

WHAT ARE MY DISABILITY RETIREMENT OPTIONS?

AN INTRODUCTION TO THE
SBCERA DISABILITY RETIREMENT
APPLICATION PROCESS



SB | *cera*
San Bernardino
County Employees' Retirement Association

THE FOUNDATION FOR A
SECURE RETIREMENT

WHAT IS A DISABILITY RETIREMENT?

A member is entitled to a Disability Retirement when the member becomes permanently incapacitated for the performance of duty.

WHAT IS A DISABILITY?

A disability can be mental or physical; however, the mental or physical incapacity must be permanent and render you substantially unable to perform your usual job duties.

WHEN SHOULD I APPLY FOR A DISABILITY RETIREMENT?

SBCERA encourages you to apply for a Disability Retirement **as soon as you believe that you are permanently incapacitated** for the performance of your usual job duties.

WHO CAN FILE THE DISABILITY RETIREMENT APPLICATION?

An application can be filed by the member or someone acting on behalf of the member.

TYPES OF DISABILITY RETIREMENT

There are two types of Disability Retirements: Service-Connected and Nonservice-Connected. The requirements and benefit impacts differ for each type. Below is a summary of each:

SERVICE-CONNECTED DISABILITY RETIREMENT:

- **Cause of Disability:** Your permanent incapacity must be a result of an injury or disease arising out of your employment. Your employment must substantially contribute to the permanent incapacity.
- **Service Credit Eligibility Requirements:** None
- **Benefit Amount:** 50% of your highest final earnable compensation or your Service Retirement benefit amount, whichever is greater.
- **Tax Benefit:** 50% of your highest final earnable compensation may be excluded from your taxable retirement income.

NONSERVICE-CONNECTED DISABILITY RETIREMENT:

- **Cause of Disability:** Your permanent incapacity is not a result of an injury or disease arising out of your employment.
- **Service Credit Eligibility Requirements:** Five (5) years of service credit or more.
- **Benefit Amount:** 20% up to a maximum of 40% of your highest final earnable compensation, depending on your years of service credit or your Service Retirement benefit amount, whichever is greater.
- **Tax Benefit:** None. Benefit remains 100% taxable.

DISABILITY RETIREMENT APPLICATION PROCESS:

Applying for a Disability Retirement is an extensive process that requires a comprehensive evaluation of your Disability Retirement application. Below is an outline of what you may expect:

Step 1: Contact SBCERA – To begin the process and request the required forms and information, please contact SBCERA at (909) 885-7980 or Toll Free (877) 722-3721.

Step 2: Submit a Completed Physician's Report – Provide your completed Physician's Report to SBCERA. SBCERA will conduct a review of the Physician's Report to ensure the report is completed in accordance with Article VIII of the SBCERA By-laws. An initial Disability Retirement appointment cannot be scheduled until a properly completed Physician's Report is received and approved.

Step 3: Schedule and Attend a Consultation Appointment with SBCERA – SBCERA will contact you confirming that your Physician's Report has been approved and schedule your initial Disability Retirement appointment. Prior to attending your appointment, you must complete all forms, but should

wait to sign each form until you are in the SBCERA office where an SBCERA staff member will review the completed forms.

Step 4: Document Collection and Processing – SBCERA staff collects and assembles medical and personnel documents pertaining to the Disability Retirement application.

Step 5: Independent Medical Examination – You may be required to submit to one or more independent medical examinations based on your claimed injury and/or illness.

Step 6: Comprehensive Medical Review and Preparation for the SBCERA Board of Retirement – The SBCERA Medical Advisor conducts a comprehensive review of the records pertaining to the application and advises the SBCERA Board on medical matters. In addition, Staff reviews all records and prepares the recommendation to the SBCERA Board of Retirement.

Step 7: SBCERA Board of Retirement Initial Hearing – The Disability Retirement application is considered by the SBCERA Board of Retirement.

COMMON QUESTIONS:



Q When can I come in for a consultation?

A You cannot come in for your first appointment until you have submitted a Physician's Report that has been completed and approved by SBCERA. SBCERA will contact you to schedule an appointment.

Q Can I service retire while I wait?

A Yes. If eligible, you may apply for a Service Retirement at any time pending the Disability Retirement decision by the SBCERA Board of Retirement. If a Disability Retirement is approved, your retirement status and pay will be adjusted accordingly. If your Disability Retirement is denied, you cannot rescind your Service Retirement under any circumstances.

Q Do I need legal representation?

A An application may be filed with or without the assistance of an attorney.

Q What is the Supplemental Disability Retirement Allowance?

A If you are classified as a General Member you may apply for a Supplemental Disability Retirement Allowance of \$300 per month. This allowance must be granted by the SBCERA Board of Retirement and is only applicable for those General Members whose incapacity is such that they are incapable of any gainful employment. "Gainful Employment" is defined as performance of any service for compensation.

Q Who makes the final decision?

A The SBCERA Board of Retirement.

Q Can I appeal the SBCERA Board of Retirement's decision?

A Yes. If you disagree with the SBCERA Board of Retirement's initial hearing decision, you will have 31 calendar days from the decision date to seek an appeal. Otherwise, the decision becomes final.



**348 W. Hospitality Lane, Third Floor
San Bernardino, CA 92415-0014**

Phone: (909) 885-7980

Toll Free Phone: (877) 722-3721

Fax: (909) 884-1904

Website: www.SBCERA.org

Important Notice

This brochure has been created in order to help members understand the Disability Retirement application process. However, the process can differ based on a member's specific situation. Every effort has been made to ensure the accuracy of the information offered. You should not rely solely on the information contained herein. In the event of any discrepancy between the information contained in this brochure and state and federal law, the state and federal law will govern. Additionally, the SBCERA By-laws and Disability Procedures take precedence over the content of this brochure.