

This brochure is intended to provide you with general information about the disability retirement program. The statements in this booklet are general and we have made them as simple as possible while still being accurate. The retirement law is sometimes very complex, but when a conflict arises, any decision will be based on the law and not on this booklet.

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If you are a contributory member of San Joaquin County Employees' Retirement Association (SJCERA), and you have an illness or injury that is permanent and severe enough to force you to stop working, you may apply for a disability retirement. After review of medical documentation and other evidence, the Board of Retirement will decide whether you are capable of substantially performing the duties of your position and, if you are not, will grant you a disability retirement.

Who may apply for a disability retirement?

Service-Connected Disability:

If you are a contributory member to retirement, you may apply for a service-connected disability retirement any time during your County employment. A service-connected disability is when a member becomes permanently ill or injured as a result of his or her job duties. Safety members may qualify for certain presumption benefits such as cancer or heart trouble.

Nonservice-Connected Disability:

If you are a contributory member, you may apply for a nonservice-connected disability retirement after completing at least five (5) years of continuous County/reciprocal retirement service credit. A nonservice-connected disability is when a member's permanent illness or injury is not related to his or her employment.

May another person file an application for me?

Yes. The head of your department, a member of the Board of Retirement, or any other person may file an application on your behalf.

When should an application be filed?

- You should apply when you have medical

proof that your medical condition prevents you from permanently performing your regular job duties.

- You may apply while you are still employed.
- You may apply within four (4) months after you have separated from employment.
- You may apply any time after you have separated from employment if (1) you have been continuously disabled since your separation, and (2) SJCERA's ability to investigate your application has not been impaired because of an unreasonable delay in filing the application.
- You may not apply if you have withdrawn your retirement contributions.

How do I apply?

You may request a disability retirement appointment by calling SJCERA at (209) 468-2163.

You must provide SJCERA with a physician's report (at your expense) within 90-days of the date you apply for disability. Every point in the following list of information must be answered by your physician in order for the application to be accepted:

1. History of the injury or illness
2. The medical complaints
3. Past medical history
4. Family medical history
5. Source of all facts set forth in the history and complaints
6. Findings on examination
7. Treating physician's opinion as to whether member is substantially incapacitated to

perform the member's usual duties of the member's employment

8. Cause of the substantial incapacity, if any
9. Medical treatment indicated
10. Likelihood of permanent disability
11. Treating physician's opinion as to whether or not the member's incapacity is a result of an injury or disease arising out of and in the course of employment and whether such employment contributes substantially to such incapacity
12. Treating physician's opinion as to whether or not the member's incapacity is due to intemperate use of alcoholic liquor or drugs, or so far as the medical examination discloses, willful misconduct
13. The reasons for these opinions
14. Each report must be in affidavit form, or if executed in California may be ended with this statement signed by the physician

I declare under penalty of perjury that the foregoing is true and correct, _____
_____ (date) at _____
(city), California.

Signature

At the time of application, you will be asked to identify any other treating physicians you have seen and to sign a medical release form for SJCERA's investigation.

What happens if I cannot get a physician's report within the 90-day period?

Without the physician's report, your application will be dismissed. You may reapply for disability, or you may request a time extension if your request is made to the Board of Retirement before the 90-days have expired and you can

give good cause for the delay. If you reapply, you will receive a new application date for determination of benefits.

How is my eligibility to receive a disability retirement determined?

- The role of the retirement staff is to expedite the application for disability retirement in order for the Board of Retirement to make a determination on your disability.
- You may be examined by a doctor selected by staff of SJCERA.
- The Board of Retirement will then review pertinent medical reports and records to determine if you are permanently incapacitated. The medical reports are provided by you and/or are obtained through the disability review process.

How long does the determination of disability take?

Usually from three (3) to six (6) months after you have provided the physician's report.

Do I need an attorney to help me?

- A disability application may be filed with or without the assistance of an attorney. Staff members of SJCERA are available to help you.
- If the Board of Retirement's decision is to refer the matter to a hearing, SJCERA encourages you to obtain the services of an attorney. You may, however, represent yourself in any hearing or court proceeding.

May I receive a service retirement allowance while waiting for the Board of Retirement to decide upon my application?

- Yes, possibly, if a decision has not been made by the Board of Retirement after you have filed your application, and you would otherwise be eligible to receive a regular service retirement regardless of whether you are disabled. However, the date of the service retirement will become the date of the new application.
- Your retirement allowance may be adjusted to the date of retirement if you are later found disabled by the Board of Retirement.

Could there be any consequences if I take a service retirement allowance pending the Board of Retirement's decision?

- Yes. If you are not ultimately found to be disabled, you are nonetheless service retired. The employer considers you retired from employment. Any resumption of employment status is an issue to be determined between you and the employer.
- If you do not take a service retirement, pending the Board of Retirement's decision, and you are not found to be disabled, you have the right to be reinstated by your employer.

If my application is approved, when will my disability retirement allowance become effective?

- Your disability retirement allowance will become effective the date you filed your application with the Board of Retirement; or
- The day following the last day of your regular compensation, whichever is later.

- If it is determined by the Board of Retirement that you delayed in filing your application because you could not determine the permanency of your disability, or if an administrative oversight caused the delay, the effective date of your disability retirement allowance will be the day following the last day of your regular compensation.
- You and your personnel officer or payroll clerk should determine if it is to your advantage to use your paid sick leave before receiving your disability retirement allowance.

When will I receive my first check?

Usually within 60-days after the Board of Retirement approves your application.

How much money will my retirement allowance be?

- The amount of money you receive for service-connected disability retirement is a minimum of 50% of your final compensation.
- The amount of money you receive for a nonservice-connected disability retirement is based on your age and how many years you have contributed to your retirement plan. It is generally equal to 1/3 of your final compensation ***although it could be more, or less***, depending on your age and years of service.
- If you are eligible to receive a service retirement allowance and the amount of that allowance would be greater than the service-connected or nonservice-connected disability retirement allowance, you will receive the greater service retirement allowance.

Will my retirement allowance ever change?

- Yes. Your retirement allowance is adjusted every April 1 to reflect changes in the Consumer Price Index.
- Your allowance may increase no more than 3%, not including any supplemental cost-of-living increases that may be granted by the Board of Retirement.

Will I still be eligible for medical and dental insurance?

- Yes. If you are approved for a disability retirement, you will be offered the opportunity to have those plans when you are retired. The medical plans available to you are maintained by SJCERA but are administered by the County Human Resources Department.
- The cost of your portion of the insurance premiums will be deducted from your retirement allowance, or sick leave bank, if eligible.

May I continue to work for the County if I am found to be disabled?

- Yes. If you are capable of performing other duties, you may accept a new position in the County.
- Although you will not be retired, if the salary of your new job is *less* than what you earned when you became disabled, you will receive a supplemental disability allowance.
- The supplemental disability allowance you receive will generally increase your salary up to the compensation you had been receiving

from your old job.

- However, the supplemental disability allowance may not be greater than the disability allowance you would have received if you had accepted a disability retirement.
- If a safety member is found to be disabled and works in a nonsafety position, the member's safety status will be maintained.

May I obtain employment other than County employment if I am found to be disabled?

Yes. You may obtain full or part-time employment in another occupation outside the County system. It will not affect your retirement benefits.

Can my disability retirement be cancelled at a later date?

Yes. If you are under age 55, SJCERA can require you to submit to a medical reevaluation. If the Board of Retirement determines you are no longer disabled, your disability retirement can be cancelled, but only if the County agrees to reinstate you to your former position.

If I served in the military, worked for another government agency, was absent from work due to illness and received no pay, worked in a temporary status, or redeposited withdrawn retirement contributions, may I receive retirement credit for my previous employment.

- Yes. Certain prior employment with other California agencies, federal government, military service, a leave of absence from your job without pay due to illness, or the redeposit of withdrawn retirement contributions may make you eligible to "buy back" retirement

credit for your previous service.

- You may apply for previous service credit. SJCERA will notify you of your eligibility and cost.
- Payments for previous service, including interest, must be made before the Board of Retirement considers your application for a disability retirement.

Is it to my advantage to purchase or “buy back” credit for my previous service?

- Possibly. Purchasing credit for previous service could increase your service-connected or nonservice-connected disability retirement allowance.
- If you have less than five (5) years of County employment, “buying back” credit for your previous County service may allow you to become eligible to apply for nonservice-connected disability retirement.
- You should contact staff at SJCERA to determine if it would help you to receive credit for your previous service.

Is my retirement allowance reported to the IRS?

- All disability retirement pay is reported to the state and federal governments during the years in which you receive it.
- You may be eligible to exclude a portion of your service-connected disability retirement allowance from being taxed.
- You are advised to contact your own tax consultant to determine the taxable portion of your retirement allowance.

Are taxes withheld from my retirement allowance?

Federal and state taxes will be withheld as if you are married with three (3) exemptions unless you notify SJCERA in writing not to withhold.

What if my spouse survives me?

- If you were married before you retired and are receiving a service-connected disability allowance, your surviving spouse will receive 100% of your monthly allowance for life.
- If you were married at least one year before you retired and are receiving a nonservice-connected disability allowance, your surviving spouse will receive 60% of your monthly allowance for life.

What other programs should I consider?

You may contact the County Human Resources Department for information regarding Social Security benefits, the State Disability Insurance Benefits, Workers' Compensation or any other benefits available to you.