

§18521. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 409, §§11, 12 (NEW).]

1. Disabled. "Disabled" means that the member is mentally or physically incapacitated under the following conditions:

A. The incapacity is expected to be permanent; [PL 1989, c. 409, §§11, 12 (NEW).]

B. That the member is unable to perform the essential functions of the member's employment position with reasonable accommodation; [PL 2021, c. 277, §34 (AMD).]

C. After the incapacity has continued for 2 years, the incapacity must render the member unable to engage in any substantially gainful activity for which the member is qualified by training, education or experience; and [PL 1989, c. 409, §§11, 12 (NEW).]

D. The incapacity may be revealed by examinations or tests conducted in accordance with section 18526. [PL 1989, c. 409, §§11, 12 (NEW).]

[PL 2021, c. 277, §34 (AMD).]

2. Employment position. "Employment position" means:

A. The position in which the member is employed at the time the member becomes incapacitated; or [PL 1989, c. 409, §§11, 12 (NEW).]

B. A position of comparable stature and equal or greater compensation and benefits which is made available to the member by the member's employer. [PL 1989, c. 409, §§11, 12 (NEW).]

[PL 1989, c. 409, §§11, 12 (NEW).]

SECTION HISTORY

PL 1989, c. 409, §§11,12 (NEW). PL 2021, c. 277, §34 (AMD).

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