



## **DISABILITY RETIREMENT POLICY AND PROCESS**

### **I. PURPOSE AND POLICY STATEMENT**

This procedure provides direction for consideration and action on applications for disability retirement under the County Employees' Retirement Law of 1937 ("CERL"), to the end that applications can be completely and expeditiously processed and placed before the Board of Retirement of the Sonoma County Employees' Retirement Association for a decision on the merits. This procedure is to be used in conjunction with the SCERA Administrative Hearing Rules and Procedures when an applicant requests a hearing before a neutral referee. This procedure and the Administrative Hearing rules seek to protect the Applicant's right to receive notice and opportunity to be heard and present the Applicant's case.

### **II. DEFINITIONS**

- A. Applicant - Any person who files an application for disability retirement benefits and who is authorized by statute or a valid order of a Court having jurisdiction over the matter to apply for such benefits on the Applicant's own behalf or on behalf of a member of the retirement system.
- B. Application - The written form supplied by SCERA for the purposes of applying for disability retirement benefits along with explanatory documents, including, but not limited to, a copy of this procedure.
- C. Board – the Board of Retirement of the Sonoma County Employees' Retirement Association.
- D. Party - Any person authorized by statute or a valid order of a Court having jurisdiction over the matter to be party to a disability retirement Application.
- E. Chief Executive Officer – The Chief Executive Officer of SCERA or designee.
- F. SCERA – the Sonoma County Employees' Retirement Association.

### III. FILING OF APPLICATIONS

- A. An Application for disability retirement benefits shall be filed with the Board. The Applicant shall attach to the Application any evidence in the form of written medical reports or other documents which will be used by the Applicant in support of the Application. If such medical reports or documents are not reasonably available to the Applicant at the time of filing the Application, then Applicant shall provide such medical reports or documents at the Applicant's earliest opportunity.
- B. Upon receipt of the Application, the Chief Executive Officer will endeavor to gather all pertinent evidence from the employer and/or other sources, including but not limited to, treating physicians, reviewing or examining physicians, hospitals, clinics, Workers' Compensation administrators, and other health care providers in possession of relevant information in connection with the Application.
- C. The Chief Executive Officer may transmit any evidence gathered in connection with the Application to experts qualified to offer opinions on the evidence. By filing an Application for disability retirement, the Applicant specifically authorizes SCERA to forward all medical, personnel, and other records to such experts.
- D. Upon request of the Chief Executive Officer, the County Health Officer or an independent medical advisor shall advise the Board on medical matters and, if requested by the Board, shall attend its meetings.

### IV. DISMISSAL OF AN APPLICATION FOR DISABILITY RETIREMENT

The failure of an Applicant to diligently pursue or prosecute an Application may result in the dismissal of the Application. Diligently pursuing or prosecuting an Application includes, but is not limited to, timely submission of any and all written documentation requested by the Board; compliance with lawful instructions of the Board; and cooperation with the Board and staff in obtaining information pertinent to the Application. Prior to dismissal of an Application for failure to diligently pursue or prosecute, the Applicant shall be given notice and an opportunity to respond.

### V. SUBMISSION TO THE DISABILITY COMMITTEE

Upon receipt of the evidence submitted by the Applicant and the report of the County Health officer or independent medical advisor, the Chief Executive Officer shall submit

the Application, the evidence submitted by the Applicant, and any other evidence gathered by the Chief Executive Officer to the Disability Committee of the Board.

**VI. ADDRESSING THE DISABILITY COMMITTEE OR BOARD**

Upon written request to the Chief Executive Officer, an Applicant may address the Disability Committee or Board at a duly noticed regular meeting of the Disability Committee or Board regarding the Applicant's disability retirement Application either personally or through counsel.

**VII. DISABILITY COMMITTEE RECOMMENDATION**

The Disability Committee shall review all evidence submitted and formulate a recommendation to the Board as to whether to preliminarily grant or deny the benefit sought. The Disability Committee shall also formulate recommendations as to the applicability of other CERL provisions which are pertinent to the Application.

**VIII. SUBMISSION TO THE BOARD**

- A. The recommendation of the Disability Committee shall be submitted to the Board for its consideration and the Board shall be provided evidence reviewed by the Disability Committee in reaching its recommendation.
- B. Upon consideration of the evidence and the recommendation of the Disability Committee, the Board shall reach a preliminary determination to grant or deny the Application, or may take other action on the Application authorized by law.

**IX. NOTIFICATION OF PRELIMINARY DETERMINATION OF THE BOARD AND REQUEST FOR HEARING**

The Chief Executive Officer shall provide the Applicant written notice of the following:

- A. The Board's preliminary determination;
- B. That if the preliminary determination is to deny the Application, then the Applicant may request an evidentiary hearing before a neutral hearing officer;
- C. That the Applicant may also waive evidentiary hearing;

- D. That the right to evidentiary hearing will be deemed waived if the Applicant fails to file a written request for hearing with SCERA at its office within sixty (60) days from the date of such notice.
- E. In the event Applicant waives the right to hearing, the preliminary determination of the Board shall be final.

#### X. ADMINISTRATIVE HEARINGS

If the Applicant requests an evidentiary hearing under subsection IX, B above, the SCERA Administrative Hearing Rules will apply and govern the administrative hearing proceedings and subsequent determinations of the Board.

#### XI. EFFECTIVE DATE

The effective date of any disability retirement benefits shall be governed by Government Code §31724 and relevant case law.

#### XII. CONFLICT WITH LAWS

In the event that this policy and process conflicts with relevant statute or authoritative case law, the statute or case law will control.

#### XIII. HISTORY

The Board adopted this policy on 2/22/2018 (effective April 10, 2018, on Board of Supervisors approval of Bylaw amendments).