

20 NCAC 02B .0215 is proposed for adoption as follows:

**20 NCAC 02B .0215           TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM**  
**OVERPAYMENT SAFE HARBOR**

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

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

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

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

20 NCAC 02C .0212 is proposed for adoption as follows:

**20 NCAC 02C .0212      LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM**  
**OVERPAYMENT SAFE HARBOR**

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

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

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

*History Note: Authority G.S. 128-31(c1)*

20 NCAC 02O .0104 is proposed for adoption as follows:

**20 NCAC 02O .0104      SHORT-TERM DISABILITY AND EXTENDED SHORT-TERM DISABILITY  
APPROVALS**

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

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

(1) Director of the Retirement Systems Division;

(2) Director of Operations;

(3) Disability Benefits Processing Manager;

(4) Disability Benefits Processing Supervisor;

(5) Clinical Reviewer; or

(6) Medical Board.

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

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

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

20 NCAC 02O .0105 is proposed for adoption as follows:

**20 NCAC 02O .0105      SHORT-TERM DISABILITY NOTIFICATION DATE**

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

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

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

(1) Mail to the mailing address in Rule 20 NCAC 02B .0101;

(2) Electronic mail (email);

(3) Facsimile transmission; or

(4) In person at the physical address in Rule 20 NCAC 02B .0101.

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

20 NCAC 02O .0106 is proposed for adoption as follows:

**20 NCAC 02O .0106      EXTENDED SHORT-TERM DISABILITY APPLICATION DATE**

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

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

(1) Full name;

(2) Mailing address;

(3) Email address;

(4) Telephone number;

(5) Date of birth;

(6) Member identification number assigned by the Retirement Systems Division;

(7) Last four digits of Social Security Number;

(8) Current or most recent employer;

(9) Employer contact name; and

(10) Signed and dated acknowledgement that the member has been receiving short-term benefits from the Disability Income Plan of North Carolina; is applying for extended short-term benefits; certifies that the illness did not result from active participation in a riot or actual or attempted commission of a terrorist act, felony, or intentional self-inflicted injury; authorizes health care providers to release to the Retirement Systems Division any medical records or other information about the disability; understands that a copy of such authorization will be as valid as the original; understands that the medical information is to be furnished at no cost; and understands that the member cannot withdraw contributions from the Retirement System while receiving benefits under the Disability Income Plan of North Carolina.

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

(1) Mail to the mailing address in Rule 20 NCAC 02B .0101;

(2) Electronic mail (email);

(3) Facsimile transmission; or

(4) In person at the physical address in Rule 20 NCAC 02B .0101.

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