

# We've Expanded!



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## Introducing Our New Industrial Disability Retirement (IDR) Practice

### Our Services Include:

- Obtaining medicals through the Workers' Compensation system or IMEs
- Preparing documents for IDR
- Guiding the accommodations process
- Representing clients at Informal Conferences and Disability Appeals
- Expediting the IDR process to help open up positions for new job applicants
- Auditing IDR policies and procedures to ensure compliance with current statutes and regulations
- Providing training on best practices
- Much more!

**Contact Us Today For More Information**

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# Industrial Disability Retirement (IDR)



Government Code 20026 defines disability and incapacity for the performance of duty as:

- Disability of permanent or extended duration expected to last 12 consecutive months or result in death
- Based upon competent medical opinion

Government Code 21153 states, “an employer may not separate because of disability a member otherwise eligible to retire for disability but shall apply for disability retirement of any member believed to be disabled.”

## Industrial Disability Retirement Eligibility

MEMBERSHIP CATEGORY	VESTING REQUIREMENT	AGE REQUIREMENT
State Safety	None	None
State Industrial*	None	None
State Miscellaneous**	None	None
School Safety	None	None
Local Safety	None	None
Local Miscellaneous (if this is a contracted benefit)	None	None

Source: CalPERS Local Safety Disability Retirement Resource Guide

## Disability Retirement Eligibility

MEMBERSHIP CATEGORY	VESTING REQUIREMENT	AGE REQUIREMENT
State Miscellaneous	Tier 1: Must have 5 years credited service. Tier 2: Must have 10 years credited service, unless the member has 5 years of credited service under Tier 1 prior to 1/1/1985	None
School Employees	Must have 5 years credited service.	None
Local Miscellaneous	Must have 5 years credited service.	None
Local Safety	Must have 5 years credited service.	None

\*Injury must be caused by a violent attack from an inmate

\*\*Injury must be caused by a violent attack from a patient or client

## IDR CONSIDERATIONS

- Under retirement age requires recertification/evaluation every 2 years
- Workers' comp award does not automatically entitle employee to a CalPERS IDR
- Disability retirement is taxable, while under IDR the first 50% of monthly gross earnings is not
- Ability to fill vacancy, but IDR could impact pension rates
- LC4850 does not have to run out
- Does not have to be P&S/MMI in workers' comp

## DIFFERENCE IN BENEFITS

### Workers' Compensation

- Provide medical treatment
- Replace lost wages
- Determine PD based on AMA guides
- Can use prolific restrictions to determine disability
- Settlement

### CalPERS

- Benefit is non-negotiable
- Cannot 'buyout' future medical care
- "Substantial Incapacity" is based on medical determination
- Cannot use prolific restrictions to determine incapacity
- Based on factors of impairment and/or residuals
- CalPERS pays disability benefit until recovery or for life