

FINANCE AND ADMINISTRATION CABINET
Teachers' Retirement System
(New Administrative Regulation)

102 KAR 1:361. Disability retirement for TRS 4 members with less than five (5) years of service.

RELATES TO: KRS 161.661(19)

STATUTORY AUTHORITY: KRS 161.310, 161.661(19)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Teachers' Retirement System of the State of Kentucky (TRS) to promulgate administrative regulations for the administration of the funds of the retirement system and for the transaction of business. KRS 161.661(19) authorizes the board to promulgate administrative regulations regarding disability benefits for individuals in TRS 4, which consists of those who became members on or after January 1, 2022. This administrative regulation establishes the disability retirement benefits for those new members.

Section 1. For TRS 4 members who have less than five (5) years of creditable Kentucky service, the disability retirement benefits, including all eligibility and other conditions, shall be those disability retirement benefits for non-hazardous positions provided under KRS 61.621 (the Fred Capps Memorial Act).

Section 2. The members described in Section 1 shall not be eligible for benefits provided by KRS 161.661 or 161.663.

Section 3. Administrative Provisions.

(1) An application for duty-related injury disability benefits shall be filed on the TRS 4 Disability Retirement Application – Less Than Five Years of Service (application) and shall include:

- (a) A photocopy of the member's certified birth certificate;
- (b) A photocopy of the member's signed Social Security card;
- (c) A voided or cancelled check from the institution where monthly disbursements shall be electronically transmitted;
- (d) The Physician's Disability Evaluation Report and supporting documentation regarding the member's duty-related injury;
- (e) The Applicant's Disability Statement; and
- (f) If the duty-related injury was the result of external violence, a copy of any incident or police report filed at the time of the incident.

(2) TRS shall submit the application and supporting documentation to the medical review committee for evaluation and written disposition as required by KRS 161.661(14).

(3) If the application is approved, payment of these disability benefits shall be effective on the applicable date set forth in KRS 161.661(11).

Section 4. A member described in Section 1 of this regulation shall be subject to providing ongoing and current medical reports upon request by TRS to confirm that the conditions for disability benefits eligibility remain in place.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "TRS 4 Disability Retirement Application-Less Than Five Years of Service", September 2022;
- (b) "Physician's Disability Evaluation Report", September 2022; and
- (c) "Applicant's Disability Statement", September 2022.

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

BRENDA MCGOWN, Chair

APPROVED BY AGENCY: September 14, 2022

FILED WITH LRC: September 22, 2022 at 1:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, 21 December 2022, at 9:00 a.m. Eastern Time at the offices of the retirement system at 479 Versailles Road, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Wednesday, 14 December 2022, five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given the opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation until the end of the calendar day on Saturday, 31 December 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199, or email Beau.Barnes@trs.ky.gov.