



DISABILITY PROCESS OVERVIEW

Alameda County Employees' Retirement Association

TYPES OF DISABILITY

- Nonservice-Connected Disability (NSCD)
 - Incapacity for usual duties
 - Does not meet the standard for Service-Connected Disability
- Service-Connected Disability (SCD)
 - Incapacity for usual duties arising out of and in the course of employment
 - Such employment contributes substantially to incapacity
- Supplemental Disability Allowance
 - Difference in pay of a lower paying job up to amount of disability allowance
- Advance Disability Payments
 - Safety members only
 - Advance paid by employer while application is pending

PROCESS

- Member submits application
 - Member has burden of proof
 - Employer may oppose or not
- Managed Medical Review Organization (MMRO)
 - Independent medical review
 - Written recommendation
- Employer and member accept or challenge recommendation
 - No challenge: Recommendation on Consent Calendar
 - Challenge: Hearing before a Hearing Officer

BOARD DETERMINATIONS

- Permanently incapacitated for performance of usual duties
- Injury or disease arising out of and in the course of employment and such employment contributes substantially to incapacity
- Whether member can do other work for a participating employer (and receive supplemental disability allowance)
- Sometimes timeliness of application and effective date at issue
- Order reviews to confirm continuing incapacity up to age 55
 - Board may order review(s) as part of decision
 - CEO may order review(s) after decision

BOARD PROCESS

- CERL Sec. 31534: “The proposed findings of fact and recommendations ... shall be served on the parties who shall have 10 days to submit written objections thereto which shall be incorporated in the record to be considered by the board”
- Board may: (1) adopt recommended decision, (2) conduct a full record review at later meeting, (3) remand to the Hearing Officer, or (4) conduct a Board hearing
- ACERA Board receives the full record when it first reviews the proposed findings of fact and recommended decision (more than required)
- Board must focus on disability standards per CERL and case law

DISABILITY ALLOWANCE

- Nonservice-Connected Disability (NSCD):
 - Minimum five years of service (excludes “public service” credit purchases)
 - Benefit is greater of NSCD allowance and service allowance
 - NSCD formula uses age and years of service
 - Often $\frac{1}{3}$ of FAS but can be more or less
 - No MMA advantage
 - No tax advantage
- Service-Connected Disability (SCD)
 - No minimum service requirement
 - The greater between 50% of FAS or service retirement
 - Tax Exclusion = 50% of FAS + COLAs on 50% of FAS
 - Full MMA (same as 20 years of service for service retirement)

SUPPLEMENTAL DISABILITY ALLOWANCE

- Board grants NSCD or SCD
- Allows member to take a lower paying position with participating employer if there is an available position
- Allowance is the difference between original and lower paying position, but not to exceed the disability allowance
- Member continues to earn service credit

ADVANCE DISABILITY PAYMENTS

- Safety members only
- Must apply for Service-Connected Disability
- Must exhaust all sick leave
- County advances 50% of FAS
- If granted, ACERA deducts advance from retroactive pay and transfers to County
- If denied, member and County resolve (ACERA not involved)