

5-404. 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 ELIGIBILITY 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; AND

(III) THE MEDICAL BOARD CERTIFIES 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) IN NO EVENT SHALL A MEMBER RECEIVE A DISABILITY ALLOWANCE FOR A DISABILITY INCURRED PRIOR TO ENROLLMENT IN THE PENSION SYSTEM, EXCEPT TO THE EXTENT THAT SUCH A DISABILITY WAS AGGRAVATED SUBSEQUENT TO THE MEMBER'S ENROLLMENT. A MEMBER WHO TRANSFERS FROM THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MARYLAND OR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF MARYLAND TO THE PENSION SYSTEM FOR TEACHERS OF THE STATE OF MARYLAND SHALL RETAIN THE ENROLLMENT DATE FIRST ESTABLISHED IN THE RETIREMENT SYSTEM FROM WHICH THE MEMBER TRANSFERRED.

(3) ANY MEMBER WHO APPLIES FOR DISABILITY RETIREMENT WITHIN 2 YEARS OF HAVING TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF MARYLAND OR THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MARYLAND TO THIS PENSION SYSTEM AND WHO IS FOUND TO BE DISABLED SHALL RECEIVE THE BENEFITS PROVIDED UNDER THE RETIREMENT SYSTEM FROM WHICH THE MEMBER TRANSFERRED OFFSET BY WHATEVER CONTRIBUTIONS HAVE BEEN REFUNDED TO THE MEMBER.

(4) FOR THE PURPOSES OF THIS SUBSECTION, MEMBERSHIP IN THE PENSION SYSTEM FOR TEACHERS SHALL CONTINUE FOR A PERIOD OF 2 YEARS FROM THE TIME PAID EMPLOYMENT IS TERMINATED.

(5) ON RETIREMENT ON ORDINARY DISABILITY, A MEMBER SHALL RECEIVE: