

Disability Benefits

What is ATRS Disability Retirement?

Disability Retirement allows an ATRS **active member** with five (5) or more years of actual credited service with ATRS the ability to retire if, as the result of a personal injury or disease, the member has become **totally and permanently** physically or mentally incapacitated for his or her job duties.

Do I have to be approved for Social Security Disability prior to applying for ATRS Disability Retirement?

The answer is **No**. There is no alignment between Social Security Disability and ATRS disability.

How does Disability Retirement differ from Age and Service Retirement?

In regards to the retirement annuity formula there is no difference between **Disability Retirement** and **Age and Service** retirement. There is no reduction for the member being under age 60 or having service credit under 25 years. The **Disability Retirement** application process involves additional paperwork and a review and recommendation by a Medical Committee.

How do I know if I might be eligible for Disability Retirement?

A member must have a minimum of five (5) years of actual **credited service** with ATRS and be considered **active*** to be eligible to apply for **Disability Retirement**.

ACTIVE *

*For **Disability Retirement** eligibility, a member is considered **active** for an additional fiscal year following the last fiscal year the member rendered actual service to an ATRS covered employer and obtained at least one-fourth (1/4) year of service credit.

The determination of disability is based upon the recommendation of the ATRS Medical Committee. The ATRS Medical Committee reviews the application and supporting medical records to determine the following:

- The member is physically or mentally incapacitated
- The member exhibits symptoms of physical or mental incapacitation while employed by an ATRS covered employer as an **active** member
- The member is unable to perform his or her current work duties
- The member's incapacity will most likely be permanent

Am I eligible for Disability Retirement if I am a T-DROP participant?

The answer is **No**. As a **T-DROP** participant you are not eligible for **Disability Retirement**. T-DROP is an **optional "retirement" plan** for ATRS members. Members who meet eligibility requirements elect to participate in T-DROP **in lieu** of retiring and accepting a service retirement benefit. In other words, as a T-DROP participant you are, in essence, already considered "retired".

How do I apply for Disability Retirement?

A member must contact our office at 1-800-666-2877 or 1-501-682-1517 to request a **Disability Retirement** application. The member must complete the application in full and make certain that ATRS receives all supporting documents which include physician statements. It is the member's responsibility to ensure that his or her application and supporting documents are received within the required **time frame***.

TIME FRAME*

For **Disability Retirement** eligibility, a member is considered **active** for an additional fiscal year following the last fiscal year the member rendered actual service to an ATRS covered employer and obtained at least one-fourth ($\frac{1}{4}$) year of service credit. Any applications received **after** this eligibility period will not be considered due to the fact that the member is no longer an **active** member.

A member has six (6) months from the date the disability application is received by ATRS to submit a correctly completed application and accompanying documentation.

How long do I have to submit all the supporting documents needed with my Disability Retirement application?

Once a **Disability Retirement** Application is received at ATRS, the member will have six (6) months to submit supporting documents or correct an incomplete application. If, at the end of the six (6) month period, the member's application is incomplete or supporting documentation is not provided, the incomplete application will be submitted to the ATRS Medical Committee for review or the member may request the application be withdrawn.

At the end of the six (6) month period, if you have withdrawn your application or your application has not been approved and, **if you still meet eligibility requirements**, you will be required to begin the Disability Retirement Application process again.

How long does it take to determine eligibility and receive approval?

The ATRS Medical Committee meets monthly. Once ATRS has received the member's correctly completed application and accompanying medical records the case will be presented at the next regularly scheduled ATRS Medical Committee meeting.

In order to be placed on the Medical Committee meeting agenda, the application and accompanying medical records must be received prior to the Friday of the regularly scheduled Medical Committee meeting. Otherwise, the member's case will be presented at the next month's Medical Committee meeting.)

Once my Disability Retirement Application has been approved, when will I receive my first check?

Once the member's **Disability Retirement** application has been approved by the ATRS Medical Committee, the member will receive a letter from ATRS stating approval and requesting a number of required forms such as a Tax Election Form, Direct Deposit Authorization, Employer Certification, and an Annuity Option Form. The member's file will also be reviewed for any other required documentation such as a Social Security card, birth certificate, and beneficiary forms.

Upon approval and, if you are **no longer employed** by an ATRS covered employer, the effective date of your disability retirement will be the calendar month your application was received by ATRS.

If a **member is working for an ATRS covered employer** when disability benefits are approved by the ATRS Medical Committee, benefit payments will begin the next month after the member's last date of employment for an ATRS covered employer. Retroactive payments will not be granted. The following sections apply if the member **is working for an ATRS employer** when disability benefits are approved by the Medical Committee:

- The member will have up to **two (2) full calendar months** after the ATRS Medical Committee determines approval of disability benefits to **terminate** his or her **active membership** with an ATRS covered employer.
- Upon failure to **terminate active membership** by the end of two (2) months, the member's **Disability Retirement** will be revoked and the member will be required to submit a new **Disability Retirement** application and begin the process again.
- **Termination of Active Membership:** The last date the member worked for an ATRS covered employer. Delay of the final paycheck or lump sum payments as a result of annual or sick leave payouts do not count to extend active membership.
- **Required Retirement Documents:** A member approved for disability retirement has six (6) months to submit requested required documents such as a Tax Election Form, Direct Deposit Authorization, Employer Certification, and Annuity Option Form. A copy of the member Social Security Card and birth certificate must be submitted if not on file with ATRS. Payment of disability benefits will not begin until all requested documents are received. If requested documents are not received within six (6) months, the disability retirement application will be voided.

What if my Disability Retirement Application is denied, what are my options?

A **Disability Retirement** Application can be denied for various reasons such as an incomplete application, inadequate documentation, or a lack of medical information to support that the applicant is unable to perform his or her job duties. If disability retirement is denied, the member may submit a new application with additional information for consideration as long as the applicant remains in **active status***.

ACTIVE STATUS*

If a member is no longer in active status (a member is considered **active** for an additional fiscal year following the last fiscal year the member rendered actual service to an ATRS covered employer and obtained at least one-fourth ($\frac{1}{4}$) year of service credit) the member does have the option, if capable, to return to work for an ATRS covered employer and work a minimum of forty (40) days in order to reactivate his or her status to **active**.

What if I have an aggressive terminal illness, is Disability Retirement my best option?

ATRS cannot counsel members on life decisions. However, if a member does have an aggressive terminal illness and the member has dependent children the member is encouraged to contact an ATRS Counselor to discuss other options such as survivor benefits for a dependent child or children.

PLEASE NOTE: It is important to note that survivor benefits for dependent children are based on the member's **active** status. A member is considered **active** for an additional fiscal year following the last fiscal year the member rendered actual service to an ATRS covered employer and obtained at least one-fourth ($\frac{1}{4}$) year of service credit. In addition, a member is considered active for eligibility for survivor benefits if in the fiscal year of a member's death, the members earns a minimum of ten (10) days in each quarter before and including the quarter of the member's death.

As a disability retiree, may I return to work?

Returning to work for an ATRS employer will **cancel disability benefits** if the disability retiree is under age 60 when any work for an ATRS employer is performed. Disability retirement will be canceled and the member will have to pay back disability benefits. Any disability retiree should check with ATRS before working for an ATRS employer, **even if for one (1) day**,

including at athletic events. Disability retirement law is completely different than the law for regular retirees.

If circumstances occur where a disability retiree is able to return to **covered employment after disability retirement***, then the following applies:

If a disability retiree under **age sixty (60)** returns to work for an ATRS covered employer, his or her **Disability Retirement** will be immediately terminated and the member will be considered **active**. The member's credited service at the time of **Disability Retirement** will be restored and, as an active member, will begin earning service credit and will become eligible for certain benefits available to only active members.

Covered Employment after Disability Retirement*

If a disability retiree works for 1 day while attempting to return to active, covered employment, that disability retiree is immediately considered active for the current fiscal year and for one additional fiscal year.

It is the responsibility of the member and ATRS employer to report a disability retiree's return to work for a covered employer. If a disability retiree **under age 60** returns to work after being placed on disability retirement, even for one (1) day, the member shall repay disability retirement benefits paid from the time the member returned to work.

If a disability retiree has **reached sixty (60) years of age** and returns to an ATRS covered employer, he or she will continue to receive the retirement annuity **IF** they have met the required **termination/separation period**.

TERMINATION / SEPARATION REQUIREMENTS:

- AGE 65 (prior to retirement effective date): No Separation Requirement
- 38 YEARS OF SERVICE (under age 65): One (1) Month Termination Separation Period
- ALL OTHER RETIREES: Six (6) Month Termination Separation Period

If you are **UNDER AGE 60**, do not return to work from a Disability status unless you plan to **CANCEL** your Disability Retirement.

If you are **OVER AGE 60** and planning to return to work, please contact ATRS to confirm you have met the [Termination Separation Period](#) requirements.

Members are strongly encouraged to contact ATRS at 501-682-1517, 1-800-666-2877, or info@artts.gov concerning any questions you may have regarding returning to work while on Disability Retirement.

What if I leave covered employment to attempt recovery, *do not* apply for ATRS disability, then find I cannot return to work due to my disability - is there a deadline for applying for ATRS Disability?

The answer is **Yes**. A member must be considered in **active status*** to be eligible to apply for **ATRS Disability Retirement**.

Active Status*

*For **Disability Retirement** eligibility, a member is considered active for an additional fiscal year following the last fiscal year the member rendered actual service to an ATRS covered employer and obtained at least one-fourth (1/4) year of service credit.

Example: If a member last worked for an ATRS covered employer in December, 2014 (Fiscal year 2014-2015) he or she would be considered **active** until June 30, 2016 (Fiscal Year 07/01/2015 – 06/30/2016).

What happens if I die while on Disability Retirement?

As with Age and Service Retirement, disability retirees must select an option for payment of monthly benefits as follows:

* Option 1 – Straight Life Annuity

** Option A – 100% Survivor Annuity

** Option B – 50% Survivor Annuity

* If a retiree selects Option 1, Straight Life Annuity, and **dies within the first year of retirement**, the surviving spouse may elect to cancel the Option 1 in effect and elect Option A, 100% Survivor Annuity. The surviving spouse must be the member's residue beneficiary and must have been married to the member at least one (1) year prior to the member's death.

** If a retiree selects Option A, 100% Survivor Annuity, or Option B, 50% Survivor Annuity, and his/her spouse dies, the retiree; can return (pop-up) to Option 1, Straight Life Annuity. The

retiree must report the death to ATRS, complete an ATRS Change of Annuity Option Form, and submit requested documentation. The adjusted benefit will become effective the month following receipt of the Change of Annuity Option form.

If a retiree has selected Option 1, Straight Life Annuity and **dies after the first year of retirement** and prior to receiving annuity payments equal to the amount of employee contributions paid plus interest earned, then the residue beneficiary will receive the remaining residue balance. If no residue beneficiary is nominated or survives the death of the member, the remaining residue shall be paid to the member's estate.

Lump Sum Death Benefit: Upon the death of the disability retiree with ten (10) or more years of actual service, ATRS will pay a death benefit ranging from \$6,667 to \$10,000, based on the member's contributory/noncontributory service credit. The death benefit will be paid to the designated beneficiary on the lump sum death beneficiary form or to the deceased member's estate if no lump sum death beneficiary is named.

See [Review of Annuity Options](#) and [Lump Sum Death Benefits](#) for more information.

What are my options for covering a spouse on Disability Retirement?

A disability retiree may elect to cover a spouse or a dependent child that has been declared incapacitated by a court under Annuity Option A or Option B.

** Option A – 100% Survivor Annuity

** Option B – 50% Survivor Annuity

See [Review of Annuity Options](#) or contact an ATRS Counselor for more detailed information and estimates.

If I have selected an Annuity Option A or Option B, will my option beneficiary receive benefits after my death?

The answer is Yes. If the member has selected an option that provides for his or her beneficiary after the member's death (see [Review of Annuity Options](#)) then the option

beneficiary will receive benefits for his or her lifetime. If a deceased disability retiree was not eligible for early retirement or had not attained age 60 at the time of death, the spouse's Option A or Option B annuity **will begin the date the deceased member would have been eligible to receive age and service benefits, age 60, and is payable for the spouse's lifetime, regardless of remarriage.**

Do my beneficiary(s) receive a Lump Sum Death Benefit after I die?

The answer is **Yes, IF** the disability retiree has a minimum of 10 actual years of service at the time of retirement and has a properly completed Lump Sum Death Beneficiary form on file with ATRS prior to the member's death.

Contact ATRS at 501-682-1517, 1-800-666-2877, or info@artrs.gov for additional information.