**Section 1650.201 Disability Benefits − Application Procedure; Effective Date**

a) Any member claiming a disability benefit under 40 ILCS 5/16-149 or 16-149.1 shall begin the process by filing a written notice with the System.

b) For purposes of determining when nonoccupational disability benefits become payable under 40 ILCS 5/16-149, the following shall apply:

EFFECTIVE DATE

|  |  |  |
| --- | --- | --- |
|  | Member files written notice of disability within 90 days from the later of commencement of disability or the date eligibility for salary ceases\*. |  |
|  |  |  |
| Yes |  | No |
| TRS receives all documentation within six months from the later of the commencement of disability or the date eligibility for salary ceases. |  | TRS receives all documentation within six months after written notice of disability. |
|  |  |  |  |  |
|  |  |
| Yes |  | No |  | Yes |  | No |
| Benefits become payable from the later of the 31st calendar day the member is absent from teaching due to the disability for which benefits are sought or exhaustion of the member's sick leave\*\*. |  | Benefits become payable on the date TRS receives all documentation required by law. |  | Benefits become payable on the date TRS receives written notice of disability. |  | Benefits become payable on the date TRS receives all documentation required by law. |
| \* Eligibility for salary ceases is equal to the later of the date last worked plus 31 days or when sick leave days are completely exhausted |
| \*\* If sick leave is not paid by the employer, the date sick leave would have been exhausted had the member been paid by the employer. |

c) For purposes of determining when occupational disability benefits become payable under 40 ILCS 5/16-149.1, the following shall apply:

EFFECTIVE DATE

|  |  |  |
| --- | --- | --- |
|  | Member files written notice of disability within 90 days from the later of commencement of disability or the last day for which salary was paid. |  |
|  |  |  |
|  |  |  |
| Yes |  | No |
| TRS receives all documentation within six months from the later of the commencement of disability or the last day for which salary is paid. |  | TRS receives all documentation within six months after written notice of disability. |
|  |  |  |  |  |
|  |  |
| Yes |  | No |  | Yes |  | No |
| Benefits become payable on the date after the last day for which salary is paid. |  | Benefits become payable on the date TRS receives all documentation required by law. |  | Benefits become payable on the date TRS receives written notice of disability. |  | Benefits become payable on the date TRS receives all documentation required by law. |

d) When a member claiming disability benefits is employed under an agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in the definition of "date eligibility for salary ceases" in Section 1650.202, can be satisfied during periods not covered by the agreement. For purposes of granting disability benefits, all employment agreements are presumed to cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a period longer than a full school term (e.g., 10, 11 or 12 months).

e) Whenever a member becomes ineligible to receive a non-occupational or occupational disability benefit due to gainful employment but is subsequently disabled for the same cause within 90 days after the member's or annuitant's last date of eligibility for benefits, benefits shall be reinstated at the previous benefit rate upon written application. Benefits shall commence the day following the last day the member is eligible to receive salary. If more than 90 days have elapsed, benefits shall be reinstated based on the greater of the member's most recent annual contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced.

(Source: Amended at 32 Ill. Reg. 13534, effective August 6, 2008)