

3-404. ORDINARY AND ACCIDENTAL DISABILITY RETIREMENT.

(A) (1) THE BOARD OF TRUSTEES SHALL GRANT AN ORDINARY DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(I) THE MEMBER HAS ATTAINED AT LEAST 5 YEARS OF CREDITABLE SERVICE;

(II) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR

2. IF THE MEMBER IS UNABLE TO APPLY, BY THE MEMBER'S STATE OR COUNTY SUPERINTENDENT OF SCHOOLS; AND

(III) THE MEDICAL BOARD HAS CERTIFIED THAT:

1. THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF DUTY;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
AND

3. THE MEMBER SHOULD BE RETIRED.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER WHO IS RETIRED FOR ORDINARY DISABILITY UNDER THIS SUBSECTION SHALL RECEIVE AN ORDINARY DISABILITY RETIREMENT ALLOWANCE EQUAL TO 1/55 OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF CREDITABLE SERVICE.

(II) IF THE RETIREMENT ALLOWANCE CALCULATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN ONE-FOURTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION AND THE MEMBER IS YOUNGER THAN 60 YEARS OLD, THE MEMBER'S ORDINARY DISABILITY RETIREMENT ALLOWANCE SHALL BE THE LESSER OF:

1. ONE-FOURTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR

2. THE RETIREMENT ALLOWANCE AMOUNT THE MEMBER WOULD HAVE RECEIVED IF THE MEMBER WERE 60 YEARS OLD.

(B) (1) THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(I) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR