

IMRF

Disability Benefits

An explanation of the salary protection program available to IMRF members.

“My daughter depends on me to take care of her. I depend on IMRF to take care of me.”



The information provided is current as of October 2012



Disability Checklist



Please use this checklist when applying for IMRF disability benefits.

You can obtain IMRF disability Forms 5.40 & 5.42 by calling 1-800-ASK-IMRF (1-800-275-4673)
or by downloading the forms from www.imrf.org

As soon as you stop working and you feel you will be disabled more than 30 days. . .

- 1.** File an **Application for Disability Benefits** (IMRF Form 5.40) with IMRF. MAILED
We recommend you submit this application online through your Member Access FAXED
account at www.imrf.org/myimrf
 - You can also fax your application to IMRF at 630-706-4289
 - File the form even if you filed a worker's compensation claim.
 - Print your Social Security number on all documents you enclose with the form.

DATE YOU FILED
- 2.** Call your employer and ask your employer to file an **Employer's Statement** with IMRF (IMRF Form 5.41). Your employer should have the form. If not, the form can be downloaded from www.imrf.org.
 - Write down the name of the person you spoke with and the date.
 - Ask when the employer thinks the form will be submitted to IMRF.

PERSON YOU SPOKE WITH

DATE

DATE EMPLOYER WILL SUBMIT
- 3.** Provide your physician(s) (the first physician who examined you for this disabling condition) with a **Physician's Statement of Disability Claim** (IMRF Form 5.42) and have your physician(s) submit the documentation to IMRF, **with copies of your medical records from the date of disability**.
 - Write down the name of the person you spoke with and the date.

PERSON YOU SPOKE WITH

DATE

DATE PHYSICIAN WILL SUBMIT
- 4.** IMRF will acknowledge receipt of your claim in writing. Call IMRF at 1-800-ASK-IMRF (1-800-275-4673) if you have not heard anything within 10 business days after the date of your acknowledgement letter. IMRF will request additional medical information, if needed, directly from your medical providers (you will receive a copy of any such request).

- 5.** When IMRF receives any of the above three forms, we will mail you an acknowledgement letter and an IMRF Disability Benefits booklet. We will also request any missing forms.

See the reverse side of this Checklist for key points to remember.

Please note:

- You should contact IMRF if you are thinking of resigning from your current position. Resigning your position may impact your eligibility for IMRF disability benefits.
- Please be advised that IMRF disability payments are paid at the beginning of the month for the previous month.

Key Points to Remember

About Your IMRF Disability Benefits

Additional details are provided later in this booklet.

Each month an IMRF member receives a disability benefit, he or she also receives one month of service credit.

You are eligible for disability benefits if you...

1. Have 12 consecutive months of IMRF service credit preceding your disability.
2. Are unable to perform your IMRF job for more than 30 days.
3. Receive treatment for your disabling condition as soon as you stop working, and your physician(s) certifies your disability and provides evidence of your disability to IMRF.

What does IMRF need to begin the disability claim process?

1. Form 5.40, "Application for Disability Benefits" – you must complete this form.
2. Form 5.41, "Employer Statement" – your employer's IMRF Authorized Agent would complete this form and submit it to IMRF.
3. Form 5.42, "Physician's Statement of Disability Claim" – a licensed and practicing physician who has examined you and who can verify the nature and extent of your disability would complete this form and submit it to IMRF along with associated office visit notes/medical records.
4. If you are **age 50 or older**, a copy of your birth certificate or other acceptable evidence is required.
5. Other forms or information may be required. IMRF will contact you if any are needed and provide you with reasonable time to respond with the requested information.

When can your temporary disability benefits begin?

1. Following the 30-day waiting period. This waiting period begins with your first date of medical treatment following your last day at work.
2. Your benefits can begin on the 31st day or the **day after you are last paid** by your IMRF employer, if the last day you are paid is later.

What is the amount of your IMRF disability benefits?

1. Generally, your monthly disability benefit will be 50% of your average salary prior to becoming disabled.
2. Your monthly disability benefit may be reduced by Social Security Disability or Retirement (pension) benefits or workers' compensation benefits you receive.

How long does it take for IMRF to process your disability claim?

Normally within 5 to 7 business days after IMRF receives the needed items listed above, we make a decision to request additional information, to approve, or to deny your claim. You will be contacted by telephone or by letter at that time.

Important Note: If after reviewing the disability checklist and these Key Points you are unsure about whether to file a claim for disability benefits, please call IMRF at 1-800-275-4673.



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The following is a brief summary of the disability benefits available to you as an active member of the Illinois Municipal Retirement Fund (IMRF). For the purposes of disability benefits, an active member is one who works for an IMRF employer and makes contributions to IMRF, or is in a seasonal leave position with IMRF.

This summary also includes the requirements to be eligible for those benefits. The complete IMRF plan is found in the Illinois Pension Code. In case of any conflict with the information found in this booklet, the Pension Code governs.



Frequently Asked Questions and Answers

Question

Who should I contact with questions about my disability claim?

Answer

If you have a question, problem, or issue regarding your claim, you should call IMRF Member Services at 1-800-ASK-IMRF (1-800-275-4673). One of our Disability Claims Examiners will be assigned to process your claim. **You will receive correspondence and other communications from this examiner.**

Question

What does IMRF consider a disabling condition?

Answer (page 5)

A medical condition or physician's report that you are disabled may not be sufficient reason for IMRF to pay disability benefits. IMRF's definition of a disability is a medical condition(s) that is supported by objective data and documentation that supports a member's inability to perform any duties reasonably assigned by their IMRF employer.

Question

My claim is being delayed due to missing information from my physician. How can I get my doctor to complete and send in Form 5.42 (or other needed records, test results, or office visit notes)?

Answer (page 5)

When your physician—or any physician who has treated you—does not cooperate or provide information in a timely manner, IMRF can do little to force the physician to cooperate. You can best expedite your claim process by contacting your medical providers and letting them know the importance of IMRF's request.

Your medical records belong to you and, as a result, you may have more success in getting your physician to send your records to IMRF.

Question

If I am approved for benefits, when will I receive disability payments?

Answer (pages 8 and 9)

After the 30-day waiting period, benefits are payable on the first day of each month for the preceding month, e.g. a March benefit payment is mailed April 1.



Question

Once my disability claim is approved and I am receiving IMRF disability benefits, why does IMRF need additional medical records?

Answer (page 13)

If your claim for temporary disability benefits is approved, you will receive an “approval letter” advising you of this approval. The letter will indicate the length of time for which you have been approved for disability benefits, based upon your medical condition.

If you remain disabled past the period of time stated in the letter, you should have your doctor complete the form, “Physician’s Statement” (Form 5.42A) enclosed in the letter. You should submit the completed “Physician’s Statement” (Form 5.42A) (along with your medical records) to IMRF **no sooner than two weeks prior to** the date shown in your approval letter.

Question

Why is my IMRF disability benefit check only \$10?

Answer (pages 18 and 21)

Both **workers’ compensation** and **Social Security disability** can affect the amount of your IMRF benefit. See **both** examples that follow. **Before any workers’ compensation settlement is drawn up, have your attorney contact the IMRF legal department.**

Effect of workers’ compensation

Typically, IMRF pays 50% of your average monthly earnings as your disability benefit. However, your IMRF disability benefits may be reduced to a monthly minimum of \$10 if you receive either workers’ compensation or Workers’ Occupational Disease Act benefits. IMRF will require a copy of your workers’ compensation settlement contract to determine correct disability benefits.

Workers’ Compensation Example

Your application for IMRF disability benefits is approved for \$850.00 per month (50% of your average monthly earnings). But you were injured on the job, and you are also receiving workers’ compensation pay of \$1,133.22 per month (66-2/3% of your earnings). Because the workers’ compensation amount exceeds your IMRF payment, you will receive the minimum IMRF disability benefit of \$10 per month.

Effect of Social Security disability benefits

Disability benefits are also reduced by the amount of Social Security disability benefits you are entitled to, **even if you do not apply for Social Security disability benefits.** You are eligible to apply for Social Security disability benefits from the onset of your disability. Should you apply, there is a five-month waiting period. When the Social Security disability benefit you are entitled to is greater than your IMRF disability benefit, your IMRF disability will be reduced to \$10 per month.



Social Security Example

Your application for IMRF disability benefits is approved for \$550.00 per month (50% of your average monthly earnings). Five months after the onset of your disability, you are awarded Social Security disability benefits of \$600.00 per month. Because the Social Security disability amount exceeds your IMRF benefit, you will receive the minimum IMRF disability benefit of \$10 per month.

Why bother applying for \$10 per month?

While \$10 is not a large amount of money,

Your service credit is protected—You continue to earn IMRF service credit (credit toward your future pension) at no cost to you. This is important because without being on IMRF disability or an IMRF benefit protection leave, you will not earn service credit for any month you are not paid by your employer, **even if you are receiving workers' compensation**. Gaps in service credit can also affect your eligibility for future IMRF disability benefits.

Your pension is protected—If you retire with IMRF, IMRF will use your earnings at the time of your disability rather than the lower disability benefit payment to determine your final rate of earnings (FRE). Because your FRE (an average of your highest total earnings during any 48 consecutive months [for Tier 1] or 96 consecutive months [for Tier 2] within your last 10 years of IMRF) determines your IMRF retirement benefit, you protect your IMRF retirement benefit while on IMRF disability.

Your family is protected—Your IMRF death benefit protection (one year's salary plus a refund of the balance of your member account, less any benefit prepayment) also continues while you receive disability benefits.

Question

Why has my check been reduced?

Answer (pages 12 and 21)

You are eligible to apply for Social Security disability benefits from the onset of your disability. Social Security begins paying disability benefits six months from the onset of the disability. **At that time, IMRF reduces your IMRF disability benefit by the amount you are entitled to receive from Social Security—even when you do not apply for your Social Security disability benefits.** If you know your condition will keep you from work for more than six months, apply for Social Security disability benefits when you apply for IMRF benefits.

example continued...



Example

Your application for IMRF disability benefits is approved for \$850.00 per month. After six months of being disabled, you begin receiving Social Security disability benefits of \$400.00 per month. In this case, your IMRF benefit will be reduced by \$400.00 per month to \$450.00 per month.

Question

How long do disability benefits last?

Answer (page 10)

As long as you remain disabled by a condition that existed while you were a participating IMRF member, you can receive temporary disability benefits for a period of time equal to one-half of your IMRF service credit at the time of disability, but not more than 30 months.

If your temporary disability benefits run out and you are still disabled by the same condition, your claim will be investigated to determine your eligibility for total and permanent disability benefits. See page 29 for information on total and permanent disability benefits.

If you are considering resigning from your IMRF position, **contact IMRF first! Resigning your position may impact your eligibility for IMRF disability benefits.**

Question

Are my contributions used to pay for my disability benefits?

Answer (page v)

No. The entire cost of the IMRF disability plan is funded by your employer. All of your IMRF contributions are applied toward your future pension.

Question

How long does it take to approve a claim?

Answer (pages 5-6)

From the date IMRF has your complete disability claim (all three fully completed forms: 5.40, 5.41, 5.42) in our office, our Disability Claims Examiners will normally process claims within five to seven business days, provided we have everything needed to process your claim. If we need additional information (such as medical records), this processing period may be extended. However, we will keep you informed of your claim status.



INTRODUCTION

As a member of the Illinois Municipal Retirement Fund, you may apply for IMRF disability benefits as a result of *your* medical condition.

IMRF disability benefits are paid to eligible members (see page 2) who are disabled by a physical or mental condition (sickness or injury) that makes the member unable to perform the duties of any position which might reasonably be assigned by the employer.

If your application for IMRF disability benefits is approved, and while you are receiving disability benefits, you:

- Continue to earn IMRF service credit as if working (at no cost to you).
- Continue to be covered by IMRF death benefit protection (see page 1).
- Receive 50% of your average monthly earnings (see page 10).
- Are assured that your future pension would be based on your full salary, not on your reduced disability benefit.

Illinois Statute established disability benefits

IMRF's disability benefits are considered a "salary protection plan" which was established by state statute and is administered under the direction of the IMRF Board of Trustees.

The entire cost of the IMRF disability plan is funded by your employer. All of your IMRF contributions are applied toward your future pension. While you are on IMRF disability, you will continue to earn IMRF service credit, and your IMRF death benefit protection will remain in force.

What you should know about this booklet

Occasionally, you will see a hand pointing to information—as shown here—on the outside margin of a page. We've placed these hands next to information that is especially important.



If, after reading this booklet, you have additional questions, please call an IMRF Member Services Representative at 1-800-ASK-IMRF (1-800-275-4673), Monday through Friday, 7:30 a.m. to 5:30 p.m.



Please note:

If you participate in IMRF as:

- A **seasonal employee**, please read pages 2 and 11
- A **law enforcement officer, correctional officer, or firefighter**, please read pages 3 and 34.
- An **elected official**, please read page 3.
- A **public safety employee**, please read page 34.
- An **elected county official**, please contact IMRF for more information.

If you are applying for IMRF disability benefits because of **elective surgery**, be sure to read page 7.

If you are applying for IMRF disability benefits because of **pregnancy and childbirth**, be sure to read information about conditions with a “pre-determined” time period on pages 14 and 15.

If you became disabled from an on-the-job injury or due to an injury or sickness arising out of your employment, and you **plan to file for workers’ compensation**, please be sure to read pages 18 and 19, “Workers’ Compensation.”

If you are between the **ages of 55 and your full Social Security retirement age**, please be sure to read pages 20 through 25, “Social Security Benefits.”

Disability Claim Closure



It is **critical** that you provide to IMRF in a timely manner any additional information we request regarding your disability claim. You will receive at least two requests for information before you receive a final request letter. The final letter will notify you that you have 21 days from the date of the request to provide the requested information to IMRF.

If you do not respond to this final request for information within 21 days of that request, your disability claim will be closed.

Closure of your claim represents IMRF’s **final** administrative determination. **Once a claim is closed, you forfeit (give up) all rights to apply for disability benefits for that condition or any conditions that relate to the closed claim.**

If your claim is closed, your only option for appeal is to file an action for Administrative Review in Circuit Court within 35 days of the final request for information letter.



THE IMRF DISABILITY BENEFIT PLAN

IMRF provides two types of disability benefits:

1. Temporary, and
2. Total and permanent.

Whenever IMRF awards disability benefits, the initial classification is temporary, regardless of the severity of the disability.

Temporary disability benefits are paid if you are unable to perform the duties of any position which might reasonably be assigned by your current IMRF employer.

Total and permanent disability benefits are paid after temporary disability benefits have expired and if you are unable to engage in any gainful activity for any employer.

Your other IMRF benefits continue while you are on IMRF disability

While receiving monthly disability benefit payments, you continue to earn IMRF service credit as if you were working. This service credit is granted without any cost to you.

Another benefit is that your salary at the time you became disabled—not the disability benefit amount—is used to determine your final rate of earnings (FRE) and to calculate a retirement benefit. As a result, your retirement benefit will not be affected by the amount of your disability benefit.

In addition, your IMRF death benefit protection continues. If death occurs while IMRF is paying disability benefits, your beneficiary(ies) will be eligible for death benefit options calculated as if you had been working. Your beneficiary(ies) would receive one year's salary plus a refund of the balance of your member account (less any benefit prepayment).

Claims for temporary disability benefits are not subject to a pre-existing condition investigation. **However, all total and permanent disability claims are subject to a pre-existing condition investigation, unless you have five or more years of IMRF service credit prior to the date of disability *and* you did not receive IMRF disability benefits within those five years.** The investigation may include obtaining physician and hospital records, independent medical examinations, and other pertinent information. For details on the application process for total and permanent disability benefits, please turn to page 29.





ELIGIBILITY SERVICE REQUIREMENTS

To be eligible for disability benefits, you must have at least 12 **consecutive** months of IMRF service credit since being enrolled in IMRF *and* you must have service credit in each of the 12 months immediately preceding the date of disability.

However, if you have a one-, two-, or three-month gap in service within those preceding 12 months, you may still be eligible for IMRF disability benefits if:

- You have 12 **consecutive** months of service credit anytime prior to the gap in service
- and**
- You participated with the same IMRF employer immediately before and after the gap

Exceptions to the service requirement

Two exceptions exist:

1. If you had 20 years or more of IMRF service credit, stopped participating in IMRF and did not take a separation refund or a retirement pension, you are immediately eligible for IMRF disability benefits once you return to participating status,

OR

2. If your employer just joined IMRF, you may be eligible without meeting the one-year service requirement if you meet all of the following conditions:
 - You became disabled after your employer began participating in IMRF,
 - and**
 - You were employed in an IMRF-qualifying position for at least five years before your employer joined IMRF. (If necessary, you will be required to pay for enough prior service to have at least five years of service credit.)
 - and**
 - You were employed the 12 consecutive months preceding the date you became disabled.

If you work in a seasonal position

If you become disabled during a month in which you are not working (your “off season”), you are still eligible to file for IMRF disability benefits and are encouraged to do so. **Please note:** if you elected to be paid by your IMRF employer during your “off season” months, you are not eligible to receive IMRF disability payments for those months. See page 11 for more information.

If your employer terminates your employment

If your employer terminates you and you remain disabled by the same condition, you remain eligible for IMRF disability benefits.

If your employer terminates your health insurance

IMRF employers are required by law to allow certain retired and disabled employees and their surviving spouses to remain on the employer's health insurance policy (however, you may be required to pay your premiums in full).

IMRF can answer general questions; more complicated issues should be directed to the Illinois Department of Insurance, Consumer Service Division, your health insurance provider, or your attorney. The Consumer Services Division can be reached at (217) 782-4515 or toll free at (877) 527-9431.

If you are considering resigning your position

If you become disabled and you are thinking of resigning your position, contact IMRF first! Resigning your position may impact your eligibility for disability benefits.



If you participate in IMRF as an elected official

You may apply for IMRF disability benefits if you meet the service credit requirements. However, before IMRF can pay you a disability benefit upon an approved claim, you will have to cease earning income through your elected office. Because elected officials are paid as long as they hold office, you would need to resign to collect IMRF disability benefits, and send IMRF a copy of your resignation letter along with a copy of the minutes from the meeting at which your Board (governing body) accepted your resignation.

If you wish, you can remain in office and complete your term. If after completing your term of office you are still disabled, you will remain eligible for disability benefits. You could begin receiving IMRF disability benefits at that time.

Please note: if an elected official is paid on a per diem basis (paid based upon actual attendance at meetings), he or she does not need to resign the office to receive disability benefits, so long as the official does not attend any meetings and, therefore, does not receive any compensation.

If you work as a law enforcement officer, correctional officer, or firefighter

You are covered under the Public Employee Disability Act. Illinois statute (5 ILCS 345/1) provides for the continuation of compensation for law enforcement officers, correctional officers, and firefighters who suffer a disabling injury in the line of duty.

If you are eligible for a pay continuation under this statute, you are not eligible for IMRF disability benefits until these payments stop—provided you continue to be disabled. However, if you meet the other service credit requirements, we recommend you submit a disability application after six months if you will be disabled more than one year.

Circumstances when disability benefits are not payable

- 1) The disability is due to self-inflicted injury or to narcotic drug addiction, OR
- 2) You are able to perform any duties which may reasonably be assigned by your employer, and you refused the position, OR
- 3) Your claim is being reviewed to determine if you are eligible for **total and permanent disability benefits**, and the condition that caused the disability is pre-existing. A condition is considered pre-existing and will be excluded from coverage if you had the mental or physical condition before you began participating in IMRF, or if you had a break in service anytime before your first date of uninterrupted IMRF service.
- 4) You return to work on a Trial Work basis for an IMRF employer other than the IMRF employer you were working for when you became disabled.

See page 35 for detailed information about the pre-existing condition investigation.

Your claim *will not* be investigated for pre-existing conditions if you have five or more years of IMRF service credit prior to the date of disability, and you did not receive IMRF disability benefits within those five years.



A physician's report that you are disabled may not always be sufficient reason for IMRF to pay disability benefits.

TEMPORARY DISABILITY BENEFITS

Temporary disability benefits are payable if you are disabled by a physical or mental condition (sickness or injury) that makes you unable to perform the duties of any position which might reasonably be assigned by your employer.

Disability benefits may also be payable for a disability resulting from elective surgery and pregnancy.



You should apply for IMRF disability benefits on the date you stop working or the date you become disabled— **if you will be disabled for more than 30 consecutive days.**

If you stop working due to a disability, you should immediately see your physician to allow him or her to certify (by completing IMRF Form 5.42) that you are unable to perform your IMRF job. **IMRF cannot accept doctors' statements that certify a disability for a date prior to your visit or for a date in the future.** As a general rule, we will use the **first treatment date after the last day worked** as your "date of disability."



APPLICATION PROCESS

Submitting forms and documents

You would submit the following forms and records to IMRF. **Please note:** we are unable to begin processing your claim until we receive all IMRF disability forms:

- 1) **Form 5.40, “Application for Disability Benefits”** — you would complete this form. We recommend submitting it online through your Member Access account at www.imrf.org/myimrf. If you are unable to do so, a relative or other representative can complete it on your behalf. (If you are completing this application for an IMRF member, please see below.)
- 2) **Form 5.41, “Employer Statement—Disability Claim”** — your employer’s IMRF Authorized Agent would complete this form and send it to IMRF.
- 3) **Form 5.42, “Physician’s Statement—Disability Claim”** — a licensed and practicing physician who has examined you and who can verify the nature and extent of your disability would complete this form. Diagnosis, treatment dates, services rendered, and dates of disability are required to process your claim. Your doctor should also attach your medical records as indicated on the form.
- 4) **Birth certificate** or other acceptable evidence of birth date (necessary for Total and Permanent disability if age 50 or older).
- 5) **Other IMRF forms** — IMRF may also request that you complete one or more of the following forms:
 - Form 5.40A, “Disability Claim Data”
 - Form 5.46, “Authorization for Disclosure of Health Information”
 - Form 5.49, “Authorization to Secure Social Security Award or Disallowance Information” or
 - Form 5.42A, Form 5.42B, or psychiatric/physical questionnaires

If such forms and questionnaires are required, IMRF will mail them directly to you. **Incomplete and missing forms will delay a decision on your disability claim.**

Disability claims will be closed if IMRF does not receive requested information.

See page 37 for more information. Please provide as much medical information as possible when you submit the forms.



If you are completing the disability application for a member

Please call IMRF and tell us that the member is unable to sign the application or other disability-related IMRF documents. You would sign the forms on the member’s behalf, e.g., Mary Smith for John Smith. If the benefit is approved, IMRF will mail you a representative payee form for you and the member’s attending physician to complete.



If you have power of attorney for property for the disabled member, please forward a copy of the power of attorney to IMRF for review by our Legal Counsel.

IMRF will accept agency designation under a power of attorney **for property** if it conforms with the requirements of the Illinois Power of Attorney Act. A copy of the entire designation must be submitted for our review. If the original designation is more than a year old, we will send the agent an affidavit that he or she must complete, sign, have notarized, and return to our office for the power of attorney to be accepted.

We will accept a power of attorney for property; a health care power of attorney is **not acceptable**. IMRF will allow a designated agent to act for the member in all aspects **excluding the ability to sign a beneficiary form**.



Filing claims late

We strongly urge you to apply promptly; a delayed application may result in loss of benefits. Disability payments cannot be paid retroactively for more than six months from the date IMRF **received** the application. You may lose one or more monthly payments if you do not apply promptly for IMRF disability benefits.

Filing late may also result in gaps in your service credit which could affect your eligibility for other IMRF benefits.



Paid sick leave and the application process

If you know you will be disabled beyond the last day you will receive compensation (such as sick pay or vacation pay) from your employer, you should submit an application.

For example, if the compensation you receive from your employer will continue for more than 30 days following:

- the date the disability occurred, and
- you know the disability will continue even after your compensation stops, then you should apply immediately.

Reminder regarding purchase of service credit

If you have any outstanding service available to purchase from IMRF (such as reinstating a refund or purchasing military or other service credit), you must start the process while you are an active IMRF member (before your employer terminates your employment). For more information on purchasing past service from IMRF, see the IMRF website.

If you are planning elective surgery and know when you will be off work

You should not apply for disability ahead of time in “anticipation of disability,” if you are **still** able to work or are still working. Apply for IMRF disability benefits on the date you stop working or the date you become disabled—if you will be disabled for more than **30 consecutive days**. Refer to the 30-day waiting period information on pages 8 and 9. See the table below for elective surgery examples.

You schedule elective surgery for August 1

Do you apply?

| Date of elective surgery | Time off from work | Should you apply? |
|-------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Surgery performed on August 1 | You return to work on August 28. | <ul style="list-style-type: none"> • No, do not apply for disability benefits. • You are not disabled more than 30 consecutive days. |
| Surgery performed on August 1 | You will be off from work for six weeks. | <ul style="list-style-type: none"> • Yes, apply for disability benefits the first day you are disabled—on August 1. • Do not apply in advance, even though you know you will be disabled more than 30 days. • The disability effective date will be August 31st—30 days after the date of disability. |
| Surgery performed on August 1 | You will be off from work for three months, and your employer pays you for the first 60 days. | <ul style="list-style-type: none"> • Yes, apply for disability benefits the first day you are disabled (August 1) because you know you will be disabled beyond the last day your employer pays you compensation. • The disability effective date will be September 30th—60 days after the first day you are disabled because you are being paid. |



WHEN DO TEMPORARY DISABILITY BENEFITS BEGIN?

Temporary disability benefits are payable on the first day of each month for the preceding month, e.g., a March benefit payment is mailed April 1.

IMRF disability benefits are not paid for the first 30 calendar days of disability. In other words, a 30-day waiting period applies to all disabilities unless your disability is a re-occurrence of a previous disabling condition (see page 10).

- If you know you will be disabled for fewer than 30 days, do not apply.
- If you know your employer will pay you during the entire time you are disabled, do not apply.

Temporary disability benefits are effective on the 31st day following the date of disability, provided you are no longer receiving compensation (sick pay, vacation pay, or a seasonal salary) from your employer, and you are still disabled. See the 30-day waiting period time line on the next page.

Counting the 30-day waiting period

The 30-day waiting period is counted from the date of disability and **not from the last day your employer pays you compensation.**



If your employer will pay you beyond the 30 days

If your employer pays you compensation beyond the first 30 days of your disability and you are still disabled, IMRF temporary disability benefits will become effective the day **after** your compensation has stopped.

For example: You are disabled on July 10 and receive sick or vacation pay through July 20. IMRF disability benefits will be effective on August 9 (30 days from the date of disability).

However, if you receive earnings, sick pay, vacation pay, etc. which extend the compensation period through August 15, IMRF disability benefits will be effective on August 16.

If your employer pays you while you're receiving IMRF disability benefits

If your employer pays you compensation while you are receiving IMRF disability benefits, IMRF will adjust your disability benefit payments for any months when earnings are received.

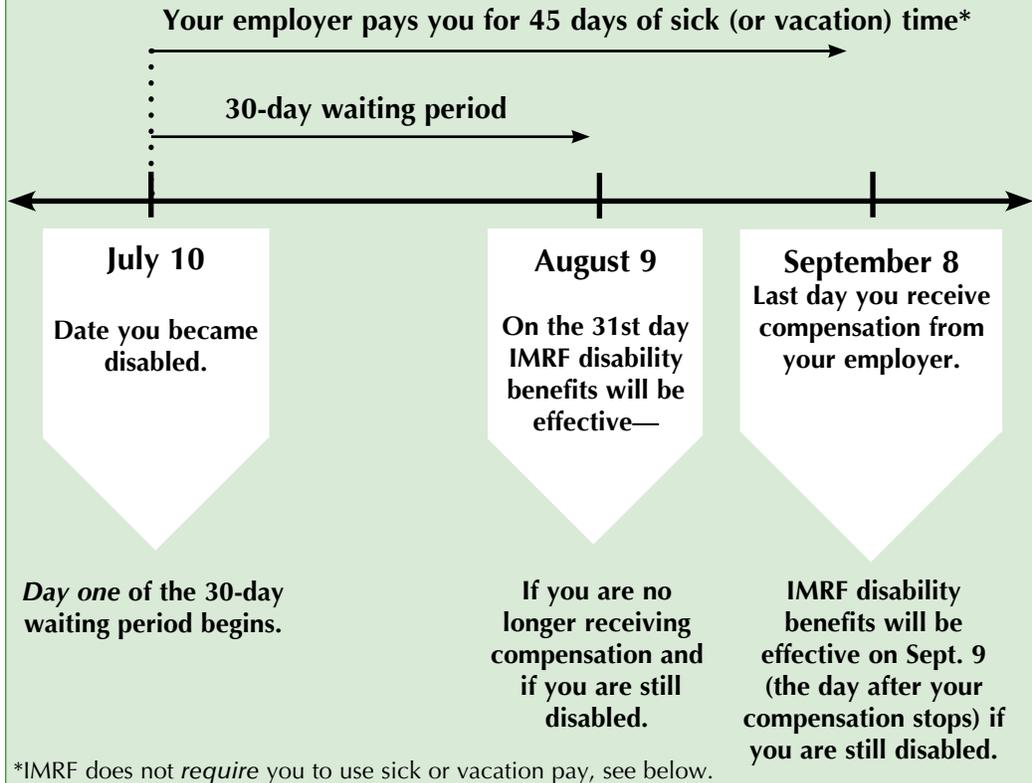


Using sick pay and vacation pay during 30-day waiting period

The IMRF disability plan does not require you to use all of your sick pay or vacation pay before receiving disability benefits. Each employer establishes its own rules on the use of sick pay and vacation pay.

30-DAY DISABILITY BENEFIT WAITING PERIOD

- How to count the 30-day waiting period
- How sick pay or vacation pay affects the 30-day waiting period



QUESTIONS AND ANSWERS—SICK/VACATION PAY AND THE 30-DAY PERIOD

What if your employer pays you sick or vacation pay, and this compensation extends beyond the first 30 days of your disability?

IMRF temporary disability benefits become effective the day after compensation stops, if you are still disabled.

Who makes the rules about the use of sick and vacation pay?

Each employer establishes its own rules on the use of sick pay and vacation pay. As a result, IMRF's disability plan does not require you to use all of your sick or vacation pay before receiving disability benefits.

What is compensation?

Compensation refers to any sick pay, vacation pay, seasonal salary, regular pay, or back pay, including retroactive pay from current or prior year contract negotiations.



Exceptions to the 30-day waiting period (Re-occurrence of disabling condition)

If you receive temporary or total and permanent disability benefits and you return to work, but within six months you are again disabled by the same condition, the 30-day waiting period does not apply. Your IMRF disability benefit payments would begin the day following the last day you receive compensation from your employer and the date disabled.

For example: After being disabled for seven weeks, you return to work on Monday, the 5th, and work through Wednesday, the 14th. You are again disabled by the same condition and do not work on Thursday or Friday. You receive salary for the 5th through the 14th.

Your IMRF disability benefit payments would begin Thursday, the 15th, assuming you seek medical treatment which certifies you are disabled. You will also need to submit a new set of disability forms (see page 5) to provide new medical information.

Please note: You can receive disability benefits for a period of time equal to one-half of your IMRF service credit, but not more than 30 months. However, if you return to work and your disabling condition re-occurs, the number of months you are eligible to receive disability benefits increases. For every two months you work, you become eligible for one additional month of disability benefits (not to exceed 30 months).

LENGTH OF TIME TEMPORARY DISABILITY BENEFITS ARE PAID

As long as you remain disabled, you can receive temporary disability benefits for a period of time equal to one-half of your IMRF service credit at the time of disability, but not more than 30 months.

For example: If you had one year of service, a maximum of six months would be payable. If you had five or more years of service, a maximum of 30 months of benefits would be payable.

If your temporary disability benefits run out and you are still disabled, your claim will be investigated to determine your eligibility for total and permanent disability benefits. Please refer to page 29.

AMOUNT OF IMRF DISABILITY BENEFITS

To calculate your disability benefit, IMRF totals your earnings for the 12 consecutive months prior to the month in which you became disabled, then divides that amount by 12; the result equals your average monthly earnings. IMRF pays 50% of your average monthly earnings.

If, because of a disability, you have reduced earnings when you stop working, the amount of disability benefits will be calculated on the basis of your salary for the last year of regular employment. For example, if you work part time because of an accident



or illness and the accident or illness eventually forces you to go on IMRF disability, the amount of disability benefits would be based on your last year of regular full-time employment.

Please note: the calculation formula is used to calculate your average monthly earnings for both temporary and for total and permanent disability benefits. This amount does not change if your classification changes from temporary disability to total and permanent disability.

If you work in a seasonal position

If you work in a seasonal position, IMRF calculates your disability benefits based upon your annual earnings for your normal seasonal year. IMRF pays the disability benefits over a 12-month period so that benefit payments will continue through your “off season.” For example, you normally work eight months a year earning \$1,500 per month or \$12,000 a year. IMRF will pay 50% of \$1,000 a month or \$500.

If you chose to receive your salary over 12 months, you will not receive IMRF disability benefits as long as you receive compensation. IMRF disability benefits are not payable if you are receiving compensation from your employer, whether that compensation is sick pay, vacation pay, or a seasonal salary spread over 12 months.

However, **if you have opted to be paid over 12 months** and you become disabled, your employer may be willing to pay the balance of your annual salary in a lump sum. Assuming you are not receiving any other compensation from your employer, you would then be eligible to apply for IMRF disability benefits. If your employer is not willing to do this and you continue to be paid under the 12-month pay agreement, **no disability benefits are payable until all compensation from your employer stops.**

Possible sources of disability benefit payments

You may receive benefits from the following sources:

- 1) IMRF alone
- 2) IMRF and Social Security Disability or Social Security Retirement benefits
- 3) IMRF and workers’ compensation or Occupational Disease Act benefits
- 4) IMRF, Social Security Disability or Social Security Retirement benefits, and workers’ compensation
- 5) Outside (non-IMRF) disability insurance plans

Please refer to pages 18 through 25 for more information on workers’ compensation and Social Security payments.



IMRF disability and other sources of disability benefit payments

The amount IMRF pays as a disability benefit depends on whether you receive Social Security benefits and/or workers' compensation (including occupational disease) benefits. The minimum amount you can receive from all three sources is 50% of your average monthly earnings for the 12 calendar months prior to the date you became disabled.

Please refer to pages 18 through 25 for more information on workers' compensation and Social Security payments and reductions in your IMRF disability benefit payments.

PAYMENT OF DISABILITY BENEFITS

When will you receive your disability payment?

IMRF disability payments are paid at the beginning of the month for the previous month. For example, if you are approved for a March disability payment, that payment is mailed April 1.

If you have been receiving disability benefits and return to work during the month, your disability payment for that month will be mailed a few days after we learn of your return to work.

Paying monthly disability benefits—Report of Disability form

If you are receiving monthly temporary disability benefits, you will receive a Report of Disability form attached to each check. **You need to complete and submit the Report of Disability form *only* when reporting a change in your situation.** For example,

- You were released to return to work, or
- You received income from a source you did not previously report to IMRF (including income from another IMRF employer), or
- You were awarded or denied Social Security disability benefits, or
- You received workers' compensation weekly benefits, or a lump sum settlement contract, or your claim was denied.

The Report of Disability form attached to your check explains this procedure. Please review the form to make sure you understand what items need to be reported to IMRF.

If your situation does change and requires you to return your Report of Disability form but you lose your form, please contact IMRF at 1-800-ASK-IMRF (1-800-275-4673).





Periodic medical reports and examinations

Periodically, IMRF will ask you to submit (at your expense) medical reports to verify treatment dates and services rendered (office and office visit notes may be requested). These will be required to determine your eligibility for continued disability benefit payments. **It is critical that you provide IMRF with any additional information we request regarding your disability claim in a timely manner.** You will receive at least two requests for information before you receive a final request letter. The final letter will notify you that you have 21 days from the date of the request to provide the requested information to IMRF or your disability case will be permanently closed.

If special examinations by IMRF-appointed physicians are required to determine your eligibility for continued disability benefit payments, such special exams will be conducted at IMRF's expense.

For more on the investigation process, please refer to page 35. For more on the disability claim closure process, please refer to page 37.



Disability benefits for conditions with a “pre-determined” time period

Many different conditions have “pre-determined” time periods when the disabling condition is expected to end, such as pregnancy/childbirth (six to eight weeks following the date of delivery), a broken toe (four weeks after the treatment date), a hysterectomy (six to eight weeks after the procedure), or a broken arm (six to eight weeks after the treatment date).

Conditions with “pre-determined” time periods are also said to have a “maximum allowable” period.

However, even though you become disabled by a condition that is “pre-determined” to last a certain number of weeks, benefits would be payable for a shorter period of time if:

- Your attending physician releases you to return to work earlier than the maximum number of weeks, or
- The 30-day waiting period occurs during the maximum number of weeks, or
- Your employer pays you compensation beyond the first 30 days of disability.

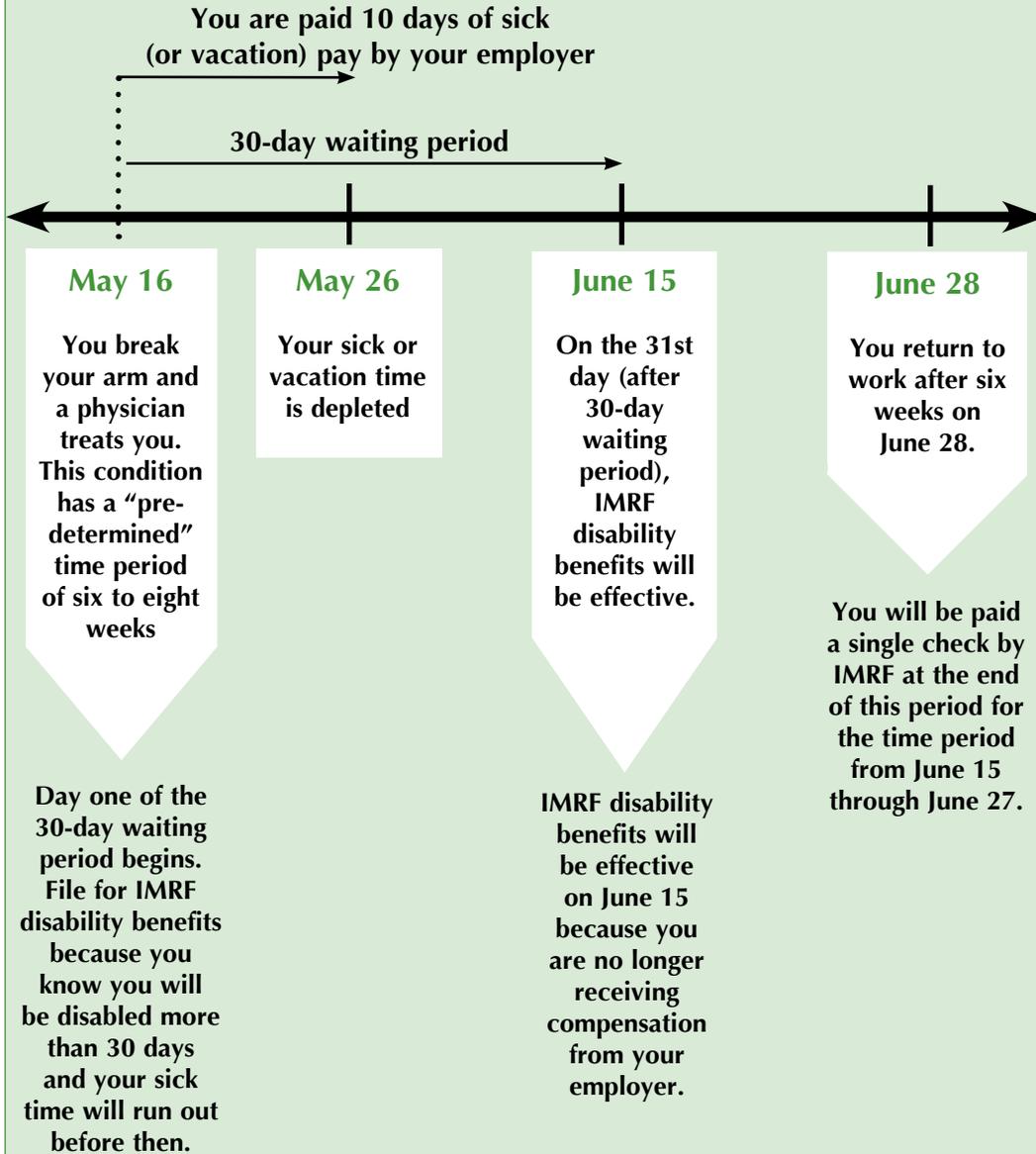
You may be eligible for additional disability benefits if you encounter complications during the pre-determined time period. IMRF must receive sufficient medical evidence from your attending physician describing the complications which prevent your release to return to work.

Please note: In regard to childbirth, disability benefits are payable after childbirth as a result of *your* physical condition. IMRF disability benefits are not payable to you as a result of the newborn’s condition, even though your physician may recommend that you do not return to work.

(See chart on facing page)

30-DAY DISABILITY BENEFIT WAITING PERIOD FOR DISABILITIES WITH A “PRE-DETERMINED” TIME PERIOD

- How to count the 30-day waiting period
- How sick pay or vacation pay affects the 30-day waiting period





WHEN DO TEMPORARY DISABILITY BENEFITS END?

IMRF will discontinue temporary disability benefit payments under certain conditions. The principal reasons include one or more of the following:

- 1) You have exhausted IMRF temporary disability benefits (see page 10).
- 2) You return to work.
- 3) Your physician, or a physician appointed by IMRF, reports that you are able to return to work, even though a position may not be available.
- 4) Your employer accommodates your physician-prescribed job restrictions, but you refuse to return to work.
- 5) You refuse to submit to a physical or psychiatric examination requested by IMRF.
- 6) You fail to submit a medical report from your physician certifying continuance of disability.
- 7) You return to work for an IMRF employer (other than the employer you were working for when you became disabled).

Your temporary disability benefits will end if you resign from your position with the employer you were working for when you became disabled. Depending on your situation, benefits *may* continue. Contact IMRF BEFORE resigning from your position!

IMRF Benefit Protection Leave

If your employer wishes to provide you with IMRF service credit and IMRF disability and death benefit protection when your IMRF disability benefits end and you are not working, your employer's governing body would grant and file with IMRF an IMRF Benefit Protection Leave (IMRF Form 6.32).

The total service you can establish under the IMRF leave is limited to a maximum of 12 months during your lifetime, e.g., you may be granted a one-time leave of 12 months or several leaves totaling no more than 12 months. To establish the service, you must pay the member contributions that would be due on your unpaid earnings.

Local leave policy without formal action on the part of the governing body does not protect you. Without Form 6.32 being filed, your future benefits can be affected.

IMRF must receive your completed Form 6.32 while you are currently participating in IMRF with the employer that approved the Benefit Protection Leave.



If your temporary disability benefits run out and you are:

- Eligible for IMRF total and permanent disability benefits, you will continue to receive payments without interruption **if you are approved prior to your temporary disability benefits running out.** You must also provide IMRF with any updated medical information that we request. For information on total and permanent disability benefits, please turn to page 29.
- **Not** eligible for IMRF total and permanent disability benefits, we will notify you in writing.
- **Not** eligible for IMRF total and permanent disability benefits, and you are

A Tier 1 Member and:

- Younger than age 55 and do not have at least eight years of IMRF service credit, you can receive a refund of your member contributions without interest (less any benefit prepayments), or you can leave your member contributions on deposit with IMRF.
- Younger than age 55 and have at least eight years of IMRF service credit, you can leave your member contributions on deposit with IMRF for a future pension benefit.
- At least age 55 and have at least eight years of IMRF service credit, you will be eligible for an IMRF pension.
- At least age 55 and have reciprocal service or past service you may purchase, you may be eligible for an IMRF pension.

A Tier 2 Member and:

- Younger than age 62 and do not have at least 10 years of IMRF service credit, you can receive a refund of your member contributions without interest (less any benefit prepayments), or you can leave your member contributions on deposit with IMRF.
- Younger than age 62 and have at least 10 years of IMRF service credit, you can leave your member contributions on deposit with IMRF for a future pension benefit.
- At least age 62 and have at least 10 years of IMRF service credit, you will be eligible for an IMRF pension.
- At least age 62 and have reciprocal service or past service you may purchase, you may be eligible for an IMRF pension.



WORKERS' COMPENSATION

Impact of workers' compensation benefits on IMRF disability benefits

IMRF will reduce your disability benefit by the amount of any weekly or lump sum payments you may receive as workers' compensation or occupational disease benefits. IMRF disability benefits are not reduced by payments for medical services or attorneys' fees or by fixed amounts for loss of, or loss of use of, **specific** bodily members.

If it appears you may be eligible for workers' compensation or occupational disease benefits, IMRF will reduce its disability benefit each month. The monthly reduction is 4-1/3 times the weekly workers' compensation or occupational disease payments. **Your IMRF disability benefit will be reduced whether your workers' compensation claim is pending or you are receiving a workers' compensation benefit.**

If your application for workers' compensation is pending, you may receive more than the \$10 minimum if you are eligible for a "Disability Payment Agreement" (see page 31).

If you are being paid a reduced IMRF benefit and:

- Your workers' compensation (including occupational disease) claim is denied or paid in a smaller amount than the reduction, IMRF will adjust its benefits accordingly.
- A final decision on your workers' compensation claim has not been made, IMRF may restore its benefit to the full amount if you sign IMRF Form 5.48, "Disability Payment Agreement" (see page 31) and, if applicable, we receive updated medical information to be reviewed by our medical consultant.

Occasionally, you may have the option of choosing a lump sum settlement from workers' compensation instead of weekly or monthly payments. If you choose a lump sum settlement, IMRF will reduce your disability benefit accordingly. **Before any workers' compensation settlement is drawn up, have your attorney contact the IMRF legal department.**

Adjusting the IMRF benefit to conform to the workers' compensation benefit

Workers' compensation benefits are normally 66-2/3% of your average weekly wage. The IMRF disability benefit is 50% of your average monthly earnings (see page 10). Because the workers' compensation benefit usually is greater than the IMRF benefit, IMRF pays a minimum benefit of \$10 per month.

If you receive IMRF's minimum disability benefit, you still earn IMRF service credit and your other IMRF benefits remain in force. (See page 1.)

Why file a claim for IMRF disability benefits if you receive workers' compensation benefits?

If you are receiving workers' compensation benefits, but do not file a disability claim with IMRF, you will not earn IMRF service credit for the months you are disabled and do not receive earnings from your employer.



This loss of service credit will affect your eligibility for other IMRF benefits, such as retirement and death benefits. Loss of service credit will also affect your eligibility for future disability benefits if you return to work for an IMRF employer and are again disabled. One way to protect your eligibility for IMRF benefits is to file for an IMRF Benefit Protection Leave (Form 6.32). (See page 16.)

Exception to workers' compensation reduction

An exception exists which will allow you to receive workers' compensation benefits and not have your IMRF disability benefit reduced. You must meet the following condition:

- You have IMRF or reciprocal retirement system credit earned during the period from October 1, 1974, through September 30, 1977. If you have service credit earned anytime during this period in effect on the date of your disability, you will receive an unreduced disability benefit even though you are also receiving workers' compensation benefits.

Signing a workers' compensation resignation agreement

In some cases, an employer may offer to settle a workers' compensation claim if the member agrees to resign from his or her position and give up all rights as an employee of that employer.

NOTE: If you sign such a resignation agreement, you also give up your right to IMRF disability benefits, unless the agreement *specifically states* that you are not giving up your right to IMRF disability benefits.

Impact of workers' compensation benefits on Social Security disability benefits

If you receive workers' compensation benefits, Social Security will reduce its disability benefit to ensure that the total of these benefits does not exceed 80% of your average current earnings. (Social Security uses different formulas to calculate average current earnings. Contact Social Security for information about how your average current earnings were calculated.)

IMRF disability benefits are reduced by the amount of Social Security disability benefits you may be entitled to receive **before** any reduction for workers' compensation. Therefore, we will need your Social Security award certificate, which provides the original entitlement date and amount, **before** any reduction for workers' compensation benefits.



SOCIAL SECURITY BENEFITS

SOCIAL SECURITY DISABILITY BENEFITS

Applying for Social Security disability benefits



IMRF disability benefits are reduced by the amount of Social Security disability benefits to which you may be entitled, even if you do not apply for your Social Security disability benefits. Therefore, **it is essential you apply for Social Security benefits as soon as it is determined your disability may continue for more than five months.**

Social Security begins paying disability benefits after five months **or later** from the onset of the disability. You can apply online, by phone, or in person.

- **If you apply online at www.socialsecurity.gov**

After you complete the online process, print the confirmation/receipt page titled “What You Need To Do Now” and send it to IMRF as proof that you applied for Social Security disability benefits.

- **If you apply by phone by calling 1-800-772-1213**

You will receive a Receipt of Claim from Social Security. Mail IMRF a copy of the Receipt of Claim as proof that you applied for Social Security disability benefits.

- **If you apply in person by visiting the nearest Social Security District office**

Bring IMRF Form 5.49, “Authorization to Secure Award or Disallowance Information” with you. Complete Sections 1 and 2 and have the Social Security representative complete Section 3. Mail IMRF the completed Form 5.49 as proof that you applied for Social Security disability benefits.

Why apply for Social Security disability benefits?

If Social Security approves your claim:

- You will become eligible for Medicare, regardless of your age, once you have been eligible for 24 consecutive months of Social Security disability (SSD) benefits.
- SSD benefits are often not taxable or, at worst, taxable at low rates.
- SSD benefits increase automatically to reflect rises in cost of living.
- Your Social Security Retirement benefits may be enhanced.

Adjusting the IMRF benefit to conform to the Social Security benefit

IMRF disability benefits are reduced dollar for dollar by your Social Security disability benefits. Any payments made by Social Security for your spouse or dependents will not be included by IMRF when the reduction is made.



IMRF will adjust your disability benefits retroactively if:

- The Social Security entitlement date is different from the date originally estimated by IMRF.
- Social Security awards less than the amount of reduction.
- Social Security denies benefits and/or the appeal process has been exhausted.
- You receive additional earnings in a year (whether due to a Social Security adjustment or new earnings).

What to do when you receive notice from Social Security

If you are awarded Social Security disability benefits, please send a copy of the Social Security award certificate to IMRF as soon as possible.



If you are denied Social Security disability benefits, please send IMRF a copy of the denial notice, along with a letter stating whether you intend to appeal the denial as soon as possible.

If your Social Security disability benefit is adjusted (other than the annual increase), please send a copy of the notice from Social Security showing the new amount and the reason for the adjustment to IMRF as soon as possible.

If your IMRF benefit is reduced

Whenever an IMRF disability benefit is reduced, the amount of the monthly check will not be less than \$10. If you receive IMRF's minimum disability benefit of \$10, you still earn IMRF service credit and your other IMRF benefits remain in force. (See page 1.)

If you are being paid a reduced IMRF benefit and a final decision on your Social Security claim has not been made, IMRF may restore your benefit to the full amount (not after your Social Security full retirement age, see page 24) provided you are eligible and sign IMRF Form 5.48, "Disability Payment Agreement" (see page 31) and:

- Submit Social Security "Receipt of Claim Form" indicating you have applied for Social Security (see "Applying for Social Security disability benefits" on the previous page),
- Complete and submit IMRF Form 5.49, "Authorization to Secure Award or Disallowance Information," and
- If necessary, supply an updated IMRF Form 5.42A and medical records.



Please note: As long as you remain disabled and are waiting for a final decision on your Social Security claim, IMRF will pay you unreduced benefits (if you have a signed Disability Payment Agreement, see page 31) until the total of those payments equals 80% of the total amount of member contributions you have on deposit. Once that occurs, IMRF will reduce its benefit payments to the minimum payment of \$10 or to the difference between your anticipated Social Security disability benefit and 50% of your average monthly earnings.

Social Security return to work incentives

Social Security's return to work incentives include a trial work period and a Ticket to Work program. **Please note:** you must notify IMRF if you participate in either program.

Social Security's **trial work period** allows you to test your ability to work for at least nine months (not necessarily nine months in a row). During your trial work period, you receive Social Security benefits regardless of how much you earn as long as you report your work activity to Social Security and you continue to have a disabling condition.

Social Security's trial work period continues until you have worked nine months within a 60-month period. After your trial work period, you have 36 months during which you can work and still receive Social Security benefits for any month in which your earnings are not substantial.

Social Security's **Ticket to Work** program was created to help disabled individuals obtain vocational rehabilitation, training, job referrals, and other employment support services needed to maintain employment. The program offers disabled individuals greater choice in obtaining the services they need to help them go to work and achieve their employment goals. You must be age 18 or older but less than age 65 to be eligible for the program.

For more information, contact Maximus, Inc., Social Security's Operations Support Manager of the Ticket to Work program, at www.yourtickettowork.com or call Maximus at their toll-free numbers, 1-866-YOURTICKET (1-866-968-7842) or 1-866-TDD 2 WORK (1-866-833-2967) for the hearing impaired.



SOCIAL SECURITY RETIREMENT BENEFITS (PENSION)

If you are at least age 62 but younger than your Social Security full retirement age, and you become disabled or are receiving IMRF disability benefits:

You are required to apply for Social Security disability benefits and to obtain an official determination from Social Security regarding your eligibility for Social Security disability benefits.

IMRF requires you to apply with Social Security because **IMRF will reduce its disability benefit** by the amount that may be paid as a disability benefit by the Social Security Administration even if you are receiving a Social Security Retirement benefit.

Even though Social Security Retirement benefits can begin as early as age 62, IMRF **will not reduce** its disability benefits by the amount you receive from Social Security for a Retirement benefit until you reach your Social Security full retirement benefit age (see table on page 25).

If you are within six months of the age when you will become eligible for Social Security full retirement benefits, or you are at Social Security full retirement age or older, and you become disabled:

IMRF will reduce its disability benefit by the amount you may be entitled to receive as a Social Security Retirement benefit—**even if you are not receiving such a benefit.**

Social Security does not pay disability benefits if you are within six months of your full Social Security retirement age. (Social Security begins paying disability benefits five months after the onset of the disability.)

If you are not receiving Social Security Retirement benefits, we require an estimate of the amount you are entitled to receive at your Social Security full retirement age. Your IMRF **disability benefits will be reduced** based upon this amount, even if you do not apply for the benefit. Therefore, you may wish to apply for your Social Security Retirement benefits.

Please note: Social Security reduces its disability benefit if you receive a federal, state or local government pension based on work where you did **not** pay Social Security taxes. In this case, IMRF will reduce its disability benefit by the adjusted Social Security amount. Also, for information on reduced Social Security benefits due to workers' compensation benefits, see page 19.

See the table on the next page.



| If you become disabled and are: | Should you: | | Is your: | |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Apply for Social Security Disability? | Get an estimate of your Social Security Retirement benefits? | IMRF disability benefit reduced by Social Security disability amount? | IMRF disability benefit reduced by Social Security Retirement benefits? |
| Younger than age 62 | Yes, if you think you will be disabled for more than five months | No | Yes, after five months, even if you don't apply for Social Security disability. See previous page for more information. | No |
| At least age 62, but not within six months of your full Social Security Retirement Age | Yes, if you think you will be disabled for more than five months | No | Yes, after five months, even if you don't apply for Social Security disability. See previous page for more information. | No |
| At or within six months of your full Social Security Retirement Age, or Past your full Social Security Retirement Age | No. Social Security will not allow you to apply for Social Security disability. | Yes. This will allow IMRF to accurately reduce your IMRF disability benefit by the amount you are eligible to receive. | Not Applicable. | Yes, even if you do not apply for your Social Security Retirement benefits, your IMRF disability benefit will be reduced by the amount you are eligible to receive. |

You can request a Social Security estimate by calling Social Security at 1-800-772-1213.



Determining your Social Security full retirement age*

To determine at what age you are eligible for your Social Security full retirement benefits, refer to the table below. For additional information about your Social Security retirement benefits, contact Social Security at 1-800-772-1213.

| Year of Birth | Full Retirement Age |
|----------------------|----------------------------|
| 1937 or earlier | 65 |
| 1938 | 65 and 2 months |
| 1939 | 65 and 4 months |
| 1940 | 65 and 6 months |
| 1941 | 65 and 8 months |
| 1942 | 65 and 10 months |
| 1943—1954 | 66 |
| 1955 | 66 and 2 months |
| 1956 | 66 and 4 months |
| 1957 | 66 and 6 months |
| 1958 | 66 and 8 months |
| 1959 | 66 and 10 months |
| 1960 and later | 67 |

*This information reprinted from the Social Security Administration website (www.ssa.gov).



RETURNING TO WORK ON A PART-TIME BASIS

TRIAL WORK PERIOD

For some disabling conditions, recovery is gradual and a return to work on a part-time basis is therapeutic. For other conditions, it cannot be determined when a full-time return to work is possible. You may wish to return to work on a limited basis—for a trial work period—to see if you can handle your former position.

Please note that your employer is *not* required to offer a trial work period. However, if one is available, you can work fewer hours than your position requires and still receive reduced IMRF disability benefits.

IMRF's trial work period is available only if you return to the same employer you worked for when you became disabled, and if that employer offers the trial work period.

You will remain eligible to receive IMRF disability benefits until:

- You work the same number of hours you worked prior to the disability, or
- It is determined that you are no longer disabled, or
- You have exhausted IMRF temporary disability benefits (see page 10), or
- One year has passed, or
- You return to work for a different IMRF employer, or
- You resign from your position with your IMRF employer.

Impact of the trial work period earnings on your IMRF disability benefits

IMRF monthly disability benefits are reduced dollar-for-dollar by the monthly trial work period gross earnings you receive. However, the minimum monthly disability benefit is \$10.

Only one trial work period is allowed for each disability occurrence, and:

- Cannot exceed 12 months for each disability occurrence. You will be required to periodically submit—at your own expense—medical evidence to support the need of a continued trial work period.
- Will end if you return to work for the same number of hours you worked before the disability occurred.

-
- 
- Will end if the disabling condition worsens, preventing you from working any hours. If you are eligible upon receipt and review of medical documentation, full payment of IMRF disability benefits will resume.
 - Will end if you return to work for a different IMRF employer.
 - Will end if you resign from your position with your IMRF employer.

Beginning a trial work period

If you are interested in a trial work period, call your employer to determine if a trial work position is available. If a position is available and you plan to begin a trial work period, please advise IMRF **and provide your physician's release allowing you to return to work on a trial basis.**

Once you begin a trial work period, your employer would submit IMRF Form 5.45, "Employer's Notice of Trial Work Period." **Your employer must also report to IMRF your dates and hours worked, as well as your gross earnings per month.** The earnings reported by your employer will be subject to IMRF contributions and to any other applicable withholdings.

OTHER EMPLOYMENT

Normally, if you are being paid temporary disability benefits by IMRF, you are no longer considered disabled if you are paid compensation from gainful employment which exceeds 25% of the average monthly earnings on which your disability earnings were based.

IMRF will determine on a case by case basis if such earnings or employment affect your eligibility for IMRF disability benefits. You will be required to periodically submit—at your own expense—medical evidence of continuing disability.

If you have outside employment, IMRF needs the contact name, address, and telephone number for that employer.



IMPACT OF EARNINGS FROM NON-IMRF EMPLOYMENT ON YOUR IMRF DISABILITY BENEFIT PAYMENT

If you earn an amount greater than 25% of your average monthly earnings (see page 10), IMRF will either stop or reduce your disability benefit payments. If your benefit is reduced, it will be reduced by the amount you earn which exceeds 25% of your average monthly earnings (monthly benefit payment times two). Whether a benefit is stopped or just reduced is determined by the facts in each case.

Example: monthly disability benefit is \$750.00

| | |
|------------------------------------------------------------------|--------------------------------------------------|
| Disability average monthly earnings ($\$750.00 \times 2$)..... | \$1,500.00* |
| 25% of average monthly earnings | \$ 375.00 |
| Outside earnings | \$ 500.00 |
| Amount of earnings in excess of 25% of base pay..... | \$125.00 ($\$500.00 - \$375.00 = \125.00) |
| Monthly benefit after reduction | \$625.00 ($\$750.00 - \$125.00 = \625.00) |

**See page 10 for a detailed explanation of average monthly earnings.*



TOTAL AND PERMANENT DISABILITY BENEFITS

You may be eligible for total and permanent disability benefits if you are unable to engage in any gainful activity because of any medically determinable physical or mental impairment which can be expected to result in death or to be of a long, continued, and indefinite duration.

You can receive total and permanent disability benefits **only** after your temporary disability benefits have been exhausted. (See page 10.)



Eligibility requirements

The eligibility requirements for total and permanent disability benefits are different from those for temporary disability benefits. You can qualify for IMRF total and permanent disability benefits only if you are found to be unable to work in any gainful activity for any employer—not necessarily related to your previous occupation with your IMRF employer.

The fact that you cannot perform the duties of any job which might reasonably be assigned by your IMRF employer does not in itself qualify you for IMRF total and permanent disability benefits.

Total and permanent disability benefits can be awarded only if it is demonstrated that your disability is total and permanent for any type of work.

Application process

You do not have to apply for total and permanent disability benefits. Prior to your temporary disability benefits ending, IMRF automatically reviews your claim to determine if you are totally and permanently disabled as defined by the Illinois Pension Code. IMRF may require additional medical information or require you to take a physical/psychiatric examination before a determination can be made.

If you have less than five years of service credit on the date of disability, additional medical information will be required to conduct a pre-existing condition investigation (see page 35). This investigation determines if you had been treated for the disabling condition any time before your earliest date of uninterrupted IMRF participation. (For example, you began participation in 2008, but have a two-month gap in 2009, IMRF will investigate the period of time prior to that two-month gap.)

You will be required to provide IMRF with any treatment information regarding the condition prior to your earliest date of uninterrupted IMRF participation.

We will advise you accordingly.



When do total and permanent benefits begin?

If you are awarded total and permanent disability benefits, you will continue to receive monthly benefit payments without interruption **provided we have made a determination** before your temporary disability benefit payments have stopped.

Total and permanent disability benefits are payable on the first day of each month for the preceding month.

Annual increase in benefit payment amount

Total and permanent disability benefits are increased by 3% annually (not compounded) after you have been on disability for at least 30 months, regardless of your plan tier. The 3% increase is payable on January 1 following the date you have been disabled for 30 months. This increase is applied to the original amount before any offset for Social Security or workers' compensation benefits.

Length of time total and permanent disability benefits are paid

You may receive IMRF total and permanent disability benefits until the later of the following:

- Until you reach Full Social Security Retirement age, assuming you remain disabled.
- Until the last day of the month which is five years after you become eligible for IMRF temporary disability benefits, assuming you remain disabled.

If you do receive IMRF disability benefits while receiving Social Security Retirement benefits, your IMRF disability benefits will be reduced by the amount of your Social Security Retirement benefits. See page 25 for the chart listing your Social Security full retirement age based on your year of birth. See pages 20 through 25 for information about Social Security Retirement benefits in relationship to IMRF disability benefits.

We will notify you when your total and permanent disability benefits stop. At that time, we will advise you of your eligibility for other IMRF benefits.

When do total and permanent disability benefits end?

IMRF will close your total and permanent disability claim if:

- A report by a physician states that you are no longer totally and permanently disabled, or
- You refuse to submit to a physical/psychiatric examination requested by IMRF, or
- You fail to submit any requested additional information, such as a medical report from your physician to prove continuance of disability or a Social Security award letter, etc., within a reasonable period (see page 37)

-
- 
- You return to work for an IMRF employer other than the employer you worked for when you became disabled.

IMRF will stop payment if it is determined you are no longer eligible for total and permanent disability benefits. (See previous page.)

IMRF DISABILITY PAYMENT AGREEMENT

Because IMRF reduces its disability benefit if you are eligible for workers' compensation, occupational disease, or Social Security disability benefits, a "Disability Payment Agreement" (IMRF Form 5.48) may be available to avoid potential financial hardship. This agreement allows IMRF to restore your disability benefit to the full amount until one of the following events occurs:

- The month you reach your age for Social Security full retirement benefits, see page 25 (pending a determination on your claim for Social Security disability benefits), or
- The date the total of disability benefits you receive from IMRF equals 80% of your member contributions, or you are no longer disabled and entitled to IMRF disability benefits (20% of the balance in your member account is withheld for tax purposes).
- You receive restored benefits equal to 80% of your member contributions, based on a prior claim that has not been repaid to IMRF.

Example:

You have \$5,000 in your member account. Your disability benefit is \$500.

80% of \$5,000 = \$4,000

\$4,000 divided by \$500 per month = eight months of benefit payments

Maximum payable amount under a Disability Payment Agreement

IMRF can pay you an unreduced disability benefit **up to an amount equal to 80% of your member contributions on deposit**, assuming you do the following:

- Sign IMRF's Disability Payment Agreement, and
- Complete IMRF Form 5.49, "Authorization to Secure Award or Disallowance Information," and
- Provide updated medical information while you are waiting for a decision on your workers' compensation, occupational disease, or Social Security disability benefit claim.

continued...



However, once you are paid your workers' compensation, occupational disease, or Social Security benefits, **you are required to repay IMRF any benefit prepayments.** Workers' compensation, occupational disease, and Social Security benefits are awarded retroactively; therefore, those benefits will cover a period of time when IMRF should have been paying you a reduced benefit. Because a reduction was not made in your IMRF benefit, you will need to repay IMRF the prepaid benefits.

What signing a Disability Payment Agreement means

The Disability Payment Agreement obligates you to repay IMRF immediately for any prepayment resulting from an award of Social Security, workers' compensation, or occupational disease benefits. If you fail to repay IMRF, the prepayment will be recovered from any future IMRF benefits payable to you, to your beneficiaries, or to your estate.

Contact IMRF for repayment options.

Also, please be aware that if you agree to accept unreduced payments under IMRF's Disability Payment Agreement and a prepayment results, you may end up paying more income tax than you would have, had you not accepted such payments. For more information on income taxes and IMRF disability payments, please refer to page 33.



Before you sign a Disability Payment Agreement, we strongly recommend that you speak with your Disability Claims Examiner by calling 1-800-ASK-IMRF (1-800-275-4673), Monday through Friday, 7:30 a.m. to 5:30 p.m.



INCOME TAXES

Income taxes on benefit payments

Any IMRF disability benefit payments you receive will be subject to federal income tax, but not to Illinois state income tax. If you are a resident of another state, please check with your state's Department of Revenue to learn whether you will pay that state's income tax on IMRF disability benefits.

If you are totally and permanently disabled, you may be eligible for a tax credit. For additional information about this tax credit, you can call 1-800-TAX-FORM (1-800-829-3676) and request IRS Publication 524, "Credit for the Elderly or the Disabled," or contact a tax advisor.

IMRF will report your disability benefit payments as income to the Internal Revenue Service (IRS). We also will send you the appropriate forms for completing your income tax return.

Repayments to IMRF for prepaid benefits

If you ask to receive unreduced IMRF disability benefits through a Disability Payment Agreement (see page 31), you are required to repay IMRF any prepayments which result if you are paid workers' compensation, occupational disease, or Social Security benefits for which no reduction of IMRF benefits had been made.

Contact IMRF for repayment options at 1-800-ASK-IMRF (1-800-275-4673).

If you fail to repay IMRF, the prepayment will be recovered from any future IMRF benefits payable to you, to your beneficiary(ies), and/or to your estate.

If you repay or IMRF recovers the prepayment in the same year

If you repay IMRF in the same year in which the prepayment occurred, or if IMRF recovers the prepayment in the same year in which the prepayment occurred, IMRF will report the correct (reduced) amount of disability benefit payments to the IRS.

If you repay or if IMRF recovers the prepayment in a later year

If you repay IMRF in a later year, or if IMRF recovers the prepayment in a later year, you may end up paying more income taxes than you would have, had you not accepted the unreduced payment.

Example of a prepayment recovered in a later year:

In 2013, you ask to receive unreduced IMRF temporary disability benefits. IMRF reports the unreduced (full) amount of disability benefits to the IRS as 2013 income. In 2014, you pay income taxes on the full, unreduced disability benefits received as 2013 income.

continued...



In 2015, you repay IMRF the benefit prepayment. However, IMRF has already reported prepaid benefits as 2013 income and you have paid taxes on that income. IMRF will not be able to issue a corrected W-2 for the previous year.

In the example above, you may be able to use the repayment to IMRF as a credit or reduction on your 2015 federal income tax return. The details of how you report the repayment are described in IRS Publication 525.

The instructions for IRS Publication 525 indicate that if you make a repayment to IMRF of less than \$3,000, you would report the amount you paid as a “miscellaneous deduction” on Form 1040 Schedule A.

If you make a repayment to IMRF of more than \$3,000, the amount you paid may be taken either as a deduction, or you can use it as a tax credit by recalculating your previous year’s federal income tax return.

For additional information, you may wish to discuss this with your tax advisor or call the IRS (please see your telephone book for a local number).

IF YOU HELD A PUBLIC SAFETY POSITION

Effective January 1, 2007, the Pension Protection Act (PPA) of 2006 allows permanently disabled public safety employees to take a tax deduction of up to \$3,000 on their federal income tax return for health insurance or long term care insurance premiums paid by IMRF to the insurance company or employer.

If you are approved for total and permanent disability benefits and wish to take advantage of this provision under the PPA, please contact IMRF to obtain the appropriate application.

Public safety employees include:

- An individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to police, corrections, probation, parole, truant officers, and judicial officers.
- Professional firefighters.
- Officially recognized or designated public employee members of a rescue squad or ambulance crew.
- Officially recognized or designated members of a legally organized volunteer fire department.
- Officially recognized or designated chaplains of volunteer fire departments, fire departments, and police departments.



INVESTIGATION PROCESS FOR IMRF DISABILITY

PRE-EXISTING CONDITION INVESTIGATION PROCESS

Pre-existing condition investigations apply **only to total and permanent disability benefits**. Temporary disability benefits are not subject to pre-existing condition investigations.

If you have **five or more years of service credit prior to the date of disability**, and during that time you did not receive IMRF disability benefits, your disability claim will **not be investigated** for a pre-existing condition.

However, if you have **less than five years of IMRF service credit on the date of disability**, a pre-existing condition investigation will be done **for total and permanent disability benefits only**. This investigation includes the following steps:

- IMRF will request information to determine if you had the disabling condition before your earliest date of uninterrupted IMRF participation. (For example, you began participation in 2008, but have a two-month gap in 2009, IMRF will investigate the period of time prior to that two-month gap).
- You will be required to complete IMRF 5.40A, "Disability Claim Data," and IMRF Form 5.46, "Authorization for Disclosure of Health Information," which gives IMRF permission to request additional information and to write to your attending physician(s).

If your claim appears to involve a pre-existing condition, an IMRF Claims Examiner will review your claim. If the Claims Examiner determines your disability is the result of a pre-existing condition, you will be advised that your claim for IMRF total and permanent disability benefits is being denied. If you disagree with that decision, you can request a hearing before the Benefit Review Committee of the IMRF Board of Trustees (see below).

In some cases, IMRF compiles a written summary of your medical history for review by IMRF's rehabilitative medicine/occupational psychiatric consultant. If it is IMRF's rehabilitative medicine/occupational psychiatric consultant's opinion that your disability is **not** the result of a pre-existing condition, your claim will be returned to the disability claims examiner for payment processing.

However, if it is the opinion of the IMRF staff and the IMRF rehabilitative medicine/occupational psychiatric consultant that your disability is the result of a pre-existing condition, you will be advised that your claim for IMRF total and permanent disability is being denied. You will also be advised of your right to request a hearing before the Benefit Review Committee of the IMRF Board of Trustees if you disagree with the denial. The Committee's recommendation to approve or deny your claim is then presented to the full Board for a final decision. See page 38 for additional hearing and appeals procedures.



EXTENT/DEGREE OF DISABILITY TEST

All disability claims are subject to an extent or degree of disability test—regardless of the number of years of service credit you have when you become disabled.

An extent or degree of disability investigation may include requesting hospital records and getting additional medical information from your attending physician(s) or possibly having you examined by a physician chosen and paid for by IMRF.

If your claim appears to involve an extent or degree of disability condition, an IMRF Claims Examiner will review your claim. If the Claims Examiner determines that your disability does **not** prevent you from performing the duties and responsibilities of any position which might reasonably be assigned by your current IMRF employer (for temporary disability benefits) or does **not** prevent you from working in any gainful activity for any employer (for total and permanent disability benefits), you will be advised that your claim for disability benefits is being denied.

In some cases, IMRF compiles a written summary of your medical history for review by IMRF's rehabilitative medicine/occupational psychiatric consultant.

If you applied for temporary disability benefits

If it is the rehabilitative medicine/occupational psychiatric consultant's opinion that your disability

- Prevents you from performing the duties and responsibilities of any position which might reasonably be assigned by your current IMRF employer, your claim will be returned to a disability Claims Examiner for payment processing (if you are on temporary disability and meet that definition).
- Does **not** prevent you from performing the duties and responsibilities of any position which might reasonably be assigned by your current IMRF employer, your file is then presented to the IMRF Board of Trustee's Benefit Review Committee. The Benefit Review Committee reviews the file and the rehabilitative medicine/occupational psychiatric consultant's opinion and makes a recommendation to approve or deny your claim. The recommendation is then presented to the full Board for a final decision.

If your claim is being reviewed for total and permanent disability benefits

If it is the rehabilitative medicine/occupational psychiatric consultant's opinion that your disability

- Prevents you from working in any gainful activity for any employer, your claim will be returned to a disability Claims Examiner for payment processing.
- Does **not** prevent you from working in any gainful activity for any employer, your file is then presented to the IMRF Board of Trustee's Benefit Review Committee. The Benefit Review Committee reviews the file and the rehabilitative medicine/occupational psychiatric consultant's opinion and makes a recommendation to approve or deny your claim. The recommendation is then presented to the full Board for a final decision.



MEDICAL CERTIFICATION

Medical certification refers to your attending physician statement (IMRF Form 5.42) which must be completed before IMRF can begin processing your initial claim. (See page 5.)

If the physician's statement does not indicate any office visits or services rendered after the date you became disabled, we will send a letter to your attending physician requesting office visit and treatment notes.

IMRF may also require the following forms:

- Form 5.40A—medical and employment history
- Form 5.42A or Form 5.42B—for a continuing disability
- Form 5.46, "Authorization for Disclosure of Health Information"
- Questionnaires to be completed for a physical/psychiatric condition

DISABILITY CLAIM CLOSURE

It is **critical** that you provide to IMRF in a timely manner any additional information we request regarding your disability claim. You will receive at least two requests for information before you receive a final request letter. The final letter will notify you that you have 21 days from the date of the request to provide the requested information to IMRF.

If you do not respond to this final request for information within 21 days of that request, your disability claim will be closed.

Closure of your claim represents IMRF's **final** administrative determination. **Once a claim is closed, you forfeit (give up) all rights to apply for disability benefits for that condition or any conditions that relate to the closed claim.**

If your claim is closed, your only option for appeal is to file an action for Administrative Review in Circuit Court within 35 days of the final request for information letter.



SUMMARY OF APPEAL PROCESS FOR DENIED CLAIMS

If IMRF staff denies your claim for disability benefits, we will inform you in writing of that decision. If you have either additional evidence of disability or other compelling argument that meets the Pension Code's definition of disability, you may request a hearing before the IMRF Board of Trustees' Benefit Review Committee.

To request a hearing, you must complete the "Request for a Hearing," Form 5.70. This form is enclosed with the denial letter advising you of the disability claim denial. The completed Request for a Hearing form must be received by IMRF within 63 days of the date of the staff denial letter. **This completed form must include a Statement of Claim: a detailed statement of why you believe that the decision to deny/terminate your IMRF benefits is incorrect.** Additional information regarding the procedures and deadlines for filing information is stated in the denial letter and on the Request for a Hearing form.

The hearings are held in the IMRF offices in Oak Brook. You may appear personally with or without an attorney. If you are unable to attend, a representative or attorney may appear for you. Hearings may also be held via videoconference from our Springfield office or via telephone conference at your request. You may also present a written appeal without a personal appearance.

The Benefit Review Committee will make a recommendation to the full IMRF Board of Trustees. The decision of the Board of Trustees, after a Benefit Review Committee hearing, constitutes its final administrative decision, and IMRF will take no further action regarding the claim.

However, review of the Board of Trustees' final administrative decisions is provided under Article III of the Illinois Code of Civil Procedure [735 ILCS 5/3-101 et seq. (West 2002)]. If a member wishes to pursue a claim, he or she **must** file an action for Administrative Review in Circuit Court **within 35 days of the date of the notice of the Board's decision.**

This process is subject to change; for the most current and complete version of the Appeal Procedures for Disability Benefits see our website, www.imrf.org.



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Illinois Municipal Retirement Fund

Oak Brook Office

2211 York Road
Suite 500
Oak Brook, IL 60523-2337

Springfield Regional Counseling Center

3000 Professional Drive
Suite 101
Springfield, IL 62703

Members and employers should **mail all correspondence, forms, payments, etc. to our Oak Brook Office** (2211 York Road, Suite 500, Oak Brook, IL 60523-2337).

Member Services Representatives:
1-800-ASK-IMRF (1-800-275-4673)

www.imrf.org

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