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## **PART 309**

### **STATE UNIVERSITY GROUP DISABILITY INSURANCE PROGRAM**

Sec.

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#### **§ 309.1 Definitions.**

- (a) The term plan shall mean the group disability insurance program of the State University of New York.
- (b) The term employee shall mean any person holding appointment in a position in the professional service as defined in subdivision (3) of section 355-a of the Education Law
- (c) The term employment shall mean working regularly throughout the duration of the period of the employee's professional obligation, at any location of the university or at such other location required in the performance of assigned duties and responsibilities, and where such employment is the principal source of the employee's wages, earning or salary.
- (d) The term university shall mean the State University of New York.
- (e) The term coverage shall mean the participation in the plan by covered employees and the term covered employee shall mean an eligible employee participating in the plan.
- (f) The term insurer shall mean the insurance company selected by the board of trustees of State University of New York by resolution to underwrite the plan.
- (g) The term service shall mean employment with the university as an employee or otherwise.
- (h) The term calendar year employee shall mean any employee having a 12-month professional obligation.
- (i) The term academic year employee shall mean any employee other than a calendar year employee.
- (j) The term basic salary shall mean the annual salary, exclusive of any supplemental salary received or other forms of additional compensation, as of the date of disability. In the event a covered employee is participating in the special annuity program of the university pursuant to article 8-C of the Education Law, the basic salary shall be the salary of such employee without regard to any reduction in effect at the time of disability.

#### **§ 309.2 Eligibility.**

- (a) The following employees shall be eligible for coverage under this plan:

(1) Full-time employees upon completion of one year of service and part-time employees upon completion of one year of service as follows:

(i) part-time academic employees who teach two or more courses in any one semester (excluding those employees deemed casual); and

(ii) part-time professional employees, part-time management/confidential employees, and part-time academic employees who are not assigned to teach courses, who are employed at a salary rate which would yield a total compensation of \$8,000 or more between July 1, 1988 and June 30, 1989; \$8,500 or more between July 1, 1989 and June 30, 1990; and \$9,000 or more between July 1, 1990 and June 30, 1991 (excluding those employees deemed casual).

(2) Employees who, while in service, completed one year of service within the last five consecutive years.

(3) Any person who, as a covered employee, left university service, and who thereafter is reappointed as an employee within three years of the last day of such previous employment.

(4) Any employee, who, within three months prior to appointment to service, was insured by his or her previous employer under a group disability insurance program providing income benefits for a period of not less than five years during total disability due to sickness.

(b) The following persons shall be ineligible for coverage under the plan:

(1) Any person serving on other than a full-time basis, except as provided in paragraph (a)(1) of this section except further that a covered employee on leave at full salary, at reduced salary or without salary pursuant to Part 337 of this Title shall be continued as a covered employee for a period not to exceed two years from the date such leave commenced.

(2) Any covered employee who resigns, retires or whose employment otherwise ceases.

(3) Any covered employee who accepts appointment to a position other than a professional position as defined in subdivision (3) of section 355-a of the Education Law.

(4) Any covered employee who commences part-time employment, except as provided in paragraph (a)(1) of this section except further that (i) if ineligible part-time employment by an academic year employee commences during an academic year, coverage shall be continued until the 31st day of August next following as though such employees were continued in full-time service, or (ii) if such part-time employment by a calendar year employee commences during a calendar year, coverage shall be continued until the 31st day of December next following as though the employees were continued in eligible service.

(c) The Chancellor of the State University may waive the provision of subdivisions (a) and (b) of this section and grant coverage, or approve the continuation of coverage, upon finding that there exist special conditions of employment, including but not limited to dual appointments, shared employments, and exchange professorships.

(d) Except as otherwise provided in this section where a covered employee becomes ineligible for coverage, such coverage shall cease on the day on which such employee became ineligible.

#### **§ 309.3 Effective date of coverage.**

Coverage under the plan shall commence on the first day of the month coinciding with or next following the day that an employee becomes eligible pursuant to section 309.2 (a) or (c) of this Part; provided, however, an employee on sick leave or maternity leave pursuant to Part 337 of this Title shall become covered effective on the date of return from such leave. In no case shall coverage be denied a person otherwise eligible by reason of any omission in reporting such an employee as a covered employee, and premiums otherwise payable in consideration of such coverage under the plan shall be paid to the insurer.

#### **§ 309.4 Contributions by employees.**

No employee contribution shall be required for coverage.

#### **§ 309.5 Benefits.**

The plan is to provide for the following benefits during a period of total disability. Such benefits will commence on

the first day of the month following six months of continuous total disability and continue until such total disability ceases, the individual reaches age 65 or until death, whichever event occurs first. However, if disability commences after the attainment of age 60 but less than age 65, benefits are provided for five years; if disability commences after the attainment of age 65 but less than age 68 1/2, benefits are provided to age 70; if disability commences after the attainment of 68 1/2, benefits are provided for one year.

(a) A monthly income benefit equal to 60 percent of the individual's covered monthly salary up to \$5,000 monthly, reduced by the amount of income which the employee is eligible to receive from social security, workers' compensation or other compensation or benefit paid for by, or on behalf of, the State or State University.

(b) A monthly annuity benefit equal to the university contribution for an employee participating in the university's Optional Retirement Program pursuant to the provisions of article 8-B of the New York State Education Law, computed on the basis of the basic salary of the employee at the time disability commenced, such benefit to be paid to the Teachers Insurance and Annuity Association for the purchase of an annuity contract reduced by any normal contribution to a retirement program made by the State or the university on the employee's behalf.

(c) A three percent increasing disability benefit and a three percent increasing annuity benefit, compounded annually.

(d) For the purpose of this section, the term covered monthly salary shall mean 1/12 of the basic salary.

#### **§ 309.6 Administrative responsibilities of the university.**

The chancellor, after consultation with the insurer, shall provide for the administration of the plan and shall issue such procedures and shall establish such standards as may be required for the successful operation of said plan.

#### **§ 309.7 Discontinuation of service.**

Any covered employee upon becoming eligible to receive a benefit from the plan and after application for such benefit pursuant to section 309.8(a) of this Part, or after the application has been submitted on behalf of such employee pursuant to section 309.8(b) of this Part, shall be discontinued from service during the period of disability. In the event that such employee is able to resume duties for which, by reason of education and training the employee is qualified, the university shall restore the employee to service, including restoration to service on other than a full-time basis during periods of rehabilitation. Nothing contained herein shall be deemed to extend a term appointment beyond its original date of termination.

#### **§ 309.8 Application for benefit.**

(a) Application by employee. Any covered employee may apply for benefits under the plan by submitting an application for such benefits to the insurer.

(b) Application by the chancellor on behalf of an employee. When, in the opinion of the chancellor, it appears in the best interests of the employee and the university that an application be filed for disability benefits on behalf of an employee, the chancellor shall appoint a special committee on disability, a majority of said committee to be selected from among duly qualified physicians holding tenured appointment with the university. Said committee shall examine the employee and make findings of fact and a determination with respect to any disability such employee may suffer. Notwithstanding the failure of the employee to cooperate fully with said committee, the provisions of section 309.7 of this Part shall be applicable if said committee finds reasonable grounds to assume that a disability benefit would be payable upon timely application. In the event the insurer finds that the employee is not disabled, the employee shall be restored to service, such restoration to be deemed effective on the date of discontinuation from service.

#### **§ 309.9 Payment of premium.**

Monthly payments of premiums for the plan shall be made to the designated insurer upon audit and warrant of the Comptroller from funds made available to the university for such purpose.

#### **§ 309.10 Liability for payments.**

The benefits payable under the plan shall be made by the insurer pursuant to contract, and neither the State nor the State University shall be liable for such benefits.