

### **95.773 Disability, retirement and death benefits.**

If any member of the police or fire department, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally, for services by reason of service in such departments, the board of trustees shall order the payment to such disabled member, monthly during such disability, not to exceed one (1) year, from such pension fund, not exceeding sixty dollars (\$60) per month, the said amount to be determined by the board of trustees, provided such member, during the same period, is paid no salary as such member. If any member of the police or fire departments, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in either of said departments so as to render necessary his retirement from service in either of said departments, said board of trustees shall retire such disabled member from service in either of said departments, provided no such retirement on account of disability shall occur unless said member has contracted said disability while on duty in the service of said police or fire department, and upon such retirement the board of trustees shall order the payment to such disabled member of such police or fire department, monthly, from such pension fund, a sum equal to one-half (1/2) of the monthly salary such member was receiving at the date of his retirement, provided such member has had twelve (12) or more years' constant service in either of said departments. Any member of the said police or fire departments who has less than twelve (12) years of constant service in the said department and becomes disabled for service and eligible for retirement under this section shall receive monthly such sum from such pension fund fixed by the board of said trustees any amount not to exceed one-half (1/2) of the amount which such member of the police or fire department was receiving in monthly salary at the date of his retirement. If any member of said police or fire department shall, while in the performance of his duty, be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in either of said departments, and while in said service, or after having served continuously for twelve (12) years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen (14) years, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, a sum equal to one-half (1/2) of the monthly salary or pension payment such member was receiving at the date of his death, and for each child until it reaches the age of fourteen (14) years, six dollars (\$6), and to the dependent father and mother to be paid as follows: If the father be dead, the mother shall receive thirty dollars (\$30), and if the mother be dead, the father shall receive thirty dollars (\$30), and if both be living, each shall receive fifteen dollars (\$15). The board may provide a minimum benefit of no more than four hundred dollars (\$400) per month, initially, to the surviving spouse if the benefit can be supported on an actuarially-sound basis by the pension fund. When Social Security benefits are increased, the board may increase the surviving spouse's minimum by a like percentage, but the increase shall not exceed five percent (5%).

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 50, sec. 6, effective July 15, 1994. -- Amended 1960 Ky. Acts ch. 196, sec. 1, effective June 16, 1960. -- Created 1942 Ky. Acts ch. 9, sec. 14.