Disability Retirement

Purpose
This section should be used when a member applies for disability retirement from TRSL.

NOTE: For purposes of Index 12.0, all references to a retiree and applicant refer to TRSL members receiving or applying for a TRSL disability benefit, unless otherwise noted.

Action to be Taken
1. The member must complete the Application for Disability Retirement (Form 12) and forward to TRSL. If approved, the effective date of retirement will be the later of the date the application was received or the day immediately following the last day of service for which applicant will receive pay.
2. The Disability Report by Supervisor (Form 12A) must be completed by the member’s immediate supervisor who monitors the applicant’s daily activities. Upon completion, this form should be forwarded to TRSL.
3. The member must complete the Member Statement of Disabling Condition (Form 12B) and forward to TRSL. Note: Physician reports (Forms 12C and 12C-P) must be submitted for each doctor listed on Form 12B.
4. The member must complete Sections 1 and 2 of the Physician Report of Disabling Condition (Form 12C) giving the name(s) and address(es) of the physician(s). The form(s) should be sent to the physician(s) whose area of specialty most clearly relates to the nature of the member’s claimed disability. The physician(s) should forward the completed form(s) along with all medical records relating to the disabling condition to TRSL.
5. The member must furnish copies of the following (with Social Security number on each copy):
   a. Social Security cards (as issued by the Social Security Administration) for member, spouse, and eligible minor children;
   b. Documents verifying dates of birth of member, spouse, minor, or any other eligible unmarried children. (Refer to Date-of-Birth Verification Requirements found on the reverse side of the Disability Retirement Application Check List.); and
   c. Marriage certificate, if applicable.
6. Regular Plan and Plan A members must also submit the following forms for unmarried dependents between the ages of 18 and 23:
   a. Student Attendance Certification (Form 13C) for ages 21-23.
   b. Statement of Dependent’s Marital Status (Form 13M) for ages 18-23.
7. If the member is divorced or legally separated, he must forward to TRSL a copy of the divorce decree or judgment of legal separation. If the spouse is deceased, the member must forward a certified copy of the death certificate.
8. TRSL will permit the agency head to sign the member’s name when the member’s condition prevents him from so doing. In this case, TRSL will also require the signature of the agency head.
9. Once the disability application has been approved by the State Medical Disability Board (SMDB), the employer must complete and submit to TRSL the following forms listed below:
   a. Agency Certification (Form 11B)
   b. Annual Leave Certification (Form 11C), if applicable

10. All employers must also certify all questionable years and sick leave used via the online update processes.

**Eligibility Requirements**

1. The member must have at least five years of eligibility credit. Refer to Index 6.0 for the definition of eligibility credit.

2. The disabling condition must have occurred or worsened during the time of active, contributing membership in TRSL.

3. If a member is not in active service at the time of application and has not withdrawn his contributions, it will be necessary that the system receive clear, competent, and convincing evidence that the disability occurred while the member was an active, contributing member.

4. A member shall receive a service retirement allowance, if he is eligible, using only his years of creditable service; however, his maximum benefit shall not be less than his disability benefit. The disability retirement actuarial factors that will be used are lower than the normal service retirement actuarial factors. This may result in disability option benefits that are less than the equivalent service option benefits.

**Computation of Benefits**

1. **Regular Plan**
   a. To see if the member is eligible for a regular service retirement, refer to Index 11.0 for service retirement eligibility.
      1) The computation is the same as a service retirement allowance; however, the maximum benefit shall not be less than his disability benefit.
      2) If the member elects any retirement option, the option computation is based on the disability actuarial factors.
   b. If the member is not eligible for regular service retirement, he will receive the lesser of (1) or (2), but not less than the lesser of (3) or (4) below:
      1) The member's actual years of service credit computed at 2.5% multiplied by average compensation, or
      2) Fifty percent (50%) of the average of the highest 36 successive months, average compensation, but not less than
      3) Forty percent (40%) of the state minimum salary for a beginning teacher with a bachelor's degree, or
      4) Seventy-five percent (75%) of his average compensation.
   c. A retiree with a minor child shall receive an additional benefit equal to 50 percent of the disability benefit for as long as he has a minor child provided the total benefit payable to the retiree does not exceed 75 percent of his average compensation.
d. If a member is eligible for service retirement, the additional benefit for a minor child shall be 50 percent of his maximum benefit for as long as he has a minor child provided the total benefit payable does not exceed 75 percent of the average compensation.

e. No unused annual or sick leave will be converted for retirement credit unless the member is eligible to receive a service retirement allowance.

f. TRSL must be notified if the retiree is receiving workers’ compensation benefits.

2. Plan A

a. The provisions given above for the Regular Plan also apply to members of Plan A; however, the applicable percentage rates in the Plan A formula will be used. Refer to Index 11.0 for Plan A formula.

b. No unused sick leave will be converted for retirement credit unless the member is eligible to receive a service retirement allowance.

c. TRSL must be notified if the retiree is receiving workers’ compensation benefits.

3. Plan B

a. A member who is eligible will receive a regular retirement allowance. A member who is ineligible for a regular retirement is guaranteed a disability benefit not less than 30 percent or more than 75 percent of the average compensation, provided no retirement option is elected.

b. No additional benefit is provided due to a minor child.

c. Credit for unused sick leave is used in the computation of disability benefits.

d. TRSL must be notified if the retiree is receiving workers’ compensation benefits.

Additional Notes

1. Regular Plan and Plan A

a. If the retiree dies, survivor benefits are payable to eligible survivors.

1) If retired before January 1, 1996, and dies prior to age 60. Refer to Index 13.0 for survivor benefit eligibility.

2) If a retiree who retired on or after January 1, 1996, dies and leaves a surviving spouse who had been married to the deceased retiree for at least two years prior to the death of the retiree, the surviving spouse shall receive a survivor’s benefit equal to 75 percent of the benefit being received by the retiree at the time of his or her death, and no benefits shall be paid under LSA-R.S. 11:762. If the surviving spouse dies and leaves a minor child or children of the deceased retiree, applicable benefits will be paid as described in a(3) below.

3) If a retiree who retired on or after January 1, 1996, dies and does not leave a surviving spouse, but does leave a minor child or children, the minor child or children shall be entitled to a total benefit equal to 50 percent of the benefit being received by the retiree at his or her death for as long as there is a minor child, and no benefits shall be paid under LSA-R.S. 11:762.
b. The additional benefit received for a minor child shall cease when any one of the following occurs:
   1) Attainment of age 21, if the child is not a full-time student enrolled in an accredited secondary or post-secondary educational institution,
   2) Marriage of the child, or
   3) Attainment of age 23 if child is a full-time student.

d. A retiree will receive an additional benefit for a child who becomes totally and permanently mentally or physically disabled before age 21 if:
   1) The child is not married,
   2) The child's disabling condition is approved by the SMDB.

c. A retiree has the privilege of a benefit recomputation under the service retirement provisions and a choice of a retirement option election if he meets the following requirements:
   1) Retired between August 1, 1978, and December 31, 1988, and age 60, or
   2) Retired between January 1, 1989, and December 31, 1995, and age 60 and was ineligible for a service retirement, and
   3) Retired on or after January 1, 1996, and the actual years of service credit and the years on disability retirement enable him to meet eligibility for regular service retirement.
   4) Had at least 15 years of service before being certified as a person having a disability, has been receiving disability benefits for at least 10 years, and is at least age 50.

e. A retiree retired on or after January 1, 1996, will always convert to service retirement.
   1) Upon attainment of the earliest age that he would have become eligible for a retirement benefit, if he had continued in service without further change in compensation, a retiree shall have a benefit recomputation under the service retirement provisions using only his years of creditable service. The years that he is on disability retirement shall not be used in the computation of his retirement benefit. However, his maximum benefit shall not be less than his disability benefit. The benefit provided for a minor child shall continue.

Refer to Index 12.0, Computation of Benefits, 1(c). If a retiree dies and leaves a minor child or children, the applicable benefit provided by paragraph 1(a)(3) of these Additional Notes shall be paid on behalf of the minor child or children, and no benefits shall be paid under LSA-R.S. 11:762 and 783(B).

2. A retiree, at his own expense, must undergo a medical re-examination by a SMDB-designated physician once a year for the first five years and once every three years thereafter until age 60.

3. The usual periodic re-examination will not be required when the SMDB certifies that the retiree's condition is terminal, chances for recovery are highly improbable, or the retiree is residing in a nursing home.
4. Through age 70, every retiree, except a retiree who had no earnings and is determined by TRSL to be incapacitated or who is residing in a nursing home, shall submit to the TRSL Board of Trustees by May 1 each year a notarized statement detailing his or her earned income from employment in the previous tax year. The information received on the annual earnings statement may affect disability benefits. This statement requires the reporting of:
   a. Earnings from employment,
   b. Workers’ compensation insurance benefits, and
   c. Receipts from public sources because of the disabling condition.

5. All disability benefits will be terminated if the retiree becomes employed in the field of education, whether public or private.

6. Outside the field of education, a retiree may earn, without affecting his disability benefit, the difference between the average compensation, which will be adjusted annually by the Consumer Price Index, and the disability benefit.

7. Once a retiree returns to active membership service with any TRSL employer, his disability retirement benefit will be canceled, and his years of service credit and the annuity balance will be restored to his record.

   If he returns to active service for at least three years, the period of time on disability shall be counted as credited service for purposes of establishing retirement eligibility, but not for computation of benefits.

8. A retiree is liable for federal income taxes on the full disability benefit until attaining age 60 or the earliest age that he or she would have become eligible for service retirement, whichever comes first. Then the retiree will begin to recover the nontaxable retirement contributions.
Employer Checklist

Members with at least five years of TRSL service credit can apply for disability retirement by submitting a completed Application for Disability Retirement (Form 12). Any member may cancel an application for disability retirement before the effective date or before cashing or depositing any retirement checks.

Application for Disability Retirement (Form 12)

- Have member complete Sections 1, 2, 3, 4, 5, and 6.
- Attach medical documentation:
  - Disability Report by Supervisor (Form 12A)
  - Member Statement of Disabling Condition (Form 12B)
  - Physician Report for Disabling Condition (Form 12C or Form 12C-P) should be completed for every doctor listed on Form 12B in Section 2, item 4.
- Attach copy of member’s job description or job standards.
- Attach any additional medical records supporting the disability claim.
- Attach copies of Social Security cards and birth certificates for applicant, spouse, and all named beneficiaries. Put member's Social Security number on each copy.
- Attach certified copies of divorce papers and community property settlement papers, if applicable. Put member's Social Security number on each copy.
- Certify all questionable years and sick leave used via the online update processes.
- Attach a completed Direct Deposit of Benefits (Form 15D).
- Attach a completed federal Form W4-P, Withholding Certificate for Pension or Annuity Payments.
- Keep a copy of all completed forms for the member’s personnel file.
- Give a copy of all completed forms to the member.
- Send TRSL all forms and required documents.

NOTE: Agency Certification (Form 11B) and Annual Leave Certification (Form 11C), if applicable, are not submitted until after member’s termination date.

Additional forms to be completed and attached to Application for Disability Retirement (Form 12), if applicable.

- Student Attendance Certification (Form 13C) for ages 21-23.
- Statement of Dependent’s Marital Status (Form 13M) for ages 18-23.
- Copy of eligible minor/dependent child’s birth certificate and Social Security card.
Disability Application Process

TRSL receives forms 12, 12PA, 12B, and 12C or 12C-P

Does the member have 5 years of service?

YES

Disability

NO

Notify member (not qualified)

Is member eligible for service retirement?

YES

Calculate estimates for service, ILSB (if applicable), and disability retirement

Send estimates and decision letter to member

Member decides on type of retirement

Send copies of all forms to medical board

Receive a decision from the medical board doctor

Forward application to the service/ILSB processing section

NO

All requested information is received

Request needed information for medical board

NOTE: It can take several months to complete the disability retirement process.

TRSL receives forms 12, 12PA, 12B, and 12C or 12C-P
Disability Retirement Application Checklist

Members with at least five years of TRSL service credit may apply for disability retirement. To apply for disability retirement, submit a completed Application for Disability Retirement (Form 12). You may cancel your application for disability retirement prior to the effective date or prior to cashing or depositing any retirement check.

What you need to do (write your Social Security number on each document):

☐ Complete Sections 1, 2, 3, 4, 5, and 6 of the Application for Disability Retirement (Form 12)

☐ Attach medical documentation:
  - Disability Report by Supervisor (Form 12A)
  - Member’s Statement of Disabling Condition (Form 12B)
  - Physician’s Report of Disabling Condition (Form 12C or 12C-P) should be completed for every doctor listed on Form 12B in Section 2, #4, and every referral doctor listed on every Form 12C or 12C-P.

☐ Attach copies of any additional medical records supporting the disability claim

☐ Attach copy of your job description or job standards

☐ Attach copies of Social Security cards, as issued by the Social Security Administration, birth certificates for you, your spouse, each minor or other eligible children, all named beneficiaries, and death certificate of spouse (if applicable). Your estimated benefits will not be processed until we receive a copy of your card.

☐ Attach certified copies of divorce papers and community property settlement papers, if applicable

☐ Have employer certify all questionable years and sick leave used via the online update processes

☐ Attach a completed Authorization for Direct Deposit (Form 15D)

☐ Attach a completed W4-P federal withholding form

☐ Notification of Workers’ Compensation benefits. Louisiana Revised Statue 11:221 mandates the offset of disability benefits for persons receiving Workers’ Compensation benefits.

☐ Give a copy of all completed forms to your employer

☐ Mail all forms and attached documents to TRSL, and keep copies for your files

☐ Contact other state retirement system if you have a reciprocal agreement

What your employer needs to do:

After your employment ends, your employer will need to submit the following forms:

☐ Agency Certification (Form 11B)

☐ Annual Leave Certification (Form 11C), if applicable

☐ Certification of Questionable Years and Sick Leave - to be submitted online at any time

☐ Items to discuss with employer: resignation, insurance deductions, payment of unused sick leave

Additional forms that may be needed:

Additional forms to be completed and attached to Application for Disability Retirement (Form 12) - if applicable:

☐ Student Attendance Certification (Form 13C) - if applicable for minor child to receive additional benefit

☐ Statement of Dependent’s Marital Status (Form 13M) - if applicable for minor child to receive additional benefit

Check TRSL’s website at www.trsl.org for latest versions of all forms.

Date-of-birth verification documents on reverse side.
Date-of-Birth Verification Documents

Verification of your date of birth, as well as that of your spouse and/or beneficiary, is required as part of your application for disability retirement.

The best evidence is either:

1) A birth certificate or hospital birth record established during the first few years of life and certified by the custodian of the record, or

2) A church baptismal record established during the first few years of life that shows the date of birth.

If you do not have either of these records in your possession, try to obtain one. If a church record was made of your birth or baptism, it is probably still on file at the church. If you cannot obtain one of the documents listed above, furnish at least two of the documents listed below. Try to obtain a record that was established early in life. Additional evidence of age may be requested if the documents you submit are not sufficient.

1) A school record of enrollment in two different schools on dates at least five years apart should be acceptable as two different records. Records must be signed by the principal of the school or superintendent of schools. Records are not acceptable if signed by a teacher.

2) A state or federal census record (established near your date of birth)

3) A statement showing the date of birth signed by the physician or midwife who was in attendance at the birth

4) A notarized copy of the birth entry in a family Bible

5) An insurance policy that shows age or date of birth

6) Marriage record that shows age at the time of marriage and the year it took place. This record must be at least 20 years old.

7) A passport

8) Certified military service record

9) A child's birth certificate that shows age of parent(s)

10) A record from the Social Security Office verifying date of birth

11) Any dated legal document, at least 20 years old, that gives the individual's age or date of birth. Acceptance is subject to approval of the Board of Trustees of the Teachers' Retirement System of Louisiana.

In addition to the documents listed above, the following documents, for those born in a foreign country, may be submitted:

1) A foreign passport

2) An immigration record established upon arrival in the United States

3) A naturalization record (citizenship paper)

4) An alien registration card