§ 135-180. Death benefits; workers' compensation benefits and Disability Income Plan beneficiaries.

(a) Eligibility. – A member who is a beneficiary of the Disability Income Plan or in receipt of workers' compensation benefits during the period for which the member would have otherwise been eligible to receive short-term benefits or extended short-term benefits under G.S. 135-105 is eligible for death benefits under the Death Benefit Plan in accordance with this section if all of the following criteria are met:

(1) The member is not retired.

(2) The member is not eligible for death benefits under G.S. 135-165.

(3) The member dies on or after 181 days from the last day the member performed work as a teacher or State employee but prior to the date the workers' compensation benefits or benefits under the Disability Income Plan would have ended.

(b) Benefits Upon Death. – Upon receipt of proof of the death of a member eligible for benefits under subsection (a) of this section that is satisfactory to the Board of Trustees, a lump sum death benefit amount shall be paid.

(c) Benefit Amount. – The basis of the death benefit payable under this section shall be the higher of the death benefit amount calculated in accordance with G.S. 135-165(c) or the death benefit amount based on compensation used in computing the benefit payable under G.S. 135-105 and G.S. 135-106, as may be adjusted for percentage post-disability increases, but shall not exceed the maximum dollar limitation for the death benefit for in-service members under G.S. 135-165.

(d) Exceptions. – A member in receipt of benefits from the Disability Income Plan under the provisions of G.S. 135-112 whose right to a benefit accrued under the former Disability Salary Continuation Plan shall not be entitled to benefits under the Death Benefit Plan under this Article. (2025-11, ss. 1(a), (u)-(w), 3.)