

Chapter 17: Hazardous Duty Services Plan (HAZ Plan)

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Overview

This chapter pertains to hazardous duty personnel employed on or after January 1, 2011, and to employees in hazardous duty positions employed prior to January 1, 2011, who made or have the option to make the affirmative decision to join the HAZ Plan.

Who is Eligible for the HAZ Plan?

To be eligible for the HAZ Plan, a member must be hired into a HAZ Plan eligible position and his or her first employment making the member eligible for membership in one of the state systems must occur on or after January 1, 2011. A member may also make the irrevocable decision to join the HAZ Plan if he or she is employed in a HAZ Plan eligible position. The following positions qualify for the HAZ Plan:

- ❖ All personnel employed in positions required to be P.O.S.T.-certified, who have the power to arrest, who hold a commission as required for employment in such positions, who are otherwise members of LASERS, and who are not members of any other retirement system
- ❖ Wildlife agents of the enforcement division of the Department of Wildlife & Fisheries
- ❖ Wardens, correctional officers, security personnel, and probation and parole officers employed by the Department of Public Safety and Corrections
- ❖ Employees of the bridge police section of the Crescent City Connection Division of the Department of Transportation and Development
- ❖ Full-time law enforcement personnel, supervisors, and administrators who are employed by the Department of Revenue, Office of Alcohol and Tobacco Control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office
- ❖ Peace officers, defined by R.S. 40:2402(3)(a), employed by the Department of Public Safety and Corrections, Office of State Police, other than state troopers
- ❖ Arson investigators employed by the Office of the State Fire Marshal who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office
- ❖ Park rangers employed by the Department of Culture, Recreation, and Tourism, Office of State Parks, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office

- ❖ Campus police officers employed by any institution of postsecondary education who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission as required for employment as such officers
- ❖ Hospital security officers employed by Louisiana State University Health Sciences Center, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission as required for employment as such officers
- ❖ Investigators employed by the Department of Justice who are employed in positions required to be P.O.S.T.-certified
- ❖ Investigators employed by the Office of State Inspector General who are employed in positions required to be P.O.S.T.-certified
- ❖ Commissioned employees of the Harbor Police Department of the Port of New Orleans, first hired on or after July 1, 2014
- ❖ Employees of the Department of Agriculture and Forestry, who respond to wildfires, and are trained as wildland firefighters, as provided in R.S. 3:4276(9)

Enrolling a New Employee Hired into a HAZ Plan Eligible Position

When a new employee is hired into a HAZ Plan eligible position and enrolled as a member of LASERS, it is important to determine if the member has any previous service in LASERS. This will determine if the member is eligible for enrollment into the HAZ Plan. Agencies should use Employer Self-Service (ESS) to determine if a member has current, un-refunded service in LASERS. Agencies are also encouraged to utilize the "Ask LASERS" section of the LASERS website.

[Form 01-01: Member Registration](#) must be completed to ensure that the member is enrolled properly. However, this form is not required to be submitted to LASERS; it

should be kept in the employee's personnel file at the employing agency. For more information on enrolling members, refer to [Chapter 1: Membership & Enrollment](#).

NOTE: *If a new employee is hired into a LASERS eligible position but is actively contributing to another retirement system, then he or she may be eligible to elect to retain membership in that system. For more information on this topic, refer to the section "Members Electing to Remain in Current System" in [Chapter 1: Membership & Enrollment](#).*

EMPLOYEES WITH NO PREVIOUS SERVICE IN LASERS

If a new employee with no previous service in LASERS is hired into a LASERS eligible hazardous duty position, then he or she **must be enrolled** in the HAZ Plan. If the new employee was a previous member of LASERS but refunded the previous service, then he or she **must be enrolled** in the HAZ Plan.

EMPLOYEES WITH CURRENT UN-REFUNDED SERVICE IN LASERS

If a new employee with current un-refunded service in LASERS is hired into a LASERS eligible hazardous duty position, then he or she **must elect:**

1. **to remain** in his or her existing or last retirement plan;
2. **to irrevocably join** the HAZ Plan.

[Form 02-18: Hazardous Duty Services Plan Election](#) must be submitted to LASERS upon the member's enrollment.

If the member elects to remain in his or her existing retirement plan, then he or she will be enrolled in the existing retirement plan and contribute at the contribution rate of that plan. At any point prior to retiring or entering DROP, the member may irrevocably elect to join the HAZ Plan. If this occurs, the member must submit a **new** [Form 02-18: Hazardous Duty Services Plan Election](#) to LASERS, indicating that he or she elects to join the Hazardous Duty Services Plan. The agency must terminate the member from his or her existing retirement plan and enroll the member in the HAZ Plan. The member's enrollment into the HAZ Plan will be effective on the date that the form is signed by the member and certified by the agency.

If the member elects to join the HAZ Plan, then he or she makes an irrevocable decision to be enrolled in the HAZ Plan and maintain membership in that plan for the duration of employment in an eligible position. Any member who elects to join the HAZ Plan whose first eligibility for membership is prior to January 1, 2011 will be treated as an employee whose first eligibility for membership occurred *on or after* January 1, 2011.

The member may request an actuarial calculation to transfer and/or upgrade any prior service credit into the HAZ Plan. Transfers and upgrades of service credit must be completed prior to the member's retirement; however, transfers and upgrades of service credit may be completed before, during, or after participation in DROP. For more information on transfers and upgrades, refer to the section *Transferring and Upgrading Service into the HAZ Plan* in this chapter.

Enrolling an Existing Member Hired into a HAZ Plan Eligible Position

When hiring an employee into a HAZ Plan eligible position who is transferring from another agency, it is important to determine if the member has any previous service in LASERS. This will determine if the member is eligible for enrollment into the HAZ Plan. If the employee has no previous service in LASERS, then refer to the section *Enrolling a New Employee Hired Into a HAZ Plan Eligible Position* in this chapter.

If the employee has current un-refunded service in LASERS, then he or she would fall into one of the following categories:

1. Member's current/last retirement plan is a rank-and-file plan or specialty plan
2. Member's current/last retirement plan is HAZ Plan

Agencies should use [Employer Self-Service \(ESS\)](#) to determine the member's current/last retirement plan prior to enrolling the member. Agencies are also encouraged to utilize the "Ask LASERS" section of the LASERS website.

[Form 01-01: Member Registration](#) must be completed to ensure that the member is enrolled properly. However, this form is not required to be submitted to LASERS; it should be kept in the employee's personnel file at the employing agency. For more information on enrolling members, refer to [Chapter 1: Membership & Enrollment](#).

MEMBERS WHOSE CURRENT/LAST RETIREMENT PLAN IS A RANK-AND-FILE PLAN OR SPECIALTY PLAN

If a member is hired into a LASERS eligible hazardous duty position and is not currently enrolled in the HAZ Plan, then the member has the option to either elect to remain in his or her current/last retirement plan **or** elect to irrevocably join the HAZ Plan. [Form 02-18: Hazardous Duty Services Plan Election](#) must be submitted to LASERS upon the member's enrollment.

If the member elects to remain in his or her existing retirement plan, then he or she will be enrolled in the existing retirement plan and contribute at the contribution rate of that plan. At any point prior to retiring or entering DROP, the member may irrevocably elect to join the HAZ Plan. If this occurs, the member must submit a **new** [Form 02-18: Hazardous Duty Services Plan Election](#) to LASERS, indicating that he or she elects to join the Hazardous Duty Services Plan. The agency must terminate the member from his or her existing retirement plan and enroll the member in the HAZ Plan. The member's enrollment into the HAZ Plan will be effective on the date that the form is signed by the member and certified by the agency.

If the member elects to join the HAZ Plan, then he or she will be **irrevocably** enrolled in the HAZ Plan. The member may request an actuarial calculation to transfer and/or upgrade any prior service credit at any time prior to retirement; however, transfers and upgrades of service credit may be completed before, during, or after participation in DROP. Any member who elects to join the HAZ Plan whose first eligibility for membership is prior to January 1, 2011 will be treated as an employee whose first eligibility for membership occurred on or after January 1, 2011. For more information on transfers and upgrades, refer to the section *Transferring and Upgrading Service into the HAZ Plan* in this chapter).

MEMBERS WHOSE CURRENT/LAST RETIREMENT PLAN IS HAZ PLAN

If a member is hired into a LASERS eligible hazardous duty position and his or her existing retirement plan is the HAZ Plan, then this means that the member has already made the irrevocable decision to join the HAZ Plan, or that he or she was eligible for the HAZ Plan at previous enrollment in LASERS. In either situation, the member **must be enrolled** in the HAZ Plan.

Members Transitioning to the HAZ Plan

Any member who was enrolled in a hazardous duty eligible position in a rank-and-file retirement plan or a specialty plan prior to January 1, 2011 can make the **irrevocable decision** to join the HAZ Plan. This decision may be made at any time on or after January 1, 2011. For information on eligible positions, refer to the section *Who is Eligible for the HAZ Plan?* in this chapter.

To join the HAZ Plan, [Form 02-18: Hazardous Duty Services Plan Election](#) must be submitted to LASERS. If a member has chosen to remain in his or her existing retirement plan, then he or she may elect to join the HAZ Plan at any point prior to retiring or entering DROP. Once the decision is made to join the HAZ Plan, the member will be treated as an employee whose first eligible date for membership occurred on or after January 1, 2011.

If a member is enrolled in a rank and file retirement plan and elects to join the HAZ Plan, then his or her employing agency must indicate whether the member held a position qualified as hazardous duty. [Form 01-11: Certification of Prior Employment in a Hazardous Duty Position](#) must be submitted to LASERS by the Human Resources Personnel Officer at the time that the member transitions to the HAZ Plan or at the time that the member transfers prior service into the HAZ Plan (refer to the section *Transferring and Upgrading Service into the HAZ Plan* in this chapter). Members enrolled in a HAZ Plan eligible specialty retirement plan (Corrections Primary, Corrections Secondary, Peace Officers, Wildlife Agents, Alcohol and Tobacco Control, Bridge Police Employees, Bridge Police Employees 2, and New Orleans Harbor Police) who elect to join the HAZ Plan are not required to submit this certification.

NOTE: *LASERS members who have participated in DROP or who are re-employed retirees under Option 1 or Option 3 are not eligible to join the HAZ Plan.*

SERVICE CREDIT OPTIONS WHEN JOINING THE HAZ PLAN

Once a member joins the HAZ Plan, he or she may consider the following options in regard to existing service credit:

1. **Maintain existing service credit under the provision of the member's previous retirement plan and join the HAZ Plan day forward, accruing service credit and benefits prospectively.** If joining the HAZ Plan results in an actuarial cost to LASERS, the member must pay the cost prior to retiring. LASERS is unable to know if a cost will be associated with this decision until the member actually prepares for retirement. Members may avoid this by selecting one of the other options.

2. **Join the HAZ Plan and transfer all service credit into the HAZ Plan. If the transfer results in no actuarial cost to the system, then the member will receive the same number of years of service credit in the HAZ Plan as was earned in his or her previous plan.** If there is an actuarial cost, the member may pay the actuarial cost and receive credit for the actual number of years transferred or the member may accept the years of service credit on a pro rata basis. The time transferred will count toward HAZ Plan retirement eligibility, but will be calculated at the accrual rate at which it was earned. For more information on transfers and upgrades of service credit, refer to the section *Transferring and Upgrading Service into the HAZ Plan* in this chapter.
3. **Join the HAZ Plan, transfer all service credit into the HAZ Plan, and pay to upgrade all prior service credit to a 3.33% accrual rate.** The transferred and upgraded time will count toward HAZ Plan eligibility and benefits. ***However, the 3.33% accrual rate will not apply unless the member spends his or her last 10 years of employment in a hazardous duty position.*** For more information on transfers and upgrades of service credit, refer to the section *Transferring and Upgrading Service into the HAZ Plan* in this chapter.

HAZ Plan Contribution Rates

Members of the HAZ Plan pay a contribution rate of 9.5%. Employer contribution rates change every fiscal year. These rates are determined each year based on an actuarial formula and are approved by the Public Retirement Systems' Actuarial Committee (PRSAC). Once approved, these rates must be used to calculate employer contributions submitted to LASERS beginning in the July reporting period. This includes payrolls with a check date in July, regardless of when earned.

LASERS issues a Liaison Memorandum each year once the rates are approved. This memorandum includes

a chart that lists the updated employer contribution rates by retirement plan. For more information on remitting contributions and historical contribution rates, refer to [Chapter 3: Contribution Reporting](#).

Transferring and Upgrading Service into the HAZ Plan

Any member who elects to join the HAZ Plan will maintain prior service credit in the previous plan pursuant to the provisions of that plan and accrue service credit and benefits in the HAZ Plan beginning on the date that he or she joins the HAZ Plan. The member will maintain the benefit accrual rate for prior service and receive an accrual rate of three and one-third percent (3.33%) for each year of service earned in or ***transferred into and upgraded*** to the HAZ Plan.

However, the 3.33% accrual rate will not apply unless the member spends his or her last 10 years of employment in a hazardous duty position. If the member's last ten years of service were not worked exclusively in a LASERS eligible hazardous duty position, then the member will only receive a benefit accrual rate of two and one-half percent (2.5%) for HAZ Plan service credit, and upgraded service credit will be paid at the accrual rate at which it was earned.

Transferring prior service credit into the HAZ Plan will not cause the benefit accrual rate to increase. The transferred service credit earned at a lower accrual rate ***must be upgraded*** in order for the benefit accrual rate to increase. The previous service credit must be transferred into the HAZ Plan prior to member's retirement. Members may upgrade previous service credit at the time of the transfer into the HAZ Plan, or it may be upgraded after the transfer at any time prior to the member's retirement. Transfers and upgrades of service credit may be completed before, during, or after participation in DROP. If a member transfers and/or upgrades service credit while participating in DROP or while working after DROP, then the transferred and/or upgraded service credit will only count toward the supplemental portion of the member's benefit.

[Form 02-19: Application to Transfer/Upgrade Service into the Hazardous Duty Services Plan](#) must be completed by the employee and certified by the agency's Human Resources Personnel Officer. This certification must be completed by the agency at which the employee worked during the period of service being certified (not necessarily by the current employing agency). The form must be submitted to LASERS along with the appropriate actuarial calculation fee. The system actuary will determine the cost to transfer and/or upgrade the service credit (for more information on actuarial purchases, refer to [Chapter 9: Purchases, Transfers and Reciprocals](#)). If the transfer results in no cost to the system, the member will receive the same number of years of service credit in the HAZ Plan as was earned in his or her previous plan. If there is a cost to transfer, the member may accept the years on a pro rata basis. The member should allow six weeks to receive an invoice. **It is highly recommended that an invoice be requested at least six months prior to the date needed.**

PAYMENTS FOR TRANSFERRED OR UPGRADED SERVICE

All payments for any transferred and/or upgraded service credit must be made in full prior to the expiration of the invoice. The cost cannot be paid in monthly installments. If the invoice expires, the member must reapply and pay an additional actuarial calculation fee, if appropriate, in order to obtain a new invoice. All payments must be paid in a lump sum by any combination of personal checks, cashier's checks, certified checks, money orders, or rollovers from qualified accounts. Funds may also be wired to LASERS. A copy of the invoice must accompany all payments.

If the member rolls over funds to LASERS from a qualified account, [Form 02-13: LASERS Acceptance Letter of Rollover of Assets](#) must be completed by an authorized agent of the financial institution that is remitting the payment and submitted to LASERS. LASERS **will not** accept a financial institution's direct rollover form in lieu of Form 02-13.

Transitioning from the HAZ Plan to a Non-HAZ Eligible Position

If a member who was previously enrolled in the HAZ Plan accepts a position that is no longer HAZ Plan eligible, then he or she must be enrolled in a Regular (rank-and-file) retirement plan. Determining the member's Regular plan eligibility can be tricky. The chart on the next page provides some guidelines in enrolling such members.

Once the decision is made to join the HAZ Plan, the member will be treated as an employee whose first eligible date for membership occurred on or after January 1, 2011. This means that the member should be enrolled in the regular plan available at the time he or she made the decision to join HAZ Plan or at the time the new employee was enrolled in the HAZ Plan, either Regular Employees 3 or Regular Employees 4 Retirement Plan.

If a member was originally enrolled in LASERS prior to January 1, 2011, joins the HAZ Plan, then subsequently moves into a non-HAZ Plan position, he or she will be treated as though his or her first date making the member eligible for LASERS membership is January 1, 2011 (Regular Employees 3 plan). If a member entered the system on or after January 1, 2011 and was enrolled in the HAZ Plan, then subsequently moves into a non-HAZ Plan position, he or she will be enrolled in the plan that was available at the time the member joined the system (Regular Employees 3 or Regular Employees 4 plan).

NOTE: *Generally, the Regular Employees 3 Plan applies to members hired between January 1, 2011 and June 30, 2015. The Regular Employees 4 Plan generally applies to members hired on or after July 1, 2015. These rules do not apply if the member had prior un-refunded service.*

Determining a Retirement Plan (When Transitioning from the HAZ Plan to a Non-HAZ Plan Position)

Example 1:

January 1, 2006 – Member enrolled in a rank-and-file plan, but in a position that was later recognized as a hazardous duty services eligible position

February 2, 2012 – Member elected to join the HAZ Plan

October 1, 2015 – Member accepted a non-HAZ Plan position and was enrolled in a Regular plan

Retirement Plan = Regular Employees 3

Because the member was originally enrolled in LASERS prior to January 1, 2011, and elected to join the HAZ Plan on February 2, 2012, the member's first date making him or her eligible for membership subsequently became January 1, 2011. Although the retirement plan available on October 1, 2015 was Regular Employees 4, the member should be enrolled in Regular Employees 3 plan because that is the retirement plan that the member was eligible for on January 1, 2011.

Example 2:

January 1, 2006 – Member enrolled in a rank-and-file plan, but in a position that was later recognized as a hazardous duty services eligible position

February 2, 2012 – Member elected to join the HAZ Plan

July 1, 2014 – Member accepted a non-HAZ Plan position and was enrolled in a Regular plan

Retirement Plan = Regular Employees 3

Because the member was originally enrolled in LASERS prior to January 1, 2011 and elected to join the HAZ Plan on February 2, 2012, the member's first date making him or her eligible for membership subsequently became January 1, 2011. Therefore, the member was eligible for Regular Employees 3 as of January 1, 2011.

Example 3:

January 1, 2015 – Member enrolled in a non-HAZ Plan position

July 10, 2015 – Member accepted a HAZ Plan eligible position and elected to join the HAZ Plan

October 1, 2016 – Member accepted a non-HAZ Plan position and was enrolled in a Regular plan

Retirement Plan = Regular Employees 3

The member was originally enrolled in LASERS after January 1, 2011, and elected to join the HAZ Plan on July 10, 2015. The member's first date making him or her eligible for membership is his or her original enrollment date of January 1, 2015, since this date occurred after January 1, 2011. Although the retirement plan available on October 1, 2016 was Regular Employees 4, the member should be enrolled in Regular Employees 3 plan because that is the retirement plan that the member was eligible for on January 1, 2015.

Example 4:

September 1, 2015 – Member accepted a HAZ Plan eligible position and was enrolled in the HAZ Plan

October 15, 2017 – Member accepted a non-HAZ Plan position and was enrolled in a Regular plan

Retirement Plan = Regular Employees 4

The member was originally enrolled in LASERS, in the HAZ Plan, on September 1, 2015. The member's first date making him or her eligible for membership is the original enrollment date of September 1, 2015, since this date occurred after January 1, 2011. The member should be enrolled in Regular Employees 4 plan because it was the retirement plan that the member was eligible for on September 1, 2015.

Retirement Benefits for HAZ Plan Members

At the time of retirement, members of the HAZ Plan do not select a typical retirement option because their benefits are directed by statute. Retirement eligibility, benefit accrual rates, and final average compensation (FAC) are also different for HAZ Plan members (for more information on benefit calculation and retirement eligibility for the HAZ Plan and Regular Plan members, refer to [Chapter 8: Retirement Benefit Calculation & Eligibility](#)).

HAZ Plan Characteristics	
Retirement Eligibility <i>* In order for service credit to count towards HAZ Plan retirement eligibility, all service credit must be earned in the HAZ Plan or transferred into the HAZ Plan.</i>	Eligibility for Regular Retirement, DROP and IBO: <ul style="list-style-type: none"> ❖ 12 years of service credit at age 55* ❖ 25 years of service credit at any age*
	Eligibility for Regular Retirement with an Actuarially Reduced Benefit: <ul style="list-style-type: none"> ❖ 20 years of service credit at any age*- the actuarial reduction is based on the number of months that the member is away from unreduced HAZ Plan Regular retirement eligibility.
Benefit Accrual	<ul style="list-style-type: none"> ❖ If the last 10 years of service credit were worked in a hazardous duty position, the member will receive a 3.33% accrual rate for all years worked in or transferred AND upgraded to the HAZ Plan. ❖ If the last 10 years of service credit were worked in a hazardous duty position and the member transferred but did not upgrade service credit to the HAZ Plan, the member will receive a 3.33% accrual rate for years worked in the HAZ Plan and will receive prior service credit at the accrual rate at which it was earned. ❖ If the last 10 years of service were not worked in a hazardous duty position, the member will receive a 2.5% accrual rate for all years worked in the HAZ Plan and will receive upgraded service credit at the accrual rate at which it was earned.
FAC Period	60 months
Spousal Benefit	75% of retiree’s monthly benefit** **For more information, refer to the section <i>Survivor Benefits for HAZ Plan Members</i> in this chapter.

Health Insurance Premiums

The premiums for health insurance coverage paid by any retiree participating in the Office of Group Benefits program who has transferred service credit into the HAZ Plan from another retirement plan at LASERS or any other State Retirement System and who retires, other than Disability Retirement, or enters DROP without meeting a regular plan retirement eligibility, shall be increased by an amount sufficient to pay for any increase in the employer’s premiums resulting from his or her retirement **until the age at which the retiree meets regular plan retirement eligibility**. Any member retiring with at least 20 years of service credit will not be subject to increased insurance premiums (for more information on Haz Plan Retirement Eligibilities and Regular Plan Retirement Eligibilities, refer to [Chapter 8: Retirement Benefit Calculation & Eligibility](#)).

Disability Benefits for HAZ Plan Members

This section includes information on members of the HAZ Plan who became disabled while employed in state service.

NON-LINE OF DUTY

A HAZ Plan member applying for Disability retirement who was not injured in the line of duty but is unable to perform his or her work duties must meet the following criteria:

- ❖ **10 years of hazardous duty service credit** – this includes years of service earned in any hazardous duty plan (HAZ Plan, Corrections Primary & Secondary, Bridge Police Employees, Peace Officers, Alcohol and Tobacco Control, Wildlife Agents, and New Orleans Harbor Police). If a member has service credit in a non-hazardous duty plan, the member must transfer his or her service credit to the HAZ Plan for those years to count as hazardous duty service credit. *Air time purchases are not considered earned service; therefore, they cannot be used to meet the 10 year service requirement.*

For benefit accrual rates and final average compensation (FAC) used to calculate a member's Non-Line of Duty Disability benefit, refer to the HAZ Plan Characteristics chart in the section *Retirement Benefits for HAZ Plan Members* of this chapter.

LINE OF DUTY

Any member that becomes totally and permanently disabled resulting solely from injuries sustained in the performance of his or her official job duties may apply for Disability retirement *regardless of his or her years of service in the HAZ Plan*. The member will receive 75% of his or her final average compensation (FAC) as the monthly disability retirement benefit. For more information on how FAC is calculated, refer to Chapter 8: Retirement Benefit Calculation & Eligibility.

Intentional Act of Violence

If a member becomes totally and permanently disabled, resulting from injuries received while in the line of duty as a result of an intentional act of violence, the member will receive a disability benefit equal

to 100% of his or her final average compensation regardless of the member's years of service. This must be certified by the agency and is subject to approval by the LASERS Board of Trustees.

Certifying Line of Duty

If a member's injury is sustained in the line of duty, the agency must answer the following three questions on the [Form 04-01A: Disability Report](#) within the Disability Application:

1. Was the disability a result of an injury or accident on the job?
2. If yes, was the injury sustained in the official performance of official duties?
3. If yes, is the member in the Hazardous Duty, Corrections Primary, Corrections Secondary, Wildlife, or Harbor Police Plan and was the injury due to an intentional act of violence? (If yes, [Form 04-01C: Certification of Disability Sustained from an Intentional Act of Violence](#) must be submitted)

[Form 04-01A: Disability Report](#) must be certified by the Human Resources Personnel Officer and submitted along with [Form 04-01: Disability Retirement Application](#).

If the injury was due to an intentional act of violence, [Form 04-01C: Certification of Disability Sustained from an Intentional Act of Violence](#) must be certified by the agency's Appointing Authority and Human Resources Personnel Officer, then submitted to LASERS. Documentation to support the assertion that the injury was sustained as a result of an intentional act of violence should be attached to this certification form. Documentation may include internal investigation reports, reports from outside agencies, and news reports.

NOTE: *Disability retirees cannot participate in DROP, choose an IBO, or receive a lump sum payment of leave. They are also unable to select the Self-Funded COLA.*

THE APPLICATION PROCESS

When a HAZ Plan member applies for Disability retirement, [Form 01-11: Certification of Prior Employment in a Hazardous Duty Position](#) must be submitted along with the three-part Disability application. For information on the disability application process and a complete listing of forms and required documents, refer to the sections *The Disability Process* and *Required Documents* in [Chapter 13: Disability Retirement](#).

Survivor Benefits for HAZ Plan Members

This section outlines the steps to be taken when a member of the HAZ Plan dies. Depending upon eligibility, survivor benefits may be payable to the deceased member's surviving spouse, minor child(ren), and physically handicapped or mentally disabled child(ren), *whether the member was active, inactive, or retired*. If it is determined that no survivor benefits are due, then a refund of employee contributions will be paid to the last named beneficiary(ies) or the estate of the deceased member. For information on survivor terminology and reporting the death of a member, refer to [Chapter 6: Survivor Benefits](#).

WHO IS ELIGIBLE FOR SURVIVOR BENEFITS?

The member's employment status (active, inactive, or retired) at the time of death will determine how the survivor benefit is calculated. If an active member dies in the line of duty, then the survivor benefit will be calculated differently than that of a non-line of duty death.

Active Members - Non-Line of Duty

Surviving spouses and minor children of an active HAZ Plan member who dies prior to retiring but not in the line of duty, are entitled to the same survivor benefits as Regular members hired on or after January 1, 2011. For more information on the benefits payable to survivors, refer to [Chapter 6: Survivor Benefits](#).

Active Members - Line of Duty

If an active member dies in the line of duty or as a direct result of an injury sustained while in the line of duty, then his or her surviving spouse, minor children, and physically handicapped or mentally disabled children are entitled to a monthly benefit **regardless of the amount of service credit the member had at the time of death**.

The survivor benefit is calculated at 80% of the member's final average compensation (FAC). For more information on how FAC is calculated, refer to Chapter 8: Retirement Benefit Calculation & Eligibility. The survivor benefit is shared equally among the survivors. Once a survivor is no longer eligible for benefits, the remaining survivors will have their shares adjusted accordingly. A surviving spouse is eligible for a benefit regardless of the length of the marriage and the benefit will not cease upon remarriage.

NOTE: *The agency must certify that the member died in the line of duty on [Form 03-01: Application for Survivor Benefits](#).*

Intentional Act of Violence

If a member's death resulted from an intentional act of violence, then his or her surviving spouse, minor children, and physically handicapped or mentally disabled children are entitled to a monthly benefit **regardless of the amount of service credit the member had at the time of death**. The survivor benefit is calculated at 100% of the member's final average compensation (FAC). The survivor benefit is distributed equally among the survivors. Once a survivor is no longer eligible for benefits, the remaining survivors will have their shares adjusted accordingly. A surviving spouse is eligible for a benefit regardless of the length of the marriage and the benefit will not cease upon remarriage.

Certifying Line of Duty

If the member's death is sustained in the line of duty, then the agency must answer the following questions on the [Form 03-01: Application for Survivor Benefits](#):

1. Was the member killed as a result of an injury or accident on the job in the official performance of official duties?
2. If yes, was the member in or eligible to enroll in the Hazardous Duty, Corrections Primary, Corrections Secondary, Wildlife, or Harbor Police Plan and was the death due to an intentional act of violence? (If yes, [Form 03-01A: Certification of Death of Intentional Act of Violence](#) must be submitted)

[Form 03-01A: Certification of Death from an Intentional Act of Violence](#) must be submitted when a member of the Hazardous Duty, Corrections Primary, Corrections Secondary, Wildlife, or Harbor Police plan, or a member eligible for one of those plans, dies due to an injury sustained while in the line of duty as a result of an intentional act of violence. Form 03-01A must be certified by the Human Resources Personnel Director. Documentation to support the assertion that the death was sustained as a result of an intentional act of violence should be attached to this certification form. Documentation may include internal investigation reports, reports from outside agencies, and news reports.

Retired Members

At the time of a retired HAZ Plan member's death, his or her surviving spouse will receive 75% of the member's monthly retirement benefit. A surviving spouse is eligible for a benefit regardless of the length of marriage and the benefit will not cease upon remarriage. This benefit will cease upon the surviving spouse's death unless there are minor children.

If the member does not have a surviving spouse or the surviving spouse has died, then his or her surviving minor children will receive the same benefit that applies to survivors of Regular members hired on or after January 2011. For more information on the benefits payable to surviving minor children, refer to [Chapter 6: Survivor Benefits](#).

Inactive Members

If a member of the HAZ Plan terminated employment prior to becoming eligible for retirement and has at least 12 years of un-refunded service credit earned in or transferred into the HAZ Plan, then his or her surviving spouse will receive a monthly benefit of 50% of the monthly benefit that would have been paid to the member (refer to the section *Retirement Benefits for HAZ Plan Members* in this chapter). A surviving spouse is eligible for a benefit regardless of the length of marriage and the benefit will not cease upon remarriage. This benefit will cease upon the surviving spouse's death unless there are minor children.

If the member does not have a surviving spouse or the surviving spouse has died, then his or her surviving minor children will receive the same benefit that applies to survivors of Regular members hired on or after January 2011. For more information on the benefits payable to surviving minor children, refer to [Chapter 6: Survivor Benefits](#).

NOTE: *The surviving spouse must submit a copy of his or her marriage license along with all other necessary documents in order to be eligible for survivor benefits.*

GUIDELINES FOR SURVIVOR PAYMENTS

Eligible survivor benefits become effective on the first of the month following the death of the member. However, no benefits will be paid until all required forms are received by LASERS.

A monthly survivor benefit is not payable if there is no qualified surviving spouse or qualified surviving minor children for active, inactive, or retired members. In these cases, a lump sum payment of the *active or inactive* member's contributions will be issued to the last named beneficiary on file or to the member's estate. If the member was retired at the *time of death* and no qualified survivors exist, then a lump sum payment of the member's residual contributions will be issued to the last named beneficiary on file or to the member's estate.

THE APPLICATION PROCESS

The application process for active and inactive HAZ Plan members is the same as for Regular Plan members. For information on the survivor application process and a complete listing of forms and required documents, refer to Chapter 6: Survivor Benefits.



Form 03-01: Application for Survivor Benefits
must be submitted to LASERS in its entirety (including page 2), or it will not be accepted.

At the time of a retired HAZ Plan member's death, the surviving spouse must submit [Form 10-01: Beneficiary Signature](#). If the deceased member does not have a surviving spouse or the surviving spouse has died, then the surviving minor children should submit [Form 10-01: Beneficiary Signature](#). The legal tutor or guardian of minor children under 18 should complete and sign the form. If there are multiple children, then multiple forms are needed. For a complete list of forms and vital documents needed for surviving minor children, refer to the section titled *Surviving Minor Children* in [Chapter 6: Survivor Benefits](#). Agency certification is required for deceased members who were employed within the last 12 months of their death and/or who died while in active state service.

Frequently Asked Questions

- 1. If a member chooses to join the HAZ Plan but did not spend his or her last 10 years of employment in a hazardous duty position, does the member receive a 3.33% accrual rate for the years in the HAZ Plan?**

No, an accrual rate of 2.5% will be used for members who were not employed in a hazardous duty eligible position during their last 10 years of service.

- 2. If a current member enrolled in a non-HAZ Plan position moves into a hazardous duty position, does he or she have the choice to stay in the current retirement plan or does the member have to join the HAZ Plan?**

At the time of employment in the hazardous duty position, the member has the choice to remain in his or her existing plan or to elect to join the HAZ Plan. The only exceptions are members who are participating in DROP or working after DROP.

- 3. Can a member who participated in DROP enroll in the HAZ Plan?**

No, members who are participating in DROP or working after DROP are not eligible to join the HAZ Plan. The election to enter the HAZ Plan must be made prior to entering DROP or retirement.

- 4. If a member of the Corrections Secondary retirement plan elects to join the HAZ Plan, will his or her previous service credit accrued at 3.33% have to be transferred and upgraded to receive retirement eligibility in the HAZ Plan?**

The member will have to transfer prior service into the HAZ Plan for it to count towards HAZ Plan retirement eligibility. Any prior service credit earned at 3.33% does not have to be upgraded.

- 5. If a member joins the HAZ Plan, can he or she retire under rank-and-file eligibilities?**

If the member is not eligible to retire under HAZ Plan eligibilities, then he or she may retire under the provisions of the Regular Employees 3 Plan.

Reference Material

APPLICABLE FORMS

- [01-01: Membership Registration](#)
- [01-11: Certification of Prior Employment in a Hazardous Duty Position](#)
- [02-18: Hazardous Duty Services Plan Election](#)
- [02-13: LASERS Acceptance Letter of Rollover Assets](#)
- [02-19: Application to Transfer/Upgrade Service into the Hazardous Duty Services Plan](#)
- [03-01: Application for Survivor Benefits](#)
- [03-01A: Certification of Death from an Intentional Act of Violence](#)
- [04-01: Disability Retirement Application](#)
- [04-01C: Certification of Disability Sustained from an Intentional Act of Violence](#)
- [10-01: Beneficiary Signature](#)

APPLICABLE AGENCY LIAISON MEMORANDA

- [10-19: Act 992 Hazardous Duty Personnel](#)
- [10-27: HAZ Plan Transition Information](#)
- [11-01: HAZ Plan Transition Information](#)
- [11-13: HAZ Plan Enrollment Effective Date](#)

APPLICABLE LAWS & RULES

(Note: this list is not exhaustive)

- [La R.S. 11:611](#) Creation of Hazardous Duty Services Plan
- [La R.S. 11:612](#) Applications; Definitions
- [La R.S. 11:613](#) Eligibility for Plan Membership

- [La R.S. 11:614](#) Eligibility for Retirement
- [La R.S. 11:615](#) Retirement Benefit Calculation
- [La R.S. 11:616](#) Deferred Retirement Option Plan; Initial Benefit Option Plan; Annual Cost-of-Living Adjustment Option
- [La R.S. 11:617](#) Disability Retirement
- [La R.S. 11:618](#) Survivors' Benefits for Members Killed in the Line of Duty
- [La R.S. 11:619](#) Survivors' Benefits for Death other than in the Line of Duty
- [La R.S. 11:620](#) Transfer of other Service Credit
- [La R.S. 11:620.1](#) Transfer of other Service Credit; Harbor Police Retirement Plan Eligibility
- [La R.S. 11:621](#) Survivors' Benefits for Former or Retired Members
- [La R.S. 11:631](#) Administration of the Harbor Police Retirement Plan

APPLICABLE CHAPTERS IN MEMBER'S GUIDE TO RETIREMENT

- [Chapter 23: Hazardous Duty Services Plan \(HAZ PLAN\)](#)
- [Chapter 24: Transition to Hazardous Duty Services Plan \(HAZ PLAN\)](#)

APPLICABLE LASERS VIDEO

- [What is your Retirement Plan and Retirement Eligibility?](#)