



TITLE: Rules and Procedures for Disability Retirement

EFFECTIVE DATE: March 2, 2006

BOARD ADOPTION: March 2, 2006

I. Basis for Determining Disability

1. When an applicant applies for disability retirement benefits he or she must be “examined by a physician or surgeon” appointed by the Retirement System Board of Administration and granted benefits if “such medical examination shows, to the satisfaction of the Board, that the member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired.” SMC 4.36.645(B). In addition, to determine whether a member remains entitled to disability retirement the Board may require a further medical determination and “[u]pon the basis of such examination the Board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for City service.” SMC 4.36.655(A). Therefore, the Board will grant disability benefits only if, among the other requirements for a disability retirement, the medical examination of the member shows that he or she is disabled from work in any position in City service.

II. Disability Applications

1. An applicant for a disability retirement (other than an applicant claiming disability from an on-the-job injury) must state in the application all medical conditions which individually or in combination with one another, the applicant believes are disabling. If a previous application was denied by the Board, the applicant must provide evidence of how the current medical condition(s) differ from what was contained in the previous application.
2. If an applicant is applying for disability retirement related to an on-the-job injury, he or she must authorize the Retirement System to obtain copies of records related to that injury. An applicant applying for disability retirement on a basis other than an on-the-job injury must state when the disabling medical condition(s) arose and how the medical condition(s) affect the applicant's ability to work.
3. Upon request, an applicant must sign a release authorizing the Retirement System to obtain medical records as well as Workers Compensation and any other records related to the claim of disability.
4. An applicant must file a disability application within three months after the discontinuance of City service, or while incapacitated if such incapacity has been continuous since the cessation of City service.
5. An applicant must submit his or her physician's statement and all medical records and other supporting information within 60 days after filing an application. After that date, unless the Retirement System requests additional information, no further records or information will be accepted.

III. Disability Determination

1. The Board may appoint a Disability Committee to review the medical reports, vocational evaluations and other information, and to make recommendations to the Board regarding an application. Notwithstanding any such procedures adopted by the Board, the Board shall retain full, exclusive authority to make the determination whether an applicant is disabled, pursuant to applicable statutes and regulations.

2. Following a proper application, staff of the Retirement system will arrange for an independent medical examination of the applicant. If that examination does not establish whether the applicant is capable of work in any position in City service, the Board or staff may obtain vocational evaluations to help determine whether, based on the independent medical examination, an applicant is capable of work in any position in City service.
3. If the independent medical examination, in conjunction with any vocational evaluation undertaken, shows that the applicant is disabled from work in any position in City service, the application will be granted; otherwise, the application will be denied. The Board's determination will be issued in writing to the applicant.
4. If an applicant fails to comply with the procedures or deadlines necessary for the processing of an application, including but not limited to scheduling and attending medical examinations or vocational evaluations, the Board may deem the application to be withdrawn.

IV. Appeal of Board Determination

1. An applicant may appeal the Board's determination of disability. To appeal, an applicant must submit a complete and detailed written statement of the basis for an appeal of the Board's initial determination to the Retirement System, including any additional supporting documentation and medical information, within 30 days of the date of the Board's written decision.
2. Following an appeal, the Board may in its discretion provide an opportunity for the applicant to appear for a hearing to contest a denial of disability benefits; the Board may limit the length of time for any such hearing.
3. When a determination has been appealed, the Board will refer any remaining issues raised by the claim to the independent medical examiner and/or vocational evaluator for resolution of the claim. If none of the issues raised by an appeal require further review by the independent medical examiner or vocational evaluator, the Board will deny the appeal without any further referrals for outside review. The Board shall retain full, exclusive authority to make the determination whether an applicant's appeal should be granted, pursuant to applicable statutes and regulations.

V. Other Matters

1. Except where good cause is shown, if an applicant is late or fails to appear for, or leaves before the conclusion of, a scheduled medical examination or vocational evaluation, the applicant must pay for any non-appearance fee charged to the Retirement System, and for the additional cost of any rescheduled examination or evaluation. The rescheduling of an applicant's medical examination or vocational evaluation may be conditioned on payment of any such costs; otherwise, any such costs will be deducted from any retirement benefits to which the participant becomes entitled.