

# Disability Income Review

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District of Columbia Police Officers and  
Firefighters' Retirement Plan



March 2015

## Disability Income Review

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This booklet is intended to provide you with helpful information concerning the disability income review process for the District of Columbia Police Officers and Firefighters' Retirement Plan (the "Plan"). The major provisions of the Plan are contained in D.C. Code §§5-701 et seq. In the event of any conflicts between this booklet and the statutory Plan provisions, the terms of the Plan will govern.

Additional information can be found in D.C. Code §5-714, DCRB's Benefits Administration Rules in Chapter 17 of Title 7 of the District of Columbia Municipal Regulations (DCMR), and the Plan's Summary Plan Description (SPD). These resources are available on the District of Columbia Retirement Board's (DCRB) website at <http://www.dcrb.dc.gov>.

## Table of Contents

Introduction	4
Reporting Your Earned Income	5
Continuation of Health Insurance Benefits	9
QDRO's, Garnishments, & Tax Levies	11
Re-Employment With the District of Columbia	12
Frequently Asked Questions	13
For More Information	15

## Introduction

Under the District of Columbia Police Officers and Firefighters' Retirement Plan (the "Plan"), your disability retirement benefit continues until your death, unless, prior to age 50, you are re-employed in the same department from which you retired or you refuse such re-employment (Tiers 2 & 3), you recover from your disability, or you are restored to earnings capacity. To ensure your continued eligibility to receive a disability retirement benefit, you are subject to annual medical exams and income reviews up until age 50. The Police and Fire Clinic conducts the annual medical exams for the District of Columbia Police and Firefighters' Retirement and Relief Board (PFRRB)<sup>1</sup> and the District of Columbia Retirement Board (DCRB)<sup>2</sup> performs the annual income reviews. This booklet only addresses DCRB's annual income review process.

As an annuitant receiving a disability retirement benefit from the Plan, you must provide DCRB with a report of your yearly outside employment earnings as long as you remain under 50 years of age. Income reviews are conducted each year based on the previous calendar year. Therefore, if you are under age 50 as of December 31st, you are required to submit a yearly report of your outside employment earnings for that calendar year. After age 50, there is no limit on the amount of outside employment earnings you may earn.

For each year you are required to report your earnings, DCRB will send you a notice and instruct you on how to complete and return an *Annual Earned Income Report* form to DCRB. If you fail or refuse to submit the report, and any additional information that may be required, by the indicated deadline, your disability retirement benefit will stop until you submit the required information. Therefore, it is important that you become familiar with the income review process and how this process will affect you, your dependents, any Alternate Payees under a Qualified Domestic Relations Order (QDRO) or other third-party payees, as well as other retirement benefits, such as health care.

<sup>1</sup> The PFRRB makes retirement and disability determinations under the Plan.

<sup>2</sup> DCRB is the Administrator for the Plan and the custodian of the District of Columbia Police Officers and Firefighters' Retirement Fund.

## Reporting Your Earned Income

In March of each year, DCRB notifies disability annuitants of their responsibility to report their prior calendar year's outside employment earnings. Once you complete and return the required *Annual Earned Income Report* form and any additional required information to DCRB, a review is conducted to determine if your prior year's earnings will affect your eligibility to continue receiving disability retirement benefits.

For this purpose, "earned income" is defined in section 32(c)(2) of the Internal Revenue Code. Earned income may come from either wages or self-employment, or both. All income that is subject to Federal income taxes or self-employment taxes is considered earned income.

Because your prior year's earned income will be reported on your Federal income tax return in the following year, the deadline to submit the *Annual Earned Income Report* will coincide with the deadline for filing your Federal income tax return. This way, as you prepare your taxes, you should remember the Plan's income review as well. If you file Federal income taxes jointly with your spouse, only your earned income is considered income under this review.

Any refusal or failure to return the *Annual Earned Income Report* form to DCRB by the deadline will be deemed willful and will result in your disability retirement benefit being stopped until we receive the required information. You will not be eligible to receive benefit payments during this period of non-compliance. Once we receive the information needed to review your prior year's income, your benefit payments will begin again.

*If you submit any materially false income information in your notarized statement, rights to your disability retirement annuity will be immediately forfeited.*

### **If You Report No Outside Employment Earnings**

If you had no outside employment earnings to report and the PFRRB determines that you continue to be disabled, your disability retirement benefit will continue to be paid without any adjustment to the amount of your benefit.

**If You Received Outside Employment Earnings in the Prior Year**

If you received both disability retirement benefits and earned income in the prior calendar year, the amount of your earned income will be reviewed to determine if it will affect your eligibility for disability retirement benefits or the amount of the disability retirement benefit you will continue to receive.

***Tier 1 (Hired Before February 15, 1980)***

As a disability annuitant under Tier 1, your earnings will be reviewed to determine if you have achieved earnings capacity. Please refer to the *Restoration to Earnings Capacity* section below for information on how this will affect your benefit. Benefit reductions do not apply to Tier 1 disability annuitants.

***Tiers 2 & 3 (Hired On or After February 15, 1980)***

As a disability annuitant under Tier 2 or Tier 3, your earnings will be reviewed to determine if you have achieved earnings capacity or whether a reduction should be applied to your benefit based on your prior year's earnings.

**Restoration To Earnings Capacity**

In some cases, an annuitant may be restored to earnings capacity. Earnings capacity is achieved if you earn income from wages or self-employment, or both, in excess of the current earnings limitation in any calendar year after the year you retired. You will be considered to have achieved earnings capacity if your earnings for the calendar year exceed 80% of the current compensation rate for the position you occupied immediately before retirement.

If it is determined that you have been restored to earnings capacity, your disability annuity will terminate 45 days from the date that this determination is made. Additionally, you may be required to return to the Plan any annuity overpayments you received during your period of ineligibility due to restoration to earnings capacity.

An annuity that has been terminated in this manner may be re-established, up until age 50, if your earnings capacity falls below 80% in any following full calendar year (provided you remain in a disabled status as determined by the PFRRB). In this scenario, your disability annuity will be restored retroactively to

## Disability Income Review

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January 1st of the calendar year in which your eligibility was reinstated. If necessary, DCRB may offset your reinstated disability annuity by the amount of any overpayments you received during any period of ineligibility.

Apart from the annual income review, if you are under age 50, you may also make your own written request to DCRB to have your terminated disability annuity restored. To do so, you will have to submit proof of your eligibility. You should contact DCRB for more information about how to make this request.

If your disability benefit has been terminated due to your restoration to earnings capacity and has not been re-established before reaching age 50, and you have not been re-employed by the same department from which you retired, you may request to receive either a deferred retirement benefit beginning at age 55 or a refund of your contributions to the Plan. In the event you owe any disability benefit overpayments to the Plan, DCRB may offset your deferred retirement benefit or refund of Plan contributions to recover any benefit overpayments.

### *Example*

*Joe retired under disability in 2012 at age 40. Joe became a car salesman in 2013. Joe's 2013 Federal tax return reports earned income from his job of \$70,000. Joe submits this information to DCRB in 2014 as part of his annual income review for 2013. In 2013, the salary for the job he retired from in 2012 is \$50,000. Joe was restored to earning capacity in 2013 because his earned income was more than 80% of \$50,000 (\$40,000).*

*In 2014, Joe's reported earned income was \$20,000. In 2014, the current salary for the job Joe retired from is \$52,000. DCRB reviews Joe's income in 2015 for 2014 and determines that Joe fell below earnings capacity in 2014 because his earned income was less than 80% of \$52,000 (\$41,600). Joe's terminated disability retirement benefit is reinstated retroactive to January 1st of 2015.*

## Disability Income Review

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### **Special Note**

DCRB may, in its discretion, authorize a lesser reduction if it determines that your earned income has decreased significantly during the reduction period or waive the reduction completely if such a waiver is justified.

### **Due Process Rights**

If your disability retirement benefit is affected by your prior year's earnings, DCRB will notify you in writing of the change in your benefit and how to request review of the decision in the event that you do not agree.



## Continuation of Health Insurance Benefits

If you were eligible for retiree health care insurance coverage at your disability retirement, your health care premiums are deducted from your disability annuity. In the event you are no longer eligible to receive your disability annuity due to earnings capacity restoration, you are considered no longer retired and may not be eligible to continue your retiree health care insurance coverage. Any health care insurance premiums for your health care coverage for you and any dependents can no longer be paid from your annuity.

If your disability annuity is reduced, your reduced annuity amount may not be sufficient to cover the cost of the premium deduction. In this case, you may have to pay the difference of the premium cost.

### **Federal Health Insurance Benefits**

If you are covered by the Federal Employees Health Benefits (FEHB) Program and your disability retirement annuity is terminated for failure to comply with the annual income review reporting requirements or due to restoration of earnings capacity, you may receive continued health insurance coverage via a Temporary Continuation of Coverage (TCC) which may continue for up to 3 years. Please note that any premiums for this coverage, including both the government and the employee shares, and any administrative fee, must be paid by you.

If you are interested in the Federal TCC insurance, you will need to complete the *Federal Health Benefits Election Form (SF 2809)* and contact the DCRB Member Services Center to advise of your request. This form is available on the DCRB website. DCRB will forward your information to the appropriate office, and you will be provided with a payment booklet in order to send your premiums to the National Finance Center.

## Disability Income Review

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to a restoration of earnings capacity, you may receive continued health insurance coverage via a Temporary Continuation of Coverage (TCC) which may continue for up to 3 years. Please note that any premiums required for this coverage, including both the government and the employee shares, and any administrative fee, must be paid by you.

If you are interested in the District TCC insurance, you will need to complete the *District of Columbia Temporary Continuation of Coverage Benefits Enrollment Form* (DCSF 1269) and contact the DCRB Member Services Center to advise of your request. This form is available on the DCRB website. DCRB will forward your information to the District of Columbia Department of Human Resources (DCHR) for processing. DCHR will notify your insurance carrier so payments for premiums may be arranged.

## QDRO's, Garnishments, & Tax Levies

A termination of your disability retirement annuity or a reduction of your annuity may also impact payments made from your annuity to an Alternate Payee under a QDRO, to children or former spouses pursuant to court-ordered income withholding orders for child support and alimony, or the Internal Revenue Service to satisfy a federal tax levy. If you are impacted, DCRB will notify you and any third-party payee.

## Re-Employment With the District of Columbia

If you are re-employed by the District of Columbia Government (other than reinstatement by the department from which you retired) after you are approved for a disability retirement under the Plan, your annuity continues, except as described in this booklet, but your employment salary is reduced by the amount of your annuity. This salary offset does not apply if you are re-employed under the Retired Police Officer Redeployment Amendment Act of 1992, the Detective Adviser Act of 2004, or the Retired Police Officer Public School Security Personnel Deployment Amendment Act of 1994. However, you receive no additional service credit toward your retirement benefit under the Plan for the period of your re-employment.

If you are reinstated by the same department from which you retired, you are placed back into the Plan and continue to pay contributions to and earn service credit under the Plan toward retirement. You should be aware, however, that you will not receive any service credit under the Plan upon reinstatement for your period of disability retirement.

## Frequently Asked Questions

### *Following a disability retirement, what information is required by the Plan?*

Any police officer or firefighter who retired under a disability from the Police Officers and Firefighters' Retirement Plan and who is under age 50 must report their income from wages and/or self-employment to the Plan Administrator (DCRB).

### *Why is a notarized statement of annual income required?*

The Police Officers and Firefighters' Retirement Plan [DC Code §5-714(a)] limits earnings of disability annuitants who are under age 50. One earnings limit applies to all disability annuitants (restoration to earnings capacity), and if that limit is exceeded, the disability annuity is terminated. The second earnings limit [DC Code §5-714(c)(1)] applies to Tiers 2 and 3 disability annuitants, and if that limit is exceeded, the disability annuity is reduced accordingly.

The annual earnings review allows DCRB to determine when a disability annuitant has earned more than the Plan allows.

### *What if I do not return my notarized statement of income to DCRB?*

If you fail to return your notarized statement of income to DCRB and/or any other required information, your annuity will be terminated until the notarized statement and required information is received by DCRB. Your annuity will resume the month after you submit this information, if applicable, and will be retroactive to the date DCRB received the information. **However, any payments suspended during this period of ineligibility (from the date after the deadline through the date DCRB receives the required information) are forfeited.**

### *When do I need to return my notarized statement of annual income?*

The notarized statement of annual income must be received by May 15th. Therefore, if you are not required to file a Federal income tax return, you should return the notarized statement as soon as possible. If you are required to file a Federal income tax return, you should return your notarized statement as soon as you complete your tax return. If you have requested an extension to

## Disability Income Review

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file your Federal income tax return, please send a copy of your Federal extension form to DCRB as soon as possible before May 15th. DCRB will automatically extend payment of your disability annuity and not terminate your benefit.

***Where do I return my notarized statement of annual income?***

The notarized *Annual Earned Income Report* form should be returned via mail or hand delivered to:

District of Columbia Retirement Board  
Attention: Member Services Center  
900 7th Street, NW  
2nd Floor  
Washington, DC 20001

Alternatively, you may choose to fax your notarized statement of annual income to (202) 566-5001. If you choose to fax this document to DCRB, we ask that you also mail the original notarized statement of annual income to DCRB for proper recordkeeping.

## For More Information

For additional information about the disability income review process, contact DCRB at the address or phone number below.

District of Columbia Retirement Board  
Member Services Center  
900 7th Street, NW  
2nd Floor  
Washington, DC 20001  
(202) 343-3272  
(866) 456-3272

To obtain further information about the disability application and/or annual medical review process, contact the Police and Firefighters' Retirement and Relief Board at the address or phone number below.

Police and Firefighters' Retirement and Relief Board  
(DC Department of Human Resources)  
One Judiciary Square  
441 4th Street, NW  
Suite 340 North  
Washington, DC 20001  
(202) 442-9622

For general information about DCRB, you may visit our website at [www.dcrb.dc.gov](http://www.dcrb.dc.gov).



**District of Columbia Retirement Board**

900 7th Street, NW

2nd Floor

Washington, DC 20001

Phone: (202) 343-3272

Toll Free: (866) 456-3272

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