



1       "(c1) During the long-term disability period, a beneficiary may return to service for  
2 trial rehabilitation for periods of not greater than 36 months of continuous service. Such  
3 return will not cause the beneficiary to become a participant and will not require a new  
4 waiting period or short-term disability period to commence regardless of whether the  
5 beneficiary is unable to continue in service due to the same incapacity or a different  
6 incapacity.

7       A beneficiary who, during a period of trial rehabilitation, is unable to continue in  
8 service may be entitled to a restoration of the long-term disability benefit provided that  
9 the Medical Board certifies that the beneficiary is disabled in accordance with the laws  
10 in effect at the time of the Board's original approval for long-term disability benefits,  
11 either due to the same or a different incapacity, notwithstanding the requirement the  
12 incapacity has been continuous. In the event that the Medical Board determines that the  
13 long-term disability benefit should be restored, the restored benefit should be calculated  
14 in accordance with G.S. 135-106(b); should include any post-disability benefit  
15 adjustments as provided by G.S. 135-108; and should not be reduced by an amount  
16 equal to a primary Social Security disability benefit to which the beneficiary might be  
17 entitled had the beneficiary been awarded Social Security benefits until the beneficiary  
18 has been eligible to receive long-term disability benefits for 36 months, including any  
19 period the beneficiary elected to receive any salary continuation in lieu of the long-term  
20 benefit, but not including any period of trial rehabilitation.

21       A beneficiary who returns to service for a period of trial rehabilitation and who has  
22 continued in service for greater than 36 continuous months, shall again become a  
23 participant and any subsequent incapacity shall be treated as a new incapacity causing a  
24 new waiting period to begin. Such a beneficiary may be entitled to additional long-term  
25 disability benefits on account of the new incapacity provided the beneficiary meets all  
26 other requirements notwithstanding the requirement of five years of membership service  
27 within the 96 calendar months prior to becoming disabled or the cessation of continuous  
28 salary continuation payments."

29       **SECTION 4(a).** The introductory language of Section 4 of S.L. 2004-78, as  
30 amended by Section 29.30B(a) of S.L. 2005-276, reads as rewritten:

31       "**SECTION 4.** Effective August 1, ~~2006~~, 2007, G.S. 135-106(a), as rewritten by  
32 Section 3 of this act, reads as rewritten:"

33       **SECTION 4(b).** Section 6 of S.L. 2004-78, as amended by Section  
34 29.30B(b) of S.L. 2005-276, reads as rewritten:

35       "**SECTION 6.** Sections 1 through 3 are effective retroactively from and after July  
36 1, 2003. Section 4 of this act becomes effective August 1, ~~2006~~, 2007, and applies only  
37 to persons who are not vested in the disability plan in question on that date. The  
38 remainder of this act becomes effective when it becomes law."

39       **SECTION 5.** Section 2 of this act becomes effective August 1, 2007. The  
40 remainder of this act becomes effective July 1, 2002.