**Section 1650.202 Disability Benefits − Definitions**

For purposes of non-occupational disability benefits under Section 16-149 of the Code and occupational disability benefits under Code Section 16-149.1, the following terms and phrases shall have the following definitions:

"Code" means the Illinois Pension Code [40 ILCS 5].

"Commencement of disability" shall mean the date upon which a member is determined by required medical examination to be "incapacitated to perform the duties of his or her position as a teacher" as defined in this Section.

"Date of application" shall mean the day upon which the System receives in its business offices the written or telefax notice required in this Section notifying the System the member is applying for disability benefits under the provisions of Section 16-149 or 16-149.1 of the Code.

"Date eligibility for salary ceases" shall mean the last date worked plus 31 days, or the date on which all of the member's sick leave is exhausted, whichever occurs later.

"Gainful employment" shall mean current employment from which a member realizes "earned income" as that term is defined in section 32(c)(2) of the Internal Revenue Code in excess of $10,000 in any calendar year, unreduced by contributions to a tax deferred retirement plan account authorized by the Internal Revenue Code, or the pro rata share of $10,000 if less than a calendar year, while in receipt of a disability or occupational disability benefit.

"Incapacitated to perform the duties of his or her position as a teacher" shall mean the physical or mental inability to perform substantially all of the member's assigned job duties at the commencement of disability.

"Licensed physician" shall mean any individual licensed by the state in which he or she practices medicine. All reports submitted to the System shall include the registration number of the physician submitting the report.

"Teacher", for purposes of Sections 16-149(a) and 16-149.1(a) of the Code, shall mean employment in any equivalent position set forth in Code Section 16-106 in this State or another state, territory or by or under the auspices of the United States government.

"Upon application of a member" shall mean the filing of a written or telefax notice by or on behalf of a member notifying the System that the member is applying for disability benefits under the provisions of Section 16-149 or 16-149.1 of the Code.

(Source: Amended at 40 Ill. Reg. 14099, effective September 28, 2016)