

RCW 41.24.150 Disability payments. (1) (a) Whenever a participant becomes physically or mentally disabled, injured, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty of his or her regular occupation, business, or profession, he or she shall be paid from the principal fund monthly, an amount (i) equal to his or her monthly wage as certified by the local board or (ii) two thousand five hundred fifty dollars, whichever is less, for a period not to exceed six months, or an amount equal to his or her daily wage as certified by the local board or eighty-five dollars, whichever is less, per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit or if the member sustained an injury after October 1, 1978, which resulted in the loss or paralysis of both legs or arms, or one leg and one arm, or total loss of eyesight, but such injury has not prevented the member from engaging in an occupation or performing work for compensation or profit, he or she is entitled to draw from the fund monthly, the sum of one thousand two hundred seventy-five dollars so long as the disability continues, except as *provided. However, if the participant has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he or she is entitled to draw from the fund monthly the additional sums of two hundred fifty-five dollars because of the fact of his wife or her husband, and one hundred ten dollars because of the fact of each child unemancipated or under eighteen years of age, all to a total maximum amount of two thousand five hundred fifty dollars.

(b) Beginning on July 1, 2001, and each July 1st thereafter, the compensation amounts specified in (a) (ii) of this subsection shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30th immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) The state board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his or her disability.

(3) Where a participant sustains a permanent partial disability the state board may provide that the injured participant receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workers' compensation act under Title 51 RCW in lieu of such monthly disability payments. [2001 c 134 s 1; 1999 c 148 s 13; 1996 c 57 s 1; 1989 c 91 s 2; 1987 c 185 s 10; 1986 c 163 s 1; 1981 c 21 s 1; 1975-'76 2nd ex.s. c 76 s 1; 1969 c 118 s 4; 1965 c 86 s 1; 1957 c 159 s 1; 1953 c 253 s 1; 1945 c 261 s 15; Rem. Supp. 1945 s 9578-29. Prior: 1935 c 121 s 4; RRS s 9578-4.]

***Reviser's note:** 1999 c 148 s 13 deleted "hereinafter."

Effective date—2001 c 134: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately [May 2, 2001]." [2001 c 134 s 3.]

Effective date—1996 c 57: "This act shall take effect July 1, 1996." [1996 c 57 s 3.]

Effective date—1989 c 91: See note following RCW 41.24.010.

Intent—Severability—1987 c 185: See notes following RCW 51.12.130.

Effective date—1981 c 21: "This amendatory act shall take effect July 1, 1981." [1981 c 21 s 6.]

Severability—1981 c 21: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 21 s 5.]