

RULE 9-4 DISABILITY RETIREMENT

A.C.A. § 24-7-704

- I. RULES** (as amended by Acts 468 and 743 of 2009, Act 219 of 2015)
- A Disability retirement benefits shall commence the month the member files a written application with ATRS if at the time the member files the application the member is no longer employed by an ATRS-covered employer, if the member is otherwise eligible under A.C.A. § 24-7-704 and these Rules, and if after the Medical Committee determines a disability exists for the member.
- B.
- i. Termination of active membership for disability retirement benefits shall be the last date of any employer payment to the member due to the end of the employee/employer relationship.
 - ii. The member is considered active if they are using earned sick leave, Family Medical Leave Act (FMLA) leave, annual leave and catastrophic leave. Worker's compensation, which may or may not include the use of leave granted by the employer, is not considered leave by which a member is considered active, nor does it extend the date of active membership.
- C.
- i. The following criteria and deadlines, applied to the individual ATRS member circumstances, affects eligibility for continued disability payments for a member who has been approved by ATRS for disability retirement, based upon the date of the first ATRS disability retirement check. The deadlines may be extended under the provisions of this rule and A.C.A. §24-7-704.
 - (a) If member is fifty-seven (57) years or older before July 1, 2015, and is receiving disability retirement benefits, the member may continue to receive retirement benefits without submitting additional documentation to ATRS.
 - (b) If the first disability retirement check to the member is dated before July 1, 2015, and the member is under fifty-seven (57) years before July 1, 2015, the member shall submit to ATRS a Social Security Administration (SSA) determination letter dated before July 1, 2018, that finds that the member is

disabled. In the absence of a SSA determination letter, the member's disability retirement payments will cease on June 30, 2018.

- (c) If the first disability retirement check to the member is dated July 1, 2015, or after, and the member is under fifty-seven (57) years on the date of the first disability retirement check, member shall submit to ATRS a Social Security Administration (SSA) determination letter dated within thirty-six (36) months from the date of the first disability retirement check that finds that the member is disabled. In the absence of a SSA determination letter, the member's disability retirement payments will cease thirty-six (36) months from the date of the first disability retirement check. For example:

Date of 1st ATRS disability retirement check: January 2017
Social Security Administration determination letter finding dated by: December 2019
Date of last disability retirement check if no SSA determination letter: December 2019

- ii. ATRS will grant an extension to the above deadlines if the member can provide documentation to ATRS that:
 - (a) The SSA disability claim was properly filed and remained active for at least twenty-four (24) months prior to the deadline above; and
 - (b) An active SSA disability claim is still under review by the SSA with no voluntary dismissal or withdrawal.
- iii. In any event, once the member reaches 60 years of age and they are still receiving disability retirement, the member will receive retirement benefits and no Social Security Administration determination letter is required thereafter.

D.

- i. A member cannot simultaneously be employed by an ATRS-covered employer and receive ATRS disability retirement. A.C.A. § 24-7-701 also prohibits a member from receiving disability retirement if the member performs work for an ATRS covered employer as an independent contractor in certain circumstances.
- ii. If a member is approved for disability retirement but continues to work for the covered employer (directly or indirectly), he/she must terminate employment with the covered employer or indirect

employer by the proposed disability retirement effective date or up to two (2) full calendar months after the Medical Committee meets if the member is wrapping up final work for which the member is paid to receive disability retirement.

- iii If the member does not terminate employment under the Rules and A.C.A. § 24-7-502, the application is rescinded and the member can reapply.
- E. If the application for disability retirement benefits is denied and the member elects and otherwise qualifies for voluntary retirement, the effective date for retirement shall be determined by the date the disability retirement application is filed.
- F. If the member dies after the disability application is received by ATRS but before disability retirement is approved, then ATRS shall consider the member to have died in “active” service and survivor benefits under A.C.A. § 24-7-710 shall be paid.
- G. The annuity formula for computing disability retirement benefits is the same as for voluntary age and service retirement.
- H.
 - i. For all disability retirement applications approved by the Medical Committee after May 31, 2011, in accordance with rule making authority granted to the ATRS Board under A.C.A. § 24-7-706(a)(3), the Board shall allow a disability retiree at the time of retirement to designate an Option A or Option B beneficiary. Option C beneficiaries shall not be available to disability retirees.
 - ii If a disability retiree designates an Option A or Option B spouse beneficiary, and the disability retiree dies before reaching age 60, then the same rules that apply to active member option beneficiaries shall apply to the disability Option A and Option B beneficiaries under A.C.A. § 24-7-710(b).
 - iii If a disability retiree designates an Option A or Option B incapacitated child beneficiary, and the disability retiree dies before reaching age 60, then the same rules that apply to an active member surviving child shall apply to the disability Option A or Option B beneficiary under A.C.A. § 24-7-710(c) until the disability retiree would have turned age 60, then the Option A or Option B incapacitated child beneficiary shall receive the greater of the surviving child annuity under A.C.A. § 24-7-710(c) or the Option A spouse annuity under A.C.A. § 24-7-710(a).

- I. Disability retirants who are disapproved for further disability annuities due to a medical examination reviewed by the Medical Committee shall be removed from ATRS' retirant payroll the earlier of six months following the review date or the first of the month following the return to covered employment.
- J. If a member applies for disability retirement and is disapproved, he/she has the right to file a new disability application submitting additional information for review as long as the member remains active.

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July 18, 2005
June 19, 2007
December 18, 2009
July 1, 2011

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