member must be restored to active service by his/her former employer if:

1. A vacancy exists in the same position the member held prior to retirement; or
2. There is a position of equal base pay available. "Equal Base Pay" means base pay that is equal to the current base pay of an active member having the same rank and grade as the disabled member held at the time the disabled member began receiving a disability benefit; or
3. The member agrees to accept another available position that may not be the same as or of equal base pay to the member's former position.

If the position to which the member will be restored requires, as a matter of state law, that the member maintain any type of state certification, the employer must hold open any such position, which the member has agreed to accept, for a period not to exceed one year, in order to give the member an opportunity to attain certification, recertification or reactivation of an existing certification. The one-year period may extend beyond the five-year limitation as long as the opening occurs within the five-year period.

If the employer refuses to restore the member to active service, the employer will become responsible for the payment of disability benefits.

If there is a position available, but it is of lesser rank or pay, the member has first right of refusal. If the member refuses the position, the member continues to collect the benefit from the SWD&D Plan.

After five years, an employer has no obligation to rehire a member who has been found no longer disabled by FPPA and the benefit is discontinued.

If a temporary occupational disability ceases to exist and the member is restored to active service with the member's employer, a transfer of funds will be made from the SWD&D Plan to the member's retirement plan. The amount transferred shall be equal to the contribution rate at the time of the member's disability, up to 16% of the member's monthly pensionable earnings.

If the member was in the SWDB Plan, SWDB-SS Plan, SWH – DB and MP Plan, or the CSNHPP Plan, then they will receive service credit for this transfer.

A restored member of a local money purchase plan, which has a contribution rate in excess of 16%, shall have the difference between the amount transferred and the amount that would have been contributed at the excess rate, made up by an additional contribution from the employer. C.R.S. 31-31-805 (2) (i)

Funds not accepted by the member's retirement plan or exceeding IRC limitations shall be paid directly to the member.

F. Actuarial Study Information

FPPA is required to perform an actuarial evaluation on the SWD&D Plan annually. To perform the study, information is sent to each department. Employers must complete all of the requested information and return it to FPPA before the valuation can be completed.

G. Annual Audit Verification

An independent audit is performed every year on the SWD&D Plan. As part of this audit, employers may be requested to verify contribution totals for the active members and benefit payment amounts to the retirees. Employer cooperation in this process is crucial and greatly appreciated by FPPA.

H. Additional Information

1. **Public Safety Officer's Benefit (PSOB)**

This federal program is administered by the Bureau of Justice Assistance in Washington, D.C. Programs provide death and educational benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, and disability benefits to officers catastrophically injured in the line of duty. To obtain information or an application for this benefit, contact:

Public Safety Officer's Benefits Program

Bureau of Justice Assistance
810 Seventh Street, N.W.
Washington, D.C. 20531

Toll Free: (888) 744-6513

Email: askpsob@usdoj.com

Web: <https://bja.ojp.gov/program/psob>

The PSOB benefit amount may be indexed by the CPI on October 1st of each year.

2. **External Resources**

Contact a Benefit Administrator for an up-to-date list of additional external resources including contact information for:

- Social Security Administration
- Medicare
- Dependent Tuition Assistance / Scholarship Programs
- Rehabilitation / Retraining Services
- Federal Programs (PSOB, HUD, USAJOBS)
- State Park Passes and Hunting & Fishing Licenses for First Responders with a Disability
- Individual Insurance through HUB International

This document is intended to be a plain language overview of FPPA administered plans and procedures. It should be used in conjunction with the applicable FPPA Rules and Regulations, plan documents and the Colorado Revised Statutes. Alone, this guide can only be considered a summary and not a comprehensive reference to retirement, disability and survivor benefits provided by FPPA. This plain language document is intended for informational purposes only. Official interpretations or determinations are based upon the applicable plan documents, the Colorado Revised Statutes, and FPPA Rules and Regulations that govern the plan.