

# Accident Disability Retirement



In-service members of TRS who have become physically and/or mentally incapable of performing their work duties may apply for disability retirement. There are two types of disability retirement: ordinary and accident. This brochure summarizes the eligibility requirements and benefits of accident disability retirement. Please consult the *Ordinary Disability Retirement* brochure for more information on ordinary disability retirement.

## ELIGIBILITY REQUIREMENTS

You are eligible for accident disability retirement if you meet all of the conditions marked under your tier in the Checklist below.

### ELIGIBILITY CHECKLIST

CONDITION	TIER			
	I	II	IV	VI
You are in active service with the New York City Department of Education (DOE), the City University of New York (CUNY), or a participating New York City Charter School; however, you are disabled as a natural and proximate result of an accident that was sustained in the performance of your duties in active service, and that was not caused by your own willful negligence. (Active service includes being on an approved leave of absence or having transferred-contributor status.)	✓	✓	✓	✓
You file your disability retirement application within two years of the date of your accident.	✓	✓		
You file your disability retirement application within three months of the last date that you were on active payroll; or, if you were on a leave of absence without pay for medical reasons, you file the application within 12 months of the date you receive notice that you have been terminated.			✓	✓
As part of your disability retirement application, you submit the following to TRS: An "Applicant's Personal Report of Accident and Disability" and a "Report of Applicant's Physician" (code DI32) with accompanying treatment notes; an "Authorization for Release of Health-Related Information" (code DI47); and relevant supporting medical documentation.	✓	✓	✓	✓
You are examined by the TRS Medical Board, on whose recommendation the Teachers' Retirement Board approves your accident disability retirement.	✓	✓	✓	✓

*NOTE: Tier III members may elect to file for disability retirement under Tier III or IV. However, most members choose to file under Tier IV since certain regulations governing Tier III disability retirement may result in adverse effects on the disability benefits members would receive.*

## **APPLYING FOR ACCIDENT DISABILITY RETIREMENT**

To apply for accident disability retirement, you must file the accident disability retirement application for your tier; see the Checklist on page 1 for when you would need to file your application. You should keep a copy of your completed application for your records.

In most cases, obtaining pertinent information from your employer regarding your accident and reviewing the application will take six to eight weeks. TRS will then notify you by mail of the date and time of your examination by the doctors on TRS' Medical Board. After your examination, you will be notified of the Medical Board's decision by mail.

*NOTE: If you are a Tier IV or VI member, upon receipt of your retirement application, TRS will review your service record and notify you by mail if you have any membership service deficits and/or optional service credit eligible for purchase. If you have a membership service deficit, a lump-sum payment will be required before your application for a disability retirement is finalized. If you want to purchase optional service credit, payment must be received prior to finalizing your retirement in order to be credited with the service.*

## **APPROVAL OF YOUR APPLICATION/ RETIREMENT DATE**

If you are filing as a Tier I or II member, your retirement would take effect on the date that the Medical Board approves your disability retirement; or you may select a date that is within 30 days after the date of the Medical Board's approval. Keep in mind that you cannot be on payroll as of your elected retirement date.

If you are filing as a Tier IV or VI member, the effective date of your disability retirement would generally be the date you filed your application with TRS, provided you were not on payroll on that date. (If you were on payroll when you filed your application, your retirement date would be the day following your last day on payroll.) If your application is approved, you will have the opportunity to choose a different retirement date; that date must be within 30 days of the date the Medical Board approves your application.

## **RETIREMENT PAYMENTS**

Your first disability retirement allowance payment (retroactive to your effective date of retirement) should arrive three to five months after your application is approved. You will receive your retirement allowance payments for life, provided the Medical Board continues to deem you to be disabled or you do not return to active service.

While your retirement allowance is being calculated, TRS issues monthly advance payments to provide you with retirement income as soon as possible. You will continue to receive an advance payment every month until your regular retirement allowance is initiated on payroll. For more information, please see the *Advance Payments* brochure.

## **BENEFITS UNDER ACCIDENT DISABILITY RETIREMENT**

**If you are filing as a Tier I or II member**, your maximum annual accident disability retirement allowance would consist of the following benefits:

- 1) a pension equal to 75% of your five-year average salary earned immediately before retirement; AND
- 2) an annuity based on your Annuity Savings Fund (ASF) balance as of your retirement date; AND
- 3) a pension based on your Increased-Take-Home-Pay (ITHP) balance as of your retirement date.

Your pension would be subject to reductions if you receive benefits under the Workers' Compensation Act.

**If you are filing as a Tier IV or VI member**, the maximum pension portion of your annual accident disability retirement allowance would equal 2/3 of your Final Average Salary (FAS). You would also receive an annuity based on any Annuity Savings Accumulation Fund (ASAF) balance you may have; this account contains monthly supplemental contributions that the Department of Education and some Charter Schools provide to certain eligible employees who reach the maximum of their salary schedule.

## **DENIAL OF YOUR APPLICATION**

Your accident disability retirement application may be denied because the Medical Board 1) does not deem you to be physically or mentally disabled at the time of your examination or 2) does not find that your claimed physical or mental disability was caused by the accident you reported on your accident disability retirement application. In either case, you may request that a Special Medical Committee review the conclusions and recommendations of the Medical Board by filing a “Special Medical Committee Request and Waiver of Rights” (code DI13) with TRS; however, TRS must receive your form within 30 days of the date you receive the transcript of your exam. You would then be responsible for paying half of the Committee’s examination fees. In requesting this review, you would also waive your rights to pursue your case in any other forum; the Special Medical Committee would have complete and final authority over your case.

If you do not appeal to the Special Medical Committee, you may reapply for accident disability retirement if there is new medical evidence in your case; the filing deadlines are the same as those described in the Checklist on page 1. You also have the option of applying for ordinary disability retirement, provided you meet all eligibility requirements.

## **RESTRICTIONS**

Please note the following restrictions that apply to members who are granted accident disability retirement.

**Re-Examination**—You may be required to be re-examined at the discretion of the TRS Medical Board until you reach age 65. **Failure to report for a requested re-examination may result in the suspension of your regular pension and, if applicable, the ITHP portions of your accident disability retirement allowance.**

**Restoration to Active Service**—If, after re-examining you, the Medical Board certifies that you are no longer disabled, TRS will notify your former employer. If this occurs within 10 years of your retirement date, your former employer must restore you to active

employment. If your disability retirement has lasted for 10 years or more, your restoration to service would be at your former employer’s discretion. If you are restored to active service, your retirement allowance under the Qualified Pension Plan (QPP) and any annuity payments under the Tax-Deferred Annuity (TDA) Program would stop in accordance with applicable law.

If you wish to return to active service voluntarily, you should first find employment in a TRS-eligible position. You must file an “Application for Voluntary Restoration from Disability Retirement” (code DI30) with TRS, as well as a letter with your former employer requesting re-employment in a TRS-eligible position. Before the Teachers’ Retirement Board can approve your restoration, the Medical Board must conduct an examination to certify that you are no longer physically or mentally incapacitated.

### **Employment while on Disability Retirement—**

Disability retirees who return to work in public employment in New York State or any of its political subdivisions are subject to earnings restrictions. If the total of the pension portion of your retirement allowance payments and your earnings from New York State public employment equals or exceeds \$1,800 annually, the pension portion of your retirement allowance would be suspended and forfeited for the remainder of your public employment.

If you work in public employment in New York State, you must notify TRS in writing of your employment. You are not required to notify TRS if you return to work in private employment, public employment outside New York State, certain types of public employment within New York State (*i.e.*, jury duty, an elective public office, a position as a poll or ballot clerk under the election law, a position in the office of the Inspector of Elections, or a position as a notary public or commissioner of deeds), a Public Benefit Corporation (such as MTA New York City Transit), or a nonprofit organization; any income from such employment would be independent of your retirement allowance.

For your convenience, TRS forms and publications are available on our website.  
If you require additional assistance, please contact our Member Services Center at 1 (888) 8-NYC-TRS.

*This publication should not be solely relied upon, as it is based on currently available information that is subject to change. TRS suggests that you consult with an attorney and/or a tax advisor if you have any specific legal or tax questions concerning this information. In all cases, the specific provisions of the governing laws, rules, and regulations prevail.*



Teachers' Retirement System of the City of New York  
55 Water Street, New York, NY 10041  
www.trsnyc.org • 1 (888) 8-NYC-TRS