

# Chapter Twelve: Disability Benefits

## Types of disability benefits available

TRS offers three types of disability benefits: occupational disability benefits, nonoccupational disability benefits, and a disability retirement annuity. Occupational disability benefits are paid solely for work-related disabilities.

## Service credit

Members continue to accrue service credit while receiving nonoccupational or occupational disability benefits. No service credit is earned while a member is receiving a disability retirement annuity.

When a member teaches a partial school year and receives disability benefits for a partial school year, one full year of service credit is earned when the member receives earnings from teaching and disability benefits for a total of 170 days during the school term or employment agreement, if longer.

Members do not need to resign to become eligible for disability benefits. An employer may grant a disabled member a leave of absence during this period.

## Employment

Members receiving nonoccupational or occupational disability benefits may not teach in any capacity except under legislation described in “Law allows limited, part-time teaching,” or be gainfully employed. “Gainful” employment is defined as employment that results in gross compensation for personal services, including fees, wages, salary and commissions, which exceeds \$833 in any month or \$10,000 in any year.

Members receiving a disability retirement annuity are prohibited from teaching in any capacity except under legislation described in “Law allows limited, part-time teaching.” The combined income from the disability retirement annuity and the earnings from the non-teaching occupation cannot exceed the salary rate upon which the annuity was based.

## Medical examinations

Two state-licensed physicians must substantiate the disability by completing Physician’s Certification of Disability forms, certifying that the member is disabled and unable to properly perform the duties of his or her position. If the disability is due to pregnancy, only one physician is required to certify the disability claim.

A licensed physician is any individual licensed by the state in which he or she practices as a medical doctor. All licensed physicians must submit their license number on all reports to TRS.

To substantiate a member’s continued eligibility for disability benefits, TRS may require additional medical examinations and request medical records, Department of Employment Security earnings statements, Social Security benefit payment information, income tax records, or other pertinent information. The frequency of re-examination is governed by individual circumstances; however, a member receiving nonoccupational disability or occupational disability benefits must have medical examinations at least once a year.

When a member’s time period for nonoccupational disability expires, the member may be eligible for a disability retirement annuity. At this point, the member must submit to medical



examinations, unless he or she has been examined within the last six months and a continuing disability has been substantiated.

TRS may require an independent medical examination in addition to those undergone by the member to substantiate the disability. This may occur when the previous medical examinations were inadequate, when there is a question regarding the independent judgement of the physician, or when the form has been completed improperly. TRS will cover the cost of an independent medical examination.

Failure to submit to a medical examination or provide information as requested will result in suspension of benefits.

Members are responsible for notifying TRS when they are able to return to teaching.

## **Nonoccupational disability benefits**

### **Eligibility**

A member who is a full-time teacher must have three years of service credit, have become disabled while teaching (or within 90 days of teaching), and use all accumulated sick time, personal leave and vacation days (regardless of whether these days are actually paid) to qualify for nonoccupational disability benefits.

Part-time and substitute teachers are eligible if they have three years of service credit and have worked as a teacher for at least 340 hours in either the school year in which the disability occurs or the preceding school year. The disability must have occurred within 90 days of the member's employment as a teacher.

Service credit under the State Employees' Retirement System of Illinois, the State Universities Retirement System, and the Illinois Municipal Retirement Fund counts toward the member's eligibility for a disability benefit and the total period during which the disability benefit is payable unless such service is concurrent with the member's TRS service.

### **Application procedures**

When the member becomes disabled, he/she should notify TRS in writing of his or her intent to file a claim for disability benefits.

The request should include the:

- name,
- Last 4-digits of Social Security number or TRS member ID,
- current mailing address,
- email address,
- phone number,
- type of disability and due date if pregnant,
- last day worked (or will work), and
- last day that paid sick, personal and/or vacation leave days or unpaid sick and personal and/or vacation leave days are exhausted.



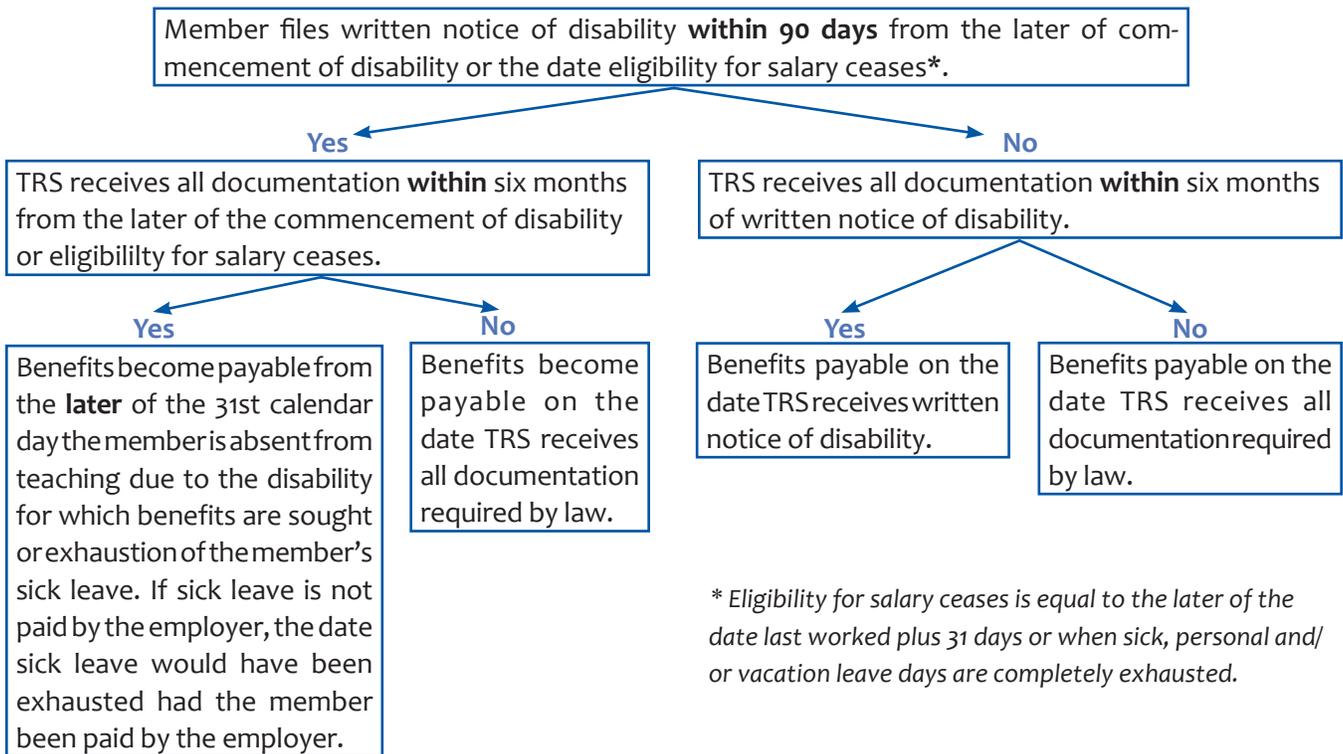
TRS will send the member the following forms:

- Application for Disability Benefits form
- Two Physician’s Certification of Disability forms - only one form for pregnancy
- Release of Medical Information forms

The Physician’s Certification of Disability forms must be based on examinations that occurred within 90 days of the member’s last day of employment. It is the member’s responsibility to provide his or her physicians with this form. All completed forms must be returned to the TRS Springfield office.

The employer will receive an email when the Supplementary Report is available online in the Employer Access area. The report should be submitted after the member’s last paid day, inclusive of paid sick, personal and/or vacation leave days.

### Effective payment date for nonoccupational disability



The following chart explains how nonoccupational disability payment dates are determined.

**When an individual is employed under an agreement for fewer than 12 full months, neither the 31-day requirement nor the leave time utilization requirement is satisfied during periods not covered by the agreement.**

### Benefit amount

The nonoccupational disability benefit is equal to 40 percent of the *greater* of the member’s annual contract rate (including flexible benefit plans and extra duties) in effect at the time the benefit becomes payable or the annual contract rate (including flexible benefit plans and extra duties) on the date the disability began. For noncontractual teachers, such as substitute



teachers, TRS uses an annualized salary rate based on the member’s actual earnings to determine the benefit.

**Example:**

Applicable salary		\$21,300
Benefit percentage	x	0.40
Annual benefit		\$8,520
No. of months per year	÷	12
<b>Monthly benefit</b>		<b>\$710</b>

**Tier 1 annual increases**

On January 1 following the fourth anniversary of the effective date of the nonoccupational disability benefit, the monthly benefit will increase 7 percent. Thereafter, the benefit increases by 3 percent of the current benefit each January 1.

**Tier 2 annual increases**

On January 1 following the fourth anniversary of the effective date of the nonoccupational disability benefit, the monthly benefit will increase 7 percent. Thereafter, the benefit increase will increase by 3 percent or ½ the annual unadjusted percentage increase (but not less than zero) in the Consumer Price Index - U (CPI-U), whichever is less, of the originally granted disability benefit. The CPI-U is for the 12-month period ending with September preceding each November 1.

**Duration of benefits**

Nonoccupational disability benefits cease if the member:

- resumes teaching (includes substitute, hourly, or part-time employment), please refer to “Law allows limited, part-time teaching,” page 10,
- engages in or is able to engage in gainful employment,
- is no longer disabled,
- has received benefits for a period equal to one-fourth of the member’s service credit,
- requests termination of the benefit, or
- becomes eligible and applies for a disability or age retirement annuity.

If a member resumes employment after receiving a disability benefit and is subsequently disabled for the same cause within 90 days, benefits will be reinstated at the previous rate following the completion of the Application for Disability Benefits form, two Physician’s Certification of Disability forms substantiating the disability, and the Supplementary Report form. Benefits will begin, in this case, the day following the last day the member is paid by his or her employer.

A member may be eligible to transfer from a nonoccupational disability benefit to a disability retirement annuity or an age retirement annuity if the age and service requirements are met. The effective date of the retirement annuity is the first day of the month after TRS receives the completed Disability Retirement Annuity Application or Age Retirement Annuity Application form.



## Occupational disability benefits

### Eligibility

No minimum service requirement must be met before a member is eligible to receive occupational disability benefits. However, the member must be working in a TRS-covered position and have been disabled due to a duty-related injury or illness as determined by the Illinois Industrial Commission or the employer's workers' compensation insurance carrier to be eligible for this benefit.

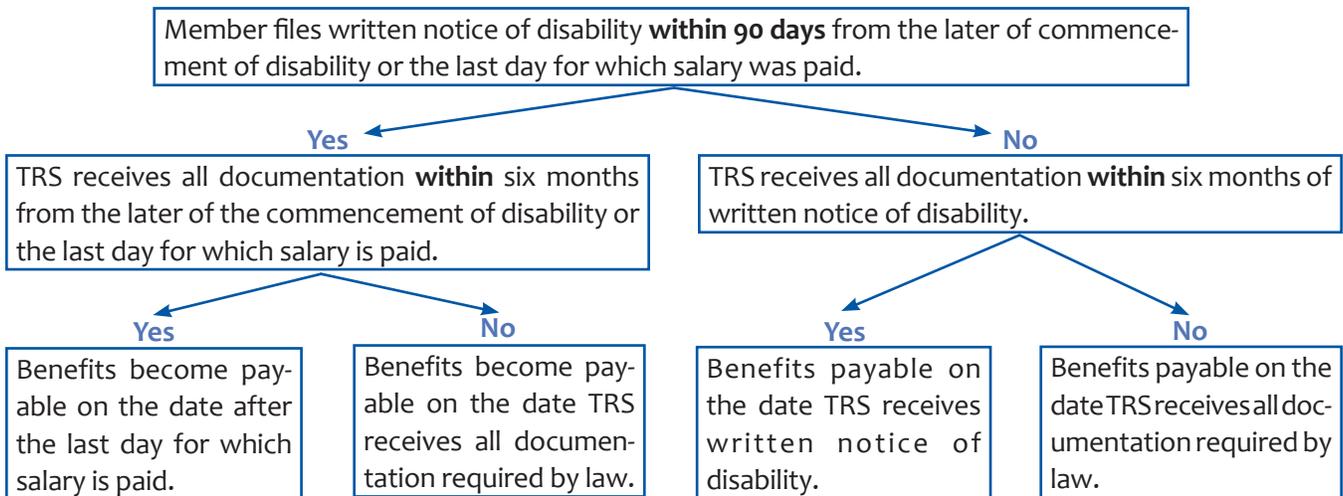
Part-time and substitute teachers are eligible for occupational disability benefits.

### Application procedures

To receive a benefit, the member must notify TRS in writing of his or her intent to file a claim for occupational disability benefits and request a Disability Claim Packet. TRS will require verification that the disability was duty-related from the member, the employer, and two state-licensed physicians. Each physician's report must be based on an examination that occurred within 90 days of the member's last day of teaching. The disability must have occurred within 90 days of the last day of teaching. In addition, TRS must receive a copy of the final settlement from the Illinois Workers Compensation Commission or the award by the insurance carrier with which the employer has a workers' compensation policy with a finding that the disability was employment-related.

### Effective payment date for occupational disability

The following chart explains how occupational disability payment dates are determined.



### Benefit amount

The occupational disability benefit is equal to 60 percent of the *greater* of the contract rate in effect at the time the benefit becomes payable or the contract rate on the date the disability began. For noncontractual employees, such as substitute teachers, TRS pays disability benefits based on the greater of the member's most recent annualized salary rate at the time the disability becomes payable or the annualized salary rate at the time the disability began.



The benefit is reduced by any amounts received under the Workers' Compensation Act or the Workers' Occupational Diseases Act. Once workers' compensation benefits expire, TRS will pay the full 60 percent if the member remains eligible for the benefit.

**Example:**

Multiply 0.60 (60 percent) times the member's applicable contract salary rate.

Applicable salary rate	\$21,300
	x 0.60
Annual benefit before reduction	\$12,780
	÷ 12
<b>Benefit payable by TRS</b>	<b>\$1,065</b>

Reduce this benefit by the amount paid by workers' compensation.

Monthly TRS benefit	\$1,065
Benefit paid by workers' compensation	- \$650
<b>Benefit payable by TRS</b>	<b>\$415</b>

If the workers' compensation is payable in a one-time lump sum or partial lump sum with the remainder paid in weekly or monthly installments, TRS considers the compensation as if it had been paid on a weekly basis. If any of the compensation is paid in one sum, the total sum is used for purposes of determining the amount offset by TRS. The amount is not reduced by legal expenses and will not be applied to medical expenses paid on behalf of or to the member.

**Tier 1 annual increase**

On January 1 following the fourth anniversary of the effective date of the occupational disability benefit, the monthly benefit will increase by 7 percent. Thereafter, the benefit increases by 3 percent of the current benefit each January 1.

**Tier 2 annual increase**

On January 1 following the fourth anniversary of the effective date of the occupational disability benefit, the monthly benefit will increase 7 percent. Thereafter, the benefit increase will increase by 3 percent or ½ the annual unadjusted percentage increase (but not less than zero) in the Consumer Price Index - U (CPI-U), whichever is less, of the originally granted disability benefit. The CPI-U is for the 12-month period ending with September preceding each November 1.

**Duration of benefits**

Occupational disability benefits cease when the member

- resumes teaching – includes substitute, hourly, or part-time employment (see “Law allows limited, part-time teaching,” page 10),
- engages in or is able to engage in gainful employment,
- is no longer disabled,
- requests termination of the benefit, or
- becomes eligible and applies for an age retirement annuity.

TRS requires periodic medical examinations and reports. TRS will notify the member when the medical examination reports are required.



If the disability benefit is discontinued because the member resumes teaching or is otherwise gainfully employed and the member is disabled again due to the same cause within 90 days, the benefit will resume at the previous rate once TRS receives written notification and verification of the disability and the member is no longer receiving salary.

A member may be eligible to transfer from an occupational disability annuity to an age retirement annuity if age and service credit requirements are met. The effective date of the retirement annuity is the first day of the month after TRS receives the Age Retirement Annuity Application form. See Chapter 11, Retirement Benefits, for the eligibility requirements for an age retirement annuity.

## **Disability retirement annuity**

### **Eligibility**

A member who remains disabled after the nonoccupational disability benefit eligibility period has expired is eligible for either a disability retirement annuity or an age retirement annuity (if the age and service credit requirements are met). A member may switch to either a disability retirement annuity or an age retirement annuity (if the requirements are met) at any time while receiving a nonoccupational disability benefit. See Chapter 11, Retirement Benefits, for information about an age retirement annuity.

### **Application procedures**

When the eligibility period for nonoccupational disability benefits is due to expire, TRS will notify the member. Before the benefit expires, the member may either send TRS a letter or call TRS to request a transfer to a disability retirement annuity or an age retirement annuity.

### **Effective date**

The disability retirement annuity is effective:

- the day following the last day for which nonoccupational disability benefits are payable or
- the first of the month after TRS receives a completed Disability Retirement Annuity Application form.

### **Benefit amount**

#### **Tier 1 disability retirement annuity calculation**

The disability retirement annuity is the greater of:

- 35 percent of the greater of the member's last annual contract salary (including flexible benefit plans and extra duties) or the annual contract rate on the date the disability began (TRS uses an annualized salary rate based on actual earnings for noncontractual teachers);
- the amount computed by the retirement formula reduced by 0.50 percent for each month the member is under age 60, with less than 20 years of service credit;
- the amount computed by the retirement formula reduced by 0.50 percent for each month the member is under age 55 with 20 years of service credit; or
- the amount computed by the retirement formula with no reduction if the member is age 55 or older with 20 years of service credit. The initial benefit will be increased by the amount of



any annual increases that the member has been granted while he or she was receiving a non-occupational disability benefit.

## **Tier 2 disability retirement annuity calculation**

The disability retirement annuity is the greater of:

- 35 percent of the greater of the member's last annual contract salary or his/her annual contract rate on the date his/her disability began (TRS uses an annualized salary rate based on actual earnings for noncontractual teachers);
- the amount computed by the retirement formula reduced by 0.50 percent for each month the member is under age 67 with less than 10 years of service credit; or
- the amount computed by the retirement formula reduced by the 0.50 percent for each month the member is under age 62 with 10 years of service credit; or
- the amount computed by the retirement formula with no reduction if the member is age 62 or older with at least 10 years of service credit.

The member's initial benefit will be increased by the amount of any annual increases that have been granted while the member was receiving a nonoccupational disability benefit.

## **Duration of benefits**

The disability retirement annuity will continue until

- the disability ceases,
- the member resumes teaching, or
- the member is eligible and applies for an age retirement annuity.

If the member resumes teaching after receiving a disability retirement annuity and is disabled again for the same cause within 90 days, the benefit will be reinstated at the previous rate after TRS receives a completed Disability Benefit Application form and required medical documentation. In this case, benefits will begin the day following the last day for which the member was paid by the employer.

## **Employment restrictions**

While members are receiving a disability retirement annuity, they may not be employed by any other public or private school, college, or university in a teaching position, including substitute teaching.

However, gainful employment in any area other than teaching is permitted or in any area of TRS-covered or State Universities Retirement System of Illinois (SURS)-covered employment as indicated under "Law allows limited, part-time teaching." The combined income from the disability retirement annuity and the earnings from the nonteaching occupation cannot exceed the salary rate upon which the annuity was based. If members have earnings above this limit, their disability retirement annuity may be reduced or suspended.

For members returning to employment in any area other than teaching, the salary rate for purposes of the gainful employment calculation will increase 15 percent after they have received a disability retirement annuity for 10 years.



If members exceed the salary rate upon which their benefit was based, the benefit will cease including Teachers' Retirement Insurance Program (TRIP) insurance.

**Example:**

Last contract salary ÷ 12	\$1,775.00
Monthly disability retirement annuity	- <u>546.70</u>
Amount member may earn without suspension or reduction of annuity	<u><u>\$1,228.30</u></u> per month

If the annuitant has been receiving the annuity for more than 10 years, the monthly salary rate used in the calculation increases 15 percent.

Last contract salary ÷ 12	\$1,775.00
15 percent increase	x <u>1.15</u>
	\$2,041.25
Current monthly disability retirement annuity	- <u>698.75</u>
<b>Amount member may earn without suspension or reduction of annuity</b>	<u><u>\$1,342.50</u></u> per month

If an annuitant has gross earnings in excess of the allowable amount, but less than his or her previous salary, the annuity is reduced \$1 for each dollar earned in excess of the allowable amount. If an annuitant earns a greater income in his or her new profession, occupation or business than was last earned as a teacher, the annuity is reduced to zero.

**Annual increases**

**Automatic increase in Tier 1 disability retirement benefits**

The disability retirement annuity will increase annually beginning the *earlier* of the January 1 following:

- the fourth anniversary of the date the disability benefit was granted, or
- the date the member turns age 61 or the first anniversary in retirement, whichever is later.

If the first annual increase follows the fourth anniversary of the date the disability benefit was granted, the increase will be 7 percent of the current annuity. If the first annual increase is due to the attainment of age 61 or the first anniversary in retirement, the amount will be determined as described in Chapter 11, Retirement Benefits, "Automatic annual increases in annuity for Tier 1 annuitants." After the initial increase, the annuity will increase by 3 percent of the current benefit each January 1.

**Automatic increase in Tier 2 disability retirement benefits**

The disability retirement annuity will increase annually beginning the earlier of the Jan. 1 following:

- disability benefit was granted or
- the date the member turns 67 or his/her first anniversary in retirement, whichever is later.

If the first annual increase follows the fourth anniversary of the date the disability benefit was granted, the increase will be 7 percent of the original annuity.

If the first annual increase is due to the attainment of age 67 or the first anniversary in retirement, the amount will increase by 3 percent or ½ the annual unadjusted percentage increase



(but not less than zero) in the Consumer Price Index - U (CPI-U), whichever is less, of the originally granted disability benefit. The CPI-U is for the 12-month period ending with September preceding each Nov. 1.

After the initial increase, the annuity will increase by 3 percent or  $\frac{1}{2}$  the annual unadjusted percentage increase (but not less than zero) in the Consumer Price Index - U (CPI-U), whichever is less, of the originally granted disability benefit. The CPI-U is for the 12-month period ending with September preceding each Nov. 1.

## **Taxability of disability benefits**

Members who are receiving nonoccupational disability benefits must report disability benefits as taxable income for federal income tax purposes. Occupational disability benefits may be excluded from gross income.

Those who are under age 65 and retired on a permanent and total disability as defined by the Internal Revenue Service may be eligible to take the federal tax credit for the elderly or the disabled. [IRS Publication 907, Tax Highlights for Persons with Disabilities](#), and [Publication 524, Credit for the Elderly or the Disabled](#), elaborate on this tax credit and other information.

## **Law allows limited, part-time teaching**

Individuals who have received TRS disability benefits for one year or more may return to teaching if their medical conditions improve, allowing limited, part-time work. Members are allowed on a limited basis to substitute or part-time teach for TRS-covered or SURS-covered employers without loss of their disability benefits as long as their combined earnings from teaching and their disability benefits do not exceed 100 percent of the salary rate upon which the benefit was based.

If a member plans to return to teaching on a limited basis, he/she must contact TRS to request a Limited Return to Work Program Certification form. This form must be completed and returned to TRS prior to the member's return to teaching. TRS will acknowledge receipt of the form and confirm the member's eligibility.

When returning to teaching with a TRS-covered or SURS-covered employer, the salary rate for purposes of this calculation will not increase 15 percent after the member has received a disability retirement annuity for 10 years.

If the member exceeds the salary rate upon which his or her benefit was based, the benefit will cease including Teachers' Retirement Insurance Program (TRIP) insurance.

Members may not teach for any employers not covered by TRS or SURS. This includes part-time and substitute teaching.

This law applies to all members receiving nonoccupational disability benefits, occupational disability benefits, and disability retirement annuities.

