SAN JOAQUIN COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION

DISABILITY RETIREMENT BENEFIT

To request this material in an alternate format, call 209.468.2163.

DISABILITY RETIREMENT

As a member of San Joaquin County Employees' Retirement Association (SJCERA), if you have a substantial illness or injury that permanently prevents you from performing the normal and usual duties of your job, you, or your employer, may apply for a disability retirement. There are two types of disability retirements: service-connected and nonservice-connected.

SERVICE-CONNECTED DISABILITY RETIREMENT

If your illness or injury is the result of your employment, you may be eligible for a service-connected disability retirement benefit. Your age and length of service are not factors in determining your eligibility.

If your service-connected disability retirement application is approved, you will receive 50 percent of your final average compensation or your service retirement allowance, whichever is greater. With a service-connected disability retirement, 50 percent of your highest final average compensation is generally excluded from taxable retirement income.

NONSERVICE-CONNECTED DISABILITY RETIREMENT

If your illness or injury is not related to your employment, and you have at least five years of service credit (including reciprocal retirement system service credit), you may be eligible for a nonserviceconnected disability retirement benefit.

If your nonservice-connected disability retirement application is approved, your benefit amount is based on your age and years of SJCERA service credit. The benefit for nonservice-connected disability is based on a formula not to exceed one-third of your highest final average compensation, or the amount of your service retirement benefit, whichever is greater. Nonservice-connected disability retirement benefits are taxable.

SAFETY MEMBER PRESUMPTIONS

As a Safety member, firefighter, or active law enforcement member (or a County probation officer in the case of the blood-borne infectious disease presumption), the following conditions may be presumed to be service-connected, if you otherwise satisfy the statutory requirements.

- Heart trouble
- Cancer, if you were exposed to a known carcinogen as a result of your job duties
- Blood-borne infectious disease or a Methicillin-Resistant Staphylococcus Aureaus (MRSA) skin infection
- Illness or death attributable to exposure to biochemical substances
- PTSD
- Tuberculosis
- Meningitis
- Skin cancer
- Lyme disease
- Lower back impairments and required to wear duty belt
- Hernia or pneumonia

If your disability retirement benefit is granted based on one of these presumptions, your service-connected disability benefit will be taxable.

SURVIVOR BENEFITS

When you retire, you will choose from several benefit options that will determine whether your survivor will receive a continuing monthly benefit. The Unmodified benefit option provides you the greatest monthly benefit for your lifetime and a continuing benefit for your eligible spouse or registered domestic partner. If you receive a service-connected disability retirement, the Unmodified benefit option provides your spouse or registered domestic partner 100 percent of your monthly allowance for their lifetime, provided you were married/registered before your retirement date. If you receive a nonservice-connected disability retirement, and you were married/registered at least one year prior to the effective date of your retirement, the Unmodified option provides your spouse or registered domestic partner 60 percent of your monthly allowance for their lifetime. For more information about benefit options and survivor benefits, please refer to the Retirement Benefit Options fact sheet and the Survivorship booklet.

HOW AND WHEN TO APPLY

When you have medical evidence that shows you are no longer able to perform your normal and usual duties, contact SJCERA to request a disability retirement appointment. At your appointment, an SJCERA representative will go over the application process and explain the medical evidence that you will be required to submit with your application. You may apply while you are still employed, or within four months of separating from employment. You may also apply at any time after you have separated from employment provided you have medical evidence that shows your condition has continuously made you unable to perform your regular job duties since your date of separation.

APPLICATION PROCESS

- Submit your application for disability retirement and the required medical evidence to SJCERA.
- SJCERA will schedule you for an independent medical exam.
- An SJCERA administrator will review your information and submit a recommendation to the Board of Retirement to grant or deny your application. If there is a conflict between the medical opinions, SJCERA will refer your application to a hearing before an Administrative Law Judge.

Generally it takes nine months from the time you submit your application and required documentation until the Board makes their decision on your disability application. If a hearing is required, it may take longer. Attorney representation is not required, but you may have an attorney represent you, at your cost, if you choose. SJCERA staff is able to assist you through the application process, but they are unable to provide legal advice

PAYMENT OF YOUR DISABILITY RETIREMENT BENEFIT

Generally, your first disability retirement payment will be issued within 60 days after approval of your disability retirement. In order for SJCERA to process your benefit, you must be terminated from your employer's payroll system.

All disability retirement income is reported to the state and federal governments during the years you receive it. Federal and state tax will be withheld from the taxable portion of your benefit as if you were married with three exemptions, unless you submit a completed Tax Withholding form providing different instructions.

WORKING AFTER RETIREMENT

If you are granted a service-connected or nonservice-connected disability retirement, you may continue to work for your current employer or a different employer performing duties that are within your work restrictions. If you accept a position with the County (or other SJCERA participating employer) that pays a lower salary, you may be eligible for a supplemental disability allowance, which is designed to offset the difference between your new, lower salary and the salary of the position from which you became disabled. The supplemental disability allowance cannot be greater than your disability retirement benefit amount. Additionally, Safety members who accept a General member position will maintain their Safety status.

This fact sheet is intended to provide you with information as simply and accurately as possible. The law governing applications for disability retirement allowance is complex. If a conflict arises between the applicable law and any statement in this fact sheet, the law will govern.