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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