

Local Safety Disability Retirement  
Resource Guide



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# Local Safety Disability Retirement Resource Guide

## Overview of Disability Retirement

CalPERS offers an employer-sponsored retirement plan for employees of the State of California, local governments, and certain tax-exempt entities. The CalPERS retirement plan is a defined benefit plan, identified by the Internal Revenue Code Section 401(a). We provide monthly benefits based upon a member's years of service, age, and highest compensation.

Disability retirement is a monthly retirement allowance payable to the member for life, or until recovery from the disabling injury or illness.

The disability does not have to be permanent, however, it must last at least 12 consecutive months. A member can reinstate or return to employment later, if a doctor certifies they have recovered from the disabling illness or injury.

## Types of Disability Retirement

The type of benefit a member receives depends upon their category of membership and how the employer has contracted for benefits.

**Disability Retirement (DR)** is for members who can no longer perform their usual job duties, due to an injury or illness regardless of how the disability originated.

**Industrial Disability Retirement (IDR)** is for members who can no longer perform their usual job duties due to a work-related injury or illness. This type of retirement is for safety members and agencies that specifically contract for this benefit.

## Eligibility to Apply for DR/IDR

### Disability Retirement

Membership Category	Vesting Requirements	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 1/1/85	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

### Industrial Disability Retirement

Membership Category	Vesting Requirements	Age Requirement
State Safety	None	None
State Industrial <sup>1</sup>	None	None
State Miscellaneous <sup>2</sup>	None	None
School Safety	None	None
Local Safety	None	None
Local Miscellaneous (if contracted for this benefit)	None	None

<sup>1</sup> Injury must be caused by a violent attack from an inmate

<sup>2</sup> Injury must be caused by a violent attack from a patient or client

## Basis to Grant DR/IDR

CalPERS is governed by the California Public Employees' Retirement Law and the California Code of Regulations.

Government Code section 20026 defines "disability" and "incapacity for the performance of duty".

"Disability" and "incapacity for performance of duty" as a basis of retirement, mean disability of permanent or extended duration, which is expected to last at least 12 consecutive months or will result in death, as determined by the board, or in the case of a local safety member by the governing body of the contracting agency employing the member, on the basis of competent medical opinion.

## Determination of Disability

Government Code section 21156(a)(2) provides that the board or governing body of the contracting agency shall make a determination on a member's disability retirement on the basis of competent medical opinion and shall not use disability retirement as a substitute for the disciplinary process.

Government Code section 21156(b)(1) provides that the governing body of a contracting agency upon receipt of request of the board pursuant to Government Code section 21154 shall certify to the board its determination under this section that the member is or is not incapacitated.

Local Safety agencies will make a medical determination for both disability retirement and industrial disability retirement.

## When to Apply for Disability Retirement

The member should immediately apply for disability retirement if they are unable to perform the usual duties of their position, due to a physical or mental condition, and if their condition is expected to be permanent or last longer than 12 months or will result in death.

If a workers' compensation claim has been filed, the condition does not have to be permanent and stationary.

If a member has a severe or life-threatening medical condition, the member or the member's family should be advised to contact CalPERS to request **Emergency Retirement Counseling**. In this situation, the employer should submit an Emergency Employer-Originated Disability Retirement Application to CalPERS. The option election and beneficiary designation is not required to initiate the employer application process. However, the member's option election, beneficiary designation, and spousal acknowledgment must be received prior to the member's passing for the post-retirement benefit to be available. If no option election or beneficiary designation is made before the member's passing, only pre-retirement benefits will be available. Advise the member to contact CalPERS for important information regarding retirement and survivor benefits.

## Application Requirements

Under Government Code section 21154, an application for disability retirement must be made (a) while the member is in active service, (b) while the member, for whom contributions will be made under Section 20997, is absent on military service, (c) within four months after the discontinuance of the service, or while on an approved leave of absence (this is the most common scenario under which a member applies), or (d) While the member is physically or mentally incapacitated to perform duties from the date of discontinuance of service to the time of application.

If a member applies for disability retirement greater than four months following their last day on pay, then the medical records must reflect documented evidence of continuous disability from their last day on pay through the date of the application and ongoing.

## Who Can Apply

In most cases it will be the member who applies for disability retirement; however, an employer, or someone other than the employer, can also apply on the member's behalf. A member can authorize their spouse, relative or friend as their Conservator or Power of Attorney. A copy of the Conservatorship or Power of Attorney must be on file and approved by CalPERS before we can accept the application.

The CalPERS Special Power of Attorney is specifically designed for use by active and retired CalPERS members and beneficiaries. Members may already have a power of attorney set up through another resource; however, it may not address their CalPERS retirement benefits.

For more information, refer to our [CalPERS Special Power of Attorney](#) publication.

Use our [Power of Attorney Flyer](#) to promote the CalPERS Special Power of Attorney at your workplace.

## Service Pending DR/IDR Applications

If a member meets the vesting and age requirements for service retirement, then they can apply for Service pending DR/IDR.

This will allow them to receive a service retirement allowance while their eligibility for disability retirement is being determined.

The minimum age for Service Retirement is 50 for classic employees (hired prior to 1/1/13) and 52 for Public Employees' Pension Reform Act (PEPRA) miscellaneous employees (hired on or after 1/1/13). The minimum age for PEPRA safety members is age 50. For state Tier II employees, the minimum age is 55.

A Service pending DR/ IDR application cannot be submitted more than 120 days before the requested retirement date.

If the date the application is submitted is more than 120 days from the requested retirement date, then the Service Retirement portion of the application will be rejected.

If this occurs, we will proceed with the DR/IDR portion of the application. The member can resubmit the service retirement application later when the retirement date is within 120 days.

# Member-Originated Application

## Overview

The first thing the member should do is review our publication titled [A Guide to Completing Your CalPERS Disability Retirement Application](#). The publication can be found on our website.

We suggest the member complete the CalPERS [Retirement Allowance Estimate Request](#) form before submitting their DR application. This will help them determine if disability retirement is beneficial.

In some cases, depending on age, years of service and final compensation, service retirement will be more beneficial.

Estimates take approximately 45-days to complete.

## Required Forms for a Member-Originated Application

When a DR/IDR application is received, the review process does not begin until the package is complete.

The following forms are required to start the application review process:

Required Forms for a Member-Originated Application
<a href="#">Disability Retirement Election Application (PDF)</a>
<a href="#">Employer Information for Disability Retirement (PDF)</a>

**Note:** The employer is required to submit additional documents and forms with the determination. See the Local Safety Process section and [Flowchart: Member Originated Application Process](#) flowchart for more information.

## Application Review Process

Once CalPERS receives a complete application package, we will review the account to determine if the member is eligible to apply for DR/IDR. If eligible, we will send a letter notifying the employer of the application and request for the employer to begin its medical determination process and provide its determination to CalPERS within six months in accordance with Government Code section 21156(a)(2) and 21157. A notification of this request will also be sent to the member.

Some situations may render the member ineligible to apply, such as if they have been terminated, resigned in lieu of termination, or the employment relationship was severed.

If the member submits a late application, we must determine if we can accept the application. An application is considered late when a member submits a Disability Retirement application after they are



already on Service Retirement, and they are requesting to have their Service converted to a DR/IDR. For more information, go to the **Corrections of Errors and Omissions** section.

**The employer must wait for CalPERS to determine the member's eligibility to apply for disability retirement before making a medical determination.**

## **Employer Information for Disability Retirement**

This form is the member's authorization for the employer to release medical or personnel information to CalPERS.

The member must complete, sign and date the form and submit it to CalPERS for a complete application package. The member must also forward a copy of the form to their employer. The employer will sign and date section 3 and return to CalPERS.

This form allows you to provide CalPERS with required medical and employment information necessary to determine the member's eligibility to apply for DR/IDR. For CalPERS to determine whether the member is eligible to apply for disability retirement you must forward all relevant personnel documents and medical records to CalPERS for any of the following circumstances:

- Disciplinary process underway prior to the member's separation from employment
- The member was terminated
- The member resigned in lieu of termination
- The member service retired in lieu of termination
- The member signed an agreement to waive his or her reinstatement right as part of a legal settlement (i.e., Employment Reinstatement Waiver)
- The member has been convicted of or is being investigated for a work-related felony

# Employer-Originated Application

## Overview

Government Code section 21153 obligates the employer to file on behalf of the member if you have reason to believe they may be disabled, and the member has not applied on their own behalf.

You cannot separate the employee without first filing on their behalf.

Upon receipt of an Employer-Originated Disability Retirement Application, CalPERS will then contact and follow up with the member for their option election, beneficiary designation, and spousal acknowledgment which is required to initiate the application process.

Prior to applying for disability retirement on a member's behalf, issues of modified work and reasonable accommodations should have been considered and exhausted.

Disability retirement is not a means of handling personnel issues.

**Note:** An Employer-Originated Disability Retirement Application does not meet the eligibility criteria for the employer to pay Advanced Disability Pension Payments (ADPP). The member must submit a member-originated disability retirement application on their own behalf to meet the eligibility requirement per Labor Code 4850.

## Who is Authorized to Apply

Government Code section 21152 states an Employer Originated application for a member who is an employee of a contracting agency can be submitted by the governing body, or an official designated by the governing body of the contracting agency.

Government Code section 21173 states the governing body of a contracting agency may delegate any authority or duty conferred or imposed under this article to a subordinate officer subject to conditions it may impose.

## Delegation of Authority

If the governing body (i.e., City Council, Board of Directors, etc.) of a contracting agency would like to designate a subordinate officer as its delegated authority, then the governing body must adopt a Delegation of Authority (DOA) resolution. The DOA resolution needs to clearly identify who is authorized to sign Employer-Originated Disability Retirement Applications (Government Code section 21152 (c) and determinations (Government Code section 21156) respectively.

Once the DOA resolution is adopted, only the authorized representatives' signature will be accepted during the authorized period. For example, a DOA cannot sign before the effective date of their position and/or after they have left the position. If there is an Interim or Acting DOA, the Interim or Acting DOA are only able to sign during the dates of their Interim or Acting service.

It is best to name a position title rather than a specific person because if the specific DOA leaves employment, the governing body will need to adopt a new DOA resolution, whereas, whomever works in the delegated position title will be authorized to sign. If the DOA has multiple position titles, the job title on the application and/or determination must match.

Sample DOA resolutions are available to view in the Appendix section of the [Public Agency & Schools Reference Guide](#).

## Requirements for an Employer-Originated Application

To begin the application process, the employer must submit the [Employer-Originated Disability Retirement Application](#).

It is very important for employers to be as thorough as possible when completing the application. If the application is incomplete, this will delay the process.

You are required to complete all sections in the disability retirement application.

Under **Application Type**, check the box indicating whether this is a disability retirement or industrial disability retirement application.

**Section 1** asks for information about the member.

**Section 2** asks for information about the member's spouse or registered domestic partner.

**Section 3** asks for information regarding the member's employment.

**Section 4** asks for information about the member's disability.

**Section 5** asks for information about any workers' compensation claims the member has filed.

**Section 6** must be completed and signed by the authorized employer representative.

## Employer-Originated Application Process

Once the employer's application is received, we will notify the member and send them an application. The member is given 21 days to submit the completed application and sections one and two of the Employer Information for Disability Retirement form.

If the member does not provide the requested information within 21 days, we will send them a follow-up request letter.

If the member does not reply to the follow-up request letter, the application will be canceled, and CalPERS will notify the member and the employer. Upon receipt of the cancellation notice, the employer has satisfied their requirements, under the law, by filing an application for disability retirement on behalf of the member.

See the [Flowchart: Employer Originated Application Process](#) for more information.

**Note:** If the member wishes to apply after a cancellation, they will need to submit a new application with all required documents. The member must respond within the required timeframes to avoid any delays.

## **Eligibility to Apply**

If the member completes and returns the application, CalPERS will determine the member's eligibility to apply for disability retirement.

**Do not begin the medical determination process until you receive CalPERS' notification that the member's application has been accepted.**

The employer will be notified by CalPERS that a determination must be made within six months of the notice unless the local safety member waives the requirements of this provision under Government Code section 21157. The member will also be notified by CalPERS that the employer will provide a determination of their disability to CalPERS within six months of the notice, unless these requirements are waived by the member.

An employer may not separate the employee until notification of an approval, denial, or cancellation is received from CalPERS.

# Advanced Disability Pension Payments (ADPP)

## Overview

Employers must make Advanced Disability Pension Payments (ADPP) to safety members who have qualified for benefits under Labor Code section 4850. It is the responsibility of the employer to determine a member's eligibility for ADPP.

Per Labor Code sections 4850, 4850.3 and 4850.4(d), a member is eligible to receive ADPP only if **ALL** of the following requirements are met by the member:

1. Qualifies for benefits under Section 4850;
2. Submits an application for industrial disability retirement;
3. Cooperates fully in providing the employer with medical information and in attending all statutorily required medical examinations and evaluations set by the employer; and
4. Cooperates fully with the evaluation process established by the retirement plan.

Members are not eligible to receive ADPP if they are receiving a service retirement allowance or applied for DR or service pending DR/IDR. This is because ADPP is an advancement of retirement monies, and the member is already receiving a retirement allowance if they are service retired.

In addition, an Employer-Originated Disability Retirement Application does not meet the criteria listed above. The member must submit a member-originated disability retirement application on their own behalf to meet the eligibility requirement.

## When to Begin Paying ADPP

If the member meets the above-mentioned eligibility criteria, then ADPP must be paid **prior** to the disability determination and payments must begin no later than 30 days from the date of the last payment of:

1. Salary or wages;
2. Benefits under Labor Code section 4850; or
3. Sick leave.

The 30-day period for the commencement of payments can be tolled by the period of time directly related to the employee's failure to comply.

For example, if the employee has exhausted their salary, 4850 benefits and sick leave but they have not applied for IDR with CalPERS, then the employee is not eligible for ADPP. In this scenario, the commencement of ADPP can begin within 30 days from CalPERS' notice that the employee has applied for IDR.

You must continue to pay ADPP until a determination is made.

## Computing ADPP

The payments shall be no less than 50% of the estimated highest average annual compensation earnable by the local safety member during the three consecutive years of employment immediately preceding the effective date of their disability retirement.

If CalPERS has notified you or you are aware of any community property claims, consider paying 25% so that there will not be a significant overpayment to the member.

## Employee's Responsibility

It is the employee's responsibility to file an application for industrial disability retirement as soon as they believe they are unable to perform their usual job duties because of an illness or injury that is of permanent or extended duration and expected to last at least 12 consecutive months or will result in death.

The employee must cooperate in providing the employer with medical information and attending the medical evaluations that are set up by the employer.

If the employee fails to cooperate, this could result in time delays that will have a direct impact on when ADPP will begin. Any time delay will extend the starting date beyond the employer's 30-day requirement.

## ADPP Repayment Process

If the industrial disability retirement application is approved, the employer may continue to pay ADPP until CalPERS notifies you that the member's industrial disability retirement payments will begin. CalPERS reimburses the employer the amount of ADPP that was paid to the member from the retroactive portion of the retirement allowance only if the employer reported the amount of ADPP paid in the determination. Otherwise, the agency and the member must arrange for repayment.

If the amount of ADPP exceeds the retroactive amount, the balance due to the employer will be reimbursed from the member's monthly retirement allowance at a rate of 10% until the reimbursement is satisfied (Government Code section 21419).

If the industrial disability retirement application is denied, the member is approved for a non-industrial disability retirement, or the member service retired, then the employee is responsible for reimbursing the employer the amount of ADPP received and any repayment plan is decided between the employer and employee. CalPERS is not a party in this matter.

## Injury Caused by a Third Party (Subrogation)

### Overview

Under Government Code section 20250, if someone other than the employer caused an injury that results in CalPERS' disability retirement benefits being paid, CalPERS has the right to recover up to one-half of the total retirement benefit costs from the responsible party. This is known as the "right of subrogation."

Subrogation exists when the member's injury is caused by a third party. For example, the member becomes disabled after being hit by a car. The driver of the car is the third party who caused the member's injury. If the member is injured by a third party, this should be indicated in Section 3 of the Disability Retirement Application.

If the member is at retirement formula age at the time we receive the application, CalPERS will not pursue subrogation.

### Inform CalPERS

The member must inform CalPERS if they pursue a claim against any person for the same injuries that also entitle them to a disability retirement, other than a workers' compensation claim or an uninsured motorist claim.

The member must inform CalPERS even if the claim has not yet resulted in a court action.

CalPERS has the right to participate in the claim by filing its own action against the responsible party, intervening in the member's claim, and filing a lien against any judgment the member may recover. If the member settles such a claim without notifying CalPERS, we may also be entitled to file a lawsuit against the member for recovery under our right of subrogation.

If we have knowledge of a possible third-party liability, we will notify the member prior to settlement of our right to subrogation. An Accident Report form will be sent to the member for completion.

# Haywood, Vandergoot, and Smith Cases

## Overview

Case law impacts a member's eligibility to apply for and qualify for disability retirement. The Haywood, Vandergoot, and Smith cases provide clarification regarding the member's eligibility for disability retirement.

**Haywood v. American River Fire Protection District (1998) 67 Cal.App.4th 1292, 79 Cal. Rptr.2d 749** holds that when an employee is terminated for cause and the discharge is not the ultimate result of a disabling medical condition, the termination renders the employee ineligible for disability retirement.

In the **Matter of the Application for Industrial Disability Retirement of Robert Vandergoot and California Dept. of Forestry and Fire Protection, Respondents, dated February 19, 2013** holds that when an employee resigns in lieu of termination and the employment relationship is severed as a result of the pending disciplinary action, then the resignation renders the employee ineligible for disability retirement.

**Smith v. City of Napa (2004) 120 Cal. App. 4th 194** holds that if a member's disability matured before the member was terminated or, under principles of equity, the claim was delayed through no fault of the terminated employee, then the member is eligible to apply for disability retirement.



# Corrections of Errors and Omissions

## Overview

There are times when the member will ask CalPERS to accept a DR/IDR application outside of the time requirements defined by law or request a retirement date outside the guidelines set by law. These may be considered mistakes or omissions made by the member, employer, or CalPERS. Under certain circumstances, a “correction of an error or omission” can be remedied.

## Criteria for Correction

To determine if a correctable mistake has been made, CalPERS will send a letter to the member and employer requesting information to determine if the member meets the criteria for correction under Government Code section 20160.

We look to see if the member made a request to correct the error or omission within a reasonable time frame (six months) after the discovery of the right to make the correction.

The error or omission must be the result of mistake, inadvertence, surprise, or excusable neglect.

## How the Employer Can Help

The employer can help minimize errors and omissions made by the member. If the employer is aware of medical conditions or workers’ compensation claim(s) at the time of an employee’s separation, they should counsel their employee and provide information on disability retirement.

The employer should discuss with the employee all their options, including disability retirement and provide the member with [\*\*\*A Guide to Completing your CalPERS Disability Retirement Election Application.\*\*\*](#)

It is important for the employer to document conversations and materials provided to the member and respond to CalPERS correspondence with documentation, so CalPERS can determine if the member made a correctable mistake.

**Do not start the determination process until CalPERS has determined the member is eligible to apply for disability retirement.**

# Local Safety Process

## Overview

Once you have received CalPERS' notice confirming that the member is eligible to apply for disability retirement, the governing body of the contracting agency may start the process of making a disability determination.

Government Code section 21156 states if the medical evidence shows to the local governing body that the member is substantially incapacitated then the board shall immediately retire them for disability.

The governing body must certify to CalPERS that the member is or is not incapacitated through a determination document.

The determination must meet CalPERS criteria for substantial incapacity and be based on a competent medical opinion from a physician who is treating the member's alleged condition, as well as medical records and other available information to support the medical opinion.

Government Code section 21156 (a)(2) states disability retirement shall not be used as a substitute for the disciplinary process.

## Understanding CalPERS' Criteria

Government Code section 20026 defines "disability" and "incapacity for the performance of duty" as a basis of retirement.

It is defined as disability of permanent or extended duration, which is expected to last at least 12 consecutive months or will result in death, as determined by the board, or in the case of a local safety member by the governing body of the contracting agency employing the member, on the basis of competent medical opinion.

## Continuous Disability Requirement

Government Code section 21154(d) states if the member does not apply for DR/IDR within four months after discontinuance of service, or while on an approved leave of absence, then continuous disability must be established.

To establish continuous disability the member must provide medical records of their physical or mental incapacity to perform the duties of their position from their last day of work to the present.

## Medical Qualifications for Disability Retirement

To qualify for a disability retirement, a CalPERS member must be currently substantially incapacitated for the performance of their usual duties.

The law distinguishes between a person who suffers some impairment and one who suffers impairment sufficient to become eligible for disability retirement. The courts have concluded that the test is whether

the member has a substantial inability to perform the usual duties of the position. Difficulty in performing certain tasks alone is not enough to support a finding of disability. It is the inability to perform the essential functions of the actual and present job duties that determines whether the member is substantially incapacitated for the performance of his or her job duties.

If the member cannot substantially perform the duties of the position, then they are disabled for CalPERS retirement purposes; otherwise, the member is not disabled.

**Note:** Usual duties are not exclusively determined by the official job description.

For example, if the employer has lighter duties available on a permanent basis, then the lighter duties should be used in evaluating disability.

### **Duration of Incapacity**

A disabling injury or illness that prevents an employee from performing their usual job duties with their current employer must be permanent or expected to last at least 12 consecutive months or result in death per Government Code section 20026.

**Note:** Workers' Compensation and CalPERS are two separate entities. The term "Permanent & Stationary" is used for workers' compensation treatment needs. This is not used to determine CalPERS disability retirement.

### **Work Restrictions**

Work restrictions must be specific. Difficulty in performing certain tasks alone is not enough to support a finding of disability. It is the inability to perform the essential functions of the actual and present job duties that determines whether the member is substantially incapacitated for the performance of their duties.

A general statement of "precluded" or "unable to perform the duties of the job" is not acceptable. The work restrictions must be specific to the position. For example, if a police officer had a right knee condition, then possible work restrictions could be that they cannot lift or push more than 45 pounds, no repetitive bending and cannot subdue inmates.

### **Prophylactic Restrictions Are Not a Basis for a Disability Retirement**

A CalPERS disability retirement must be based upon an actual and present (not prospective) inability to substantially perform the member's actual and usual job duties. If a disability is not currently present but just may occur in the future, the member is presently ineligible for a CalPERS disability retirement. Furthermore, prophylactic restrictions are not a basis for a disability retirement.

### **Rules of Presumption Do Not Apply**

The Workers' Compensation Appeals Board does not have the authority to grant CalPERS disability benefits to a member (Government Code section 21166). If the Workers' Compensation Appeals Board

awards industrial disability benefits to a member under the Labor Code, the judgment does not bind CalPERS, which is governed by a different body of law.

## **Independent Medical Examination (IME)**

To make a medical determination, the employer must review all medical, employer, and workers' compensation information. To resolve any conflicting information, an Independent Medical Examination (IME) may be necessary.

An IME can be used to resolve medical conflicts or provide clarifying information. It is also used when the medical evidence does not support the condition is disabling.

The local safety agency is responsible for scheduling the IME to assist them in making the medical determination. Medical reports, job descriptions, physical requirements and IME questions must be sent to the IME prior to the IME appointment for IME's review and comment on the IME report.

**Note:** CalPERS is not responsible for scheduling or paying for an IME and will not reimburse a member for travel expenses.

Sample IME questions are available on the [Disability Retirement Resources for Local Safety Agencies](#) webpage.

## **Requirements of IME Examiner**

If you use a third-party medical examiner for an IME, the examiner must be medically qualified to perform the exam, able to schedule examinations, provide written reports in a timely manner and remain neutral and objective.

# Local Safety Determination

## Overview

Once the employer makes a medical determination, the employer will inform CalPERS via a determination document, also known as a **resolution or a determination letter**. The outcome of the determination can be an approval or denial based on the medical information. If approved, CalPERS will pay the member disability retirement benefits.

If denied, the member is found to not be substantially incapacitated, the employer must provide appeal rights to the member. The local safety member may appeal the determination to their governing body.

If the member appeals, inform CalPERS of the outcome of the appeal. If the decision is upheld, then there will be no further action taken by CalPERS. If the decision is overturned, the employer will need to submit a revised determination with supporting documentation to CalPERS for us to pay the member disability retirement benefits.

## Determination by Governing Body of Contracting Agency

Under Government Code section 21157, the governing body of a contracting agency shall make a determination within six months of notice from CalPERS that an application has been filed.

If the determination is not received within six months, CalPERS will cancel the application. An exception to this six-month timeframe would be only if the member has waived this requirement in writing. The waiver should be submitted to CalPERS. The member can submit this request to CalPERS through their myCalPERS member self-service account or by letter. The time waiver request should include the member's full name, CalPERS ID, request to waive the six-month determination deadline and be signed and dated by the member.

The employer may help the member create a time waiver request letter for signature. If signed, submit a copy to CalPERS, and we will review and process it.

## Authority to Make the Disability Determination

Each contracting agency should adopt a formal resolution or ordinance outlining their disability determination procedure, incorporating the Administrative Procedures Act (APA) requirements.

The resolution must specify the body or officer of the agency responsible for making the disability determination, which can be issued as a "resolution" by the board, or a "letter of determination" signed by their delegated authority.

The resolution submitted to CalPERS must be signed by the governing body or its lawful delegate (i.e., City Manager, Chief Administrative Officer, County Executive).

If the responsibility is delegated, a certified copy of the delegation order should be on file with CalPERS or accompany the finding.

## Determination Document for Disability Retirement

An employer's approval determination document (resolution or determination letter) for disability retirement must include the member's full name, position title and **all** the following information:

1. A statement certifying that the determination was made based on competent medical opinion and the duration of disability fulfills one of the following: is permanent; or will last at least 12 consecutive months from the date of the application or the date of the competent medical opinion on disability, whichever is later; or will result in death.
2. A statement certifying the determination was not used as a substitute for the disciplinary process.
3. A finding indicating the member is substantially incapacitated from the performance of the usual duties of their position.
4. A statement confirming whether the member filed a workers' compensation claim(s) for his or her disabling condition(s). If so, a statement is required as to whether the claim(s) was accepted, denied, or pending.

**Note:** In order to approve a member for IDR, the workers' compensation claim must be accepted or there must be a Finding of Fact issued by the Workers' Compensation Appeals Board.

5. A finding by the employer as to whether the causation of the disability was industrial.
  - a. In case of a dispute about the causation of the disability, the employer must provide a copy of the Findings and Award by the Workers' Compensation Appeals Board (WCAB) resolving the question of industrial causation.
  - b. A member must have a minimum of five years of credited service to qualify for non-industrial disability retirement. If a member does not meet the minimum service requirements for disability retirement, the member may still qualify by electing to redeposit previously withdrawn contributions or service prior to membership with CalPERS. Generally, time during which the member is absent from state service by reason of injury or illness, which is determined within one-year after the end of such absence to be job-related, shall be considered as time spent in state service for the purpose of qualification for retirement and death benefits.
6. A statement by the employer documenting the member's last day on payroll. This date must reflect the last date of CalPERS reportable pay and must match the last reporting date in myCalPERS. The retirement effective date must be established in accordance with Government Code sections 21156, 21163, 21164 and 21252. Please refer to the "Selecting an Earned Period" section of the [Public Agency & Schools Reference Guide](#), which provides instructions on reporting a member's mid-period appointment or separation. If you have payroll reporting issues, please work with our Employer Account Management Division to resolve the issues to avoid any delay of the process.
7. A statement by the employer as to whether there is, or is not, a possibility of third-party liability present (i.e., whether the member's disability was caused by negligence or an intentional act of a party other than the employer).

8. A statement from the employer identifying the disabling condition(s) and body part(s) approved (e.g., orthopedic (right knee), psychological, cardiovascular, internal (kidney), neurological (leg)).  
**Note:** Medical documentation is required for each approved condition and body part. If the member alleges multiple conditions but you only have medical substantiation for one, then you should only approve the member for the one condition that meets CalPERS disability retirement criteria.
9. If Advance Disability Pension Payments (ADPP) have been or will be paid to the member, the employer must include the monthly amount and the beginning date. The employer must also provide the address to which the reimbursement check should be mailed. **It is the employer's responsibility to report to CalPERS the amount of ADPP paid to a member. If an employer fails to notify CalPERS of ADPP or if the member retires, the local agency and the employee shall arrange for repayment. CalPERS will not reimburse the employer in these situations.**

An employer's denial determination document (resolution or determination letter) for disability retirement must include the member's full name, position title and **all** the following information:

1. A statement certifying that the determination was made based on competent medical opinion.
2. A statement certifying the determination was not used as a substitute for the disciplinary process.
3. A finding indicating the member is not substantially incapacitated from the performance of the usual duties of their position.
4. A statement from the employer identifying the condition(s) and body part(s) (e.g., orthopedic (right knee), psychological, cardiovascular, internal (kidney), neurological (leg)) that were denied.

**Note:** All the member's allegations in the Disability Retirement Election Application should be addressed before denying their application.

Sample resolutions are available to view in the Appendix section of the [Public Agency & Schools Reference Guide](#).

All documentation submitted by an employer must be signed by the governing body or its lawful delegate (i.e., City Manager, Chief Administrative Officer, County Executive, or other comparable individual).

If the governing body delegates the responsibility of making a disability determination, a certified copy of the approved and signed delegation order must accompany the delegate's finding by such delegate in every instance.

Along with an approval determination, the employer must submit a complete determination packet, including the following documents:

- [Physician's Report on Disability \(Local Safety\)](#)
- All medical reports used in making the medical determination
- [Workers' Compensation Carrier Request \(Local Safety\)](#) (if applicable)
- [Physical Requirements of Position/Occupational Title \(Local Safety\)](#)

- Job duty statement

Employers must provide all required documentation to avoid delays in benefit payments. Until CalPERS has received all required documentation and information, the disability determination cannot be processed, and the member will not receive disability retirement benefits.

**Note:** For denial determinations, only a resolution or determination letter is needed.

### **Physician's Report on Disability (Local Safety)**

The member's treating physician for the alleged condition completes the Physician's Report on Disability (Local Safety). All sections of the form must be completed. If the member alleges multiple conditions, a separate Physician's Report on Disability (Local Safety) must be filled out per condition. For example, if a member is alleging psychological and orthopedic (back) conditions, there should be a Physician's Report on Disability (Local Safety) completed for each of these conditions. The employer must obtain and review this form prior to making a medical determination to ensure the member meets CalPERS disability retirement criteria.

**Note:** If the member has attended an Independent Medical Examination (IME), the IME report may be submitted in lieu of the Physician's Report on Disability (Local Safety) so long as it includes all the required medical information to meet CalPERS disability retirement criteria.

### **Medical Substantiation**

There must be documented medical evidence for all the member's alleged condition(s) from their last day on pay to the present. Provide the medical reports used to support the medical determination.

### **Workers' Compensation Carrier Request (Local Safety)**

Once the member is found to be substantially incapacitated for the performance of their usual and customary duties, consider the causation. Has liability been accepted by workers' compensation (WC) for the alleged injury? The Workers' Compensation Carrier Request (Local Safety) form must be completed by the WC adjuster. The adjuster will notate if the claim has been accepted or not.

If accepted, the member can be approved for an industrial disability retirement.

If denied or pending, the member can be approved for a non-industrial disability retirement (if they meet the minimum service requirements) pending industrial causation. In matters of dispute, Government Code section 21166 gives the Workers' Compensation Appeals Board the authority to decide industrial causation.

**Note:** A WC award does not automatically entitle a member to an IDR benefit. CalPERS will consider eligibility for IDR independent of the Workers' Compensation Appeals Board rulings. Medical evidence is required to show that the member meets CalPERS definition of disability.



## **Physical Requirements of Position/Occupational Title (Local Safety)**

This form provides the employer with information on the physical requirements of the member's position or occupational title. This form is completed jointly by you and your employee unless the employee is physically unable to do so. This form should be provided to the treating physician along with the job description. These documents will help the physician to provide a medical opinion about the member's ability to perform their usual job duties.

## **Job Duty Statement**

The job duty statement or job description must reflect the member's last permanent position, and it must include the position title and describe the actual job duties in detail. Job specifications or generic descriptions of a position are not sufficient. This form should be provided to the physician along with the Physical Requirements of Position/Occupational Title (Local Safety) form. These documents will help the physician to provide a medical opinion about the member's ability to perform their usual job duties.

## **Retirement Effective Date**

Once CalPERS has the complete determination packet, we will review and process it in the order it was received. Upon registering the employer's approval determination, the case is forwarded for the calculation of the retirement benefit. The member's last date on pay will be reviewed in conjunction with the below Government Code sections to determine the member's retirement effective date:

- Government Code section 21163 allows the member to exhaust their sick leave or compensating time off.
- Government Code section 21164 allows the member to exhaust their 4850 time unless, there is a Permanent & Stationary report.

In addition, the member cannot continue to work in any capacity including modified duties once a determination is made.

# Reevaluations

## Overview

Under Government Code section 21192, the governing body of the employer has the authority to reevaluate a disability retiree under the minimum service retirement age to ensure they continue to be substantially incapacitated from the position which they disability retired from and eligible to receive disability benefits.

If it is determined the retiree is no longer disabled, they may be reinstated to employment, unless the retiree has signed a reinstatement waiver.

Under Government Code section 21175, if the disability retiree refuses to submit to a medical examination, the pension portion of their allowance may be discontinued until their withdrawal of refusal. If the refusal continues for one year, the disability retirement allowance may be canceled.

## Reevaluation Process

In order to conduct a reevaluation, the process should include, but is not limited to, gathering the following information:

1. Is the retiree currently employed?
  - a. What type of work is the retiree doing? Is the retiree working within their work restrictions?
  - b. Obtain a job duty statement and physical requirements of the job for comparison.
2. Is the retiree currently being treated for their disability?
  - a. If yes, obtain a list of their treating physician(s) and contact information, and request their medical records since retirement.
  - b. If no, or the medical records received from the treating physician do not substantiate a continuous disability, the retiree should be evaluated by an Independent Medical Examiner.
3. If indicated, consider surveillance.

Failure to cooperate with any stage of the reevaluation process will be considered a refusal to submit to a medical examination under Government Code section 21175. **The agency should inform CalPERS to take appropriate actions if a retiree is uncooperative with the process.**

In accordance with Government Code sections 20128, 20221, and 21192, the agency is requested to submit their determination on the reevaluation or action requested for uncooperative retirees (discontinue the pension portions if refusal is less than a year; cancel the full allowance if refusal continues for one year) to CalPERS in the form of a resolution or determination letter.

# Local Safety Appeals

## Overview

Local safety members who wish to appeal their medical determination must submit their appeal in writing to the governing body of the contracting agency within 30 days of notice of the determination.

Any additional evidence should be provided with the appeal for consideration by the governing body. The agency is required to comply with the Administrative Procedures Act (APA) in the disability retirement process (Government Code section 21156(b)(2)).

If there is a change in the decision, the local safety agency must submit a new resolution for determination to CalPERS. CalPERS will then notify the appropriate parties and the member will be paid retirement benefits.

If there is no change in the decision, the local safety agency must inform CalPERS and no additional actions will be taken by CalPERS.

# Disability Retirement Fraud

## Overview

CalPERS is responsible for ensuring no fraudulent applications are processed for disability retirement benefits.

To prevent fraud, CalPERS has a Disability Validation Team and a fraud tip line.

If you need to report possible disability fraud, we have a tip line. You can call (**888-330-5770**) and follow the prompts.

If CalPERS receives any information on a Local Safety employee/retiree from our fraud tip line, we will refer the information to the employer to investigate.

# Employer After Disability Retirement

## Overview

Disability retirees may receive their disability retirement allowance and work at the same time if they meet specific criteria under the law. Both the disability retiree and employer share equal responsibility to ensure the employment complies with the retirement law when hired and during the entire course of the employment.

For more information, refer to our [CalPERS Public Agency & Schools Reference Guide](#) and [A Guide to CalPERS Employment After Retirement](#) publication.

## Screen for Retirees When Hiring

When interviewing potential employees, the employer should ensure they lawfully hire CalPERS retirees with the following actions:

- Ask if the candidate is a CalPERS retiree and if so, have them specify the type of retirement: service, disability, or industrial disability.
- If the candidate is a CalPERS service retiree and the position is not a retired annuitant position, inform the candidate that reinstatement from retirement (i.e., termination of the CalPERS retirement and enrollment as an active employee) is required to be hired into the position.
- If the candidate is a CalPERS disability/industrial disability retiree and the position is a retired annuitant position, ensure the position is not the same position from which they retired on disability. The position should not include duties or activities the candidate was previously restricted from performing at the time of their retirement.
- If the candidate is a CalPERS disability/industrial disability retiree and the position is a permanent position or a regular staff position (part or full-time, intermittent, hourly, seasonal, on call, exempt from civil service, exempt from membership, etc.), inform the candidate to obtain CalPERS written pre-approval before starting the employment.

## Retired Annuitant Employment

Disability retirees may be employed in a retired annuitant position with a CalPERS- covered employer without reinstatement from disability retirement.

A retired annuitant is a CalPERS retiree who works as an at-will employee of a CalPERS employer with certain restrictions to avoid jeopardizing their retirement allowance (pension payments). A retired annuitant does not accrue service credit or acquire any additional retirement benefits from the employment.

The retired annuitant position must not be the position from which the retiree retired. The position should not include duties or activities the retiree was previously restricted from performing at the time of their disability retirement per Government Code section 21233.

CalPERS-covered employers are required to report all retired annuitant appointments, earnings, and hours to CalPERS.

There are two types of retired annuitant employment: **Extra Help Positions** and **Interim Vacant Positions**.

### Extra Help Positions

The retired annuitant employment restrictions for extra help positions are authorized by Government Code sections 7522.56, 21224, 21227, and 21229. The retiree must meet the following restrictions:

1. **Limited duration work** – The retiree has the skills needed to perform work of limited duration or your employment is needed during an emergency to prevent stoppage of public business
2. **Compensation** – The hourly pay rate the retiree receives cannot be less than the minimum or exceed the maximum paid to other employees performing comparable duties
3. **960-hour limit** – The hours the retiree works cannot exceed 960 hours in a fiscal year with all CalPERS employers combined
4. **Unemployment insurance payments** – The retiree cannot be appointed as a retired annuitant if they received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to their appointment date

### Interim Vacant Positions

To be appointed to an interim position by the governing body of an employer, as authorized by Government Code sections 7522.56 and 21221(h), the retiree must meet all the requirements for an extra help position, as well as:

1. **Active recruitment** – Before the retiree is hired, the employer must have in place an active recruitment for a permanent replacement for the vacant position
2. **Limited duration work** – The retiree can be hired only as an interim or acting appointment during the period of recruitment; they cannot work in a permanent capacity or for an indefinite period of time
3. **Single appointment** – The retiree can be appointed only once to the vacant position
4. **Compensation** – The retiree's hourly pay rate cannot be less than the minimum or exceed the maximum for the vacant position

### Eligibility Requirements for Retired Annuitants

In addition to the requirements for an Extra Help or Interim Vacant position, all retirees must meet both of the following two requirements:

1. Bona fide separation in service requirement

## 2. 180-day wait period requirement

The retiree cannot be employed as a retired annuitant if they are younger than the “normal retirement age” on their retirement date, unless there was no verbal or written agreement to return to work as a retired annuitant between the retiree and any CalPERS employer before they retired and there is a termination of employment (separation in service) for 60 days between their retirement date and the date their limited duration employment as a retired annuitant will begin.

There must be a 180-day break from employment before returning to work as a retired annuitant. The 180-day wait period begins on the retiree’s retirement date. However, the 180-day waiting period may be waived for the following:

1. To fill a critically needed position sooner than 180 days
2. Retiree will participate in the California State University’s Faculty Early Retirement Program (FERP)
3. Retiree is a CalSTRS retiree who is subject to sections 24212, 24214.5, or 26812 of the Education Code. For more information, contact CalSTRS.

## Key Points for Retired Annuitant Employment

- CalPERS approval is not required for a Retired Annuitant position.
- Retiree is not brought back into CalPERS active service, retirement contributions are not being made, and service credit is not being earned.
- An earnings limit does not apply, and payroll is reported to CalPERS.
- The position must be a temporary or limited term position.
- The appointment is limited to 960 hours per fiscal year. If the 960 hours limit is exceeded, this is considered unlawful employment, and the retiree is subject to reinstatement from retirement into the position in which the unlawful employment occurred.
- Retiree must have State Employer Civil Service Eligibility for employment with a state agency employer.
- Retiree cannot receive unemployment benefits for the 12 months preceding their appointment date. Disability retirees cannot be employed in the same position from which they retired nor in a position which includes duties or activities they were restricted from performing at the time of their disability retirement.

## Permanent Full-time or Permanent Part-time Employment

Disability retirees may be employed in a permanent position with a CalPERS-covered employer without reinstatement from disability retirement under Government Code section 21232.

The permanent full-time or permanent part-time position must be significantly different from the position from which the retiree retired. The position should not include duties or activities the retiree was previously restricted from performing at the time of their disability retirement and may not be in the same member classification.

## Eligibility Requirements for Permanent Positions

To be eligible for employment, the retiree must meet the following requirements:

1. 60-day bona fide separation between their retirement date and the date their employment will begin, if the retiree is under the normal retirement age
2. 180-day wait period from their retirement date or an allowable exception
3. No receipt of unemployment insurance payments for previous retired annuitant employment for 12 months before the appointment
4. State Employer Civil Service Eligibility for employment with a state agency employer

## Applying to Work Under Government Code Section 21232

The retiree must have CalPERS' written approval before beginning employment.

The retiree is required to submit the following required documents to CalPERS:

- ***Request to Work While Receiving Disability / Industrial Disability Retirement Benefits***
- ***Physical Requirements of the Position/Occupational Title***
- Position duty statement
- Current medical report(s)
  - The retiree must schedule an appointment with a specialist for the disabling condition(s) that precluded them from working and provide CalPERS a current medical report from that specialist. If they had more than one disabling condition at the time of retirement, they must provide a medical report from each medical specialist. The specialist must include the following information in their report:
    - Retiree's name and the date of the most recent examination
    - Confirmation that the specialist reviewed and discussed the position duty statement (by title) and the Physical Requirements of Position/Occupational Title form
    - Whether the retiree has any limitations or restrictions to perform all tasks involved
    - Specific details explaining the restrictions, if any
    - Specialist's signature, printed name, medical specialty, and contact information
- Additional documents (for Local Safety Retirees)
  - The retiree must submit the medical documentation used at the time of their retirement which includes the restrictions placed on them. They must also submit a position duty statement describing the position they held when they became disabled.

## Key Points for Working Under Government Code Section 21232

- Retiree is not brought back into active membership, no member or employer contributions are made, and no service credit is earned.
- Retiree is subject to an earnings limit and payroll is reported to CalPERS.



- Retiree must obtain written pre-approval from CalPERS. Without prior approval, the retiree is subject to reinstatement into the position they were illegally hired in, and their retirement allowance will stop.
- This is not an employment option for Service Retirees.

## **Termination of Retirement Due to Unlawful Employment**

Employers and retirees have equal responsibility to ensure any post-retirement employment is lawful. CalPERS service retirees can be lawfully employed in retired annuitant compliant positions. CalPERS disability retirees can be lawfully employed in retired annuitant compliant positions or, upon CalPERS' written pre-approval, be employed in permanent positions with certain restrictions.

Employment that violates any of the retired annuitant requirements or the Government Code section 21232 requirements for disability/industrial disability retirees is unlawful employment. Unlawful employment may result in reinstatement from retirement for the retiree (i.e., termination of the retiree's monthly retirement allowance and any other post-retirement benefit).

When reinstated for unlawful employment, the retiree is required to reimburse CalPERS for the retirement allowance received during the period of unlawful employment. Upon enrollment into active membership, the employee will pay member contributions plus interest to the employer for the period of unlawful employment. The employer will pay retroactive employer contributions plus interest and submit the member contributions thereby crediting the employee with service credit for the period of unlawful employment.

# Reinstatement from Disability Retirement

## Overview

Reinstatement from disability retirement means coming out of retirement to work for a CalPERS employer as a permanent employee into active service.

Voluntary reinstatement is the retiree's choice. Mandatory reinstatement can happen when the retiree violates the rules for working after retirement.

Local safety members have permissive, not mandatory, reinstatement rights to their former position. Permissive reinstatement means the employer can decide whether to rehire their former employee.

For more information, refer to our [CalPERS Reinstatement from Retirement](#) publication.

## Required Forms and Documents

For CalPERS to begin the reinstatement process, the retiree must submit the following forms and documents:

- [Reinstatement from Disability/Industrial Disability Retirement Application](#)
- [Authorization to Disclose Protected Health Information](#)
- [Physical Requirements of Position/Occupational Title](#)
- Position Duty Statement
- Medical Clearance Report
- Additional Documents

## Reinstatement from Disability/Industrial Disability Retirement Application

If the retiree wants to reinstate to any safety position (public agency or state), they must complete this form and submit it to their former employer. They determine whether the retiree is eligible to return to work and must inform CalPERS whether the reinstatement was approved.

If the retiree wants to reinstate to a miscellaneous position with a CalPERS-covered employer, they need to submit this form to CalPERS. CalPERS will process the reinstatement application and determine the retiree's eligibility for reinstatement.

They need to complete **Sections 1-2**. The employer completes **Section 3**.

The retiree may request a specific reinstatement date, but the effective date of employment cannot be prior to the date of CalPERS' approval.

## Medical Clearance Report

If the retiree wants to reinstate to a miscellaneous position with a CalPERS-covered employer, they must obtain a current medical report from their specialist and submit it to CalPERS.

If they had more than one disabling condition at the time of retirement, they must provide a medical report from each medical specialist. For example, if the member's disabling condition was orthopedic, the specialist's report should be completed by an orthopedist; a heart condition would require a report from a cardiologist; and a psychological condition would require a report from a psychiatrist or psychologist.

The specialist(s) must include in the medical report the following information:

- Retiree's name and the date of the most recent examination
- Retiree's current diagnosis
- Confirmation that the specialist reviewed and discussed the position duty statement(s) (by title) and the ***Physical Requirements of Position/Occupational Title*** form(s)
- A statement as to whether the retiree is presently capable of performing all tasks involved in their new position with or without restrictions or limitations
- If there are restrictions or limitations, include specific details about the restrictions for the new position
- The specialist's signature, printed name, medical specialty, and contact information
- Additional documents
  - If the retiree wants to return to work in a miscellaneous position with a CalPERS-covered employer, they must also submit a position duty statement describing the position they held when they became disabled, and the medical documentation used at the time of their retirement which includes the restrictions placed on them.

## Reinstatement Process

The reinstatement process can take three to six months depending on how complete the reinstatement application packet is and whether the retiree will be sent to an Independent Medical Examination (IME).

CalPERS may need to order an IME, if the treating doctor's report is inconclusive or there is a conflict between the workers' compensation records and the treating doctor's report.

If the retiree is found no longer disabled, then we will approve the request for reinstatement. The employer then provides CalPERS with a return-to-work date.

If the retiree is found still disabled, then we will continue to pay them retirement benefits and both the member and employer will be notified of the decision.

## Industrial Disability to Miscellaneous Position

Government Code section 21197 provides an industrial disability retiree the right to reinstate into a miscellaneous position and then re-retire on an industrial disability with no additional medical documentation.

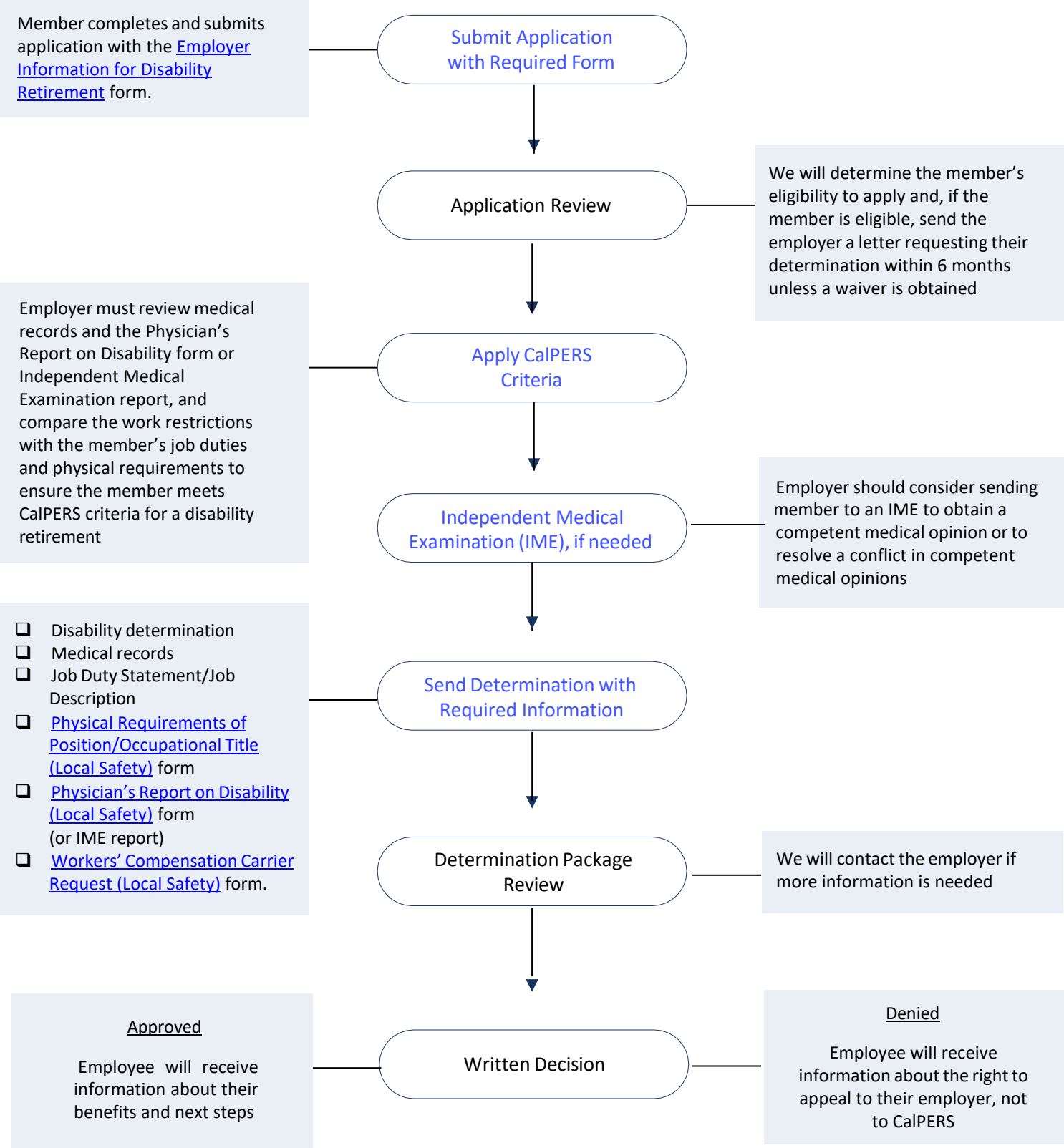
When the member retires again, we will take into consideration their membership type (classic or PEPRA), additional earned service credit, contributions made to CalPERS, and salaries when calculating their future industrial disability retirement.

If the retiree is requesting reinstatement from an industrial disability retirement into a miscellaneous position under Government Code section 21197, they must submit the forms and documents as stated in the Required Forms and Documents section above.

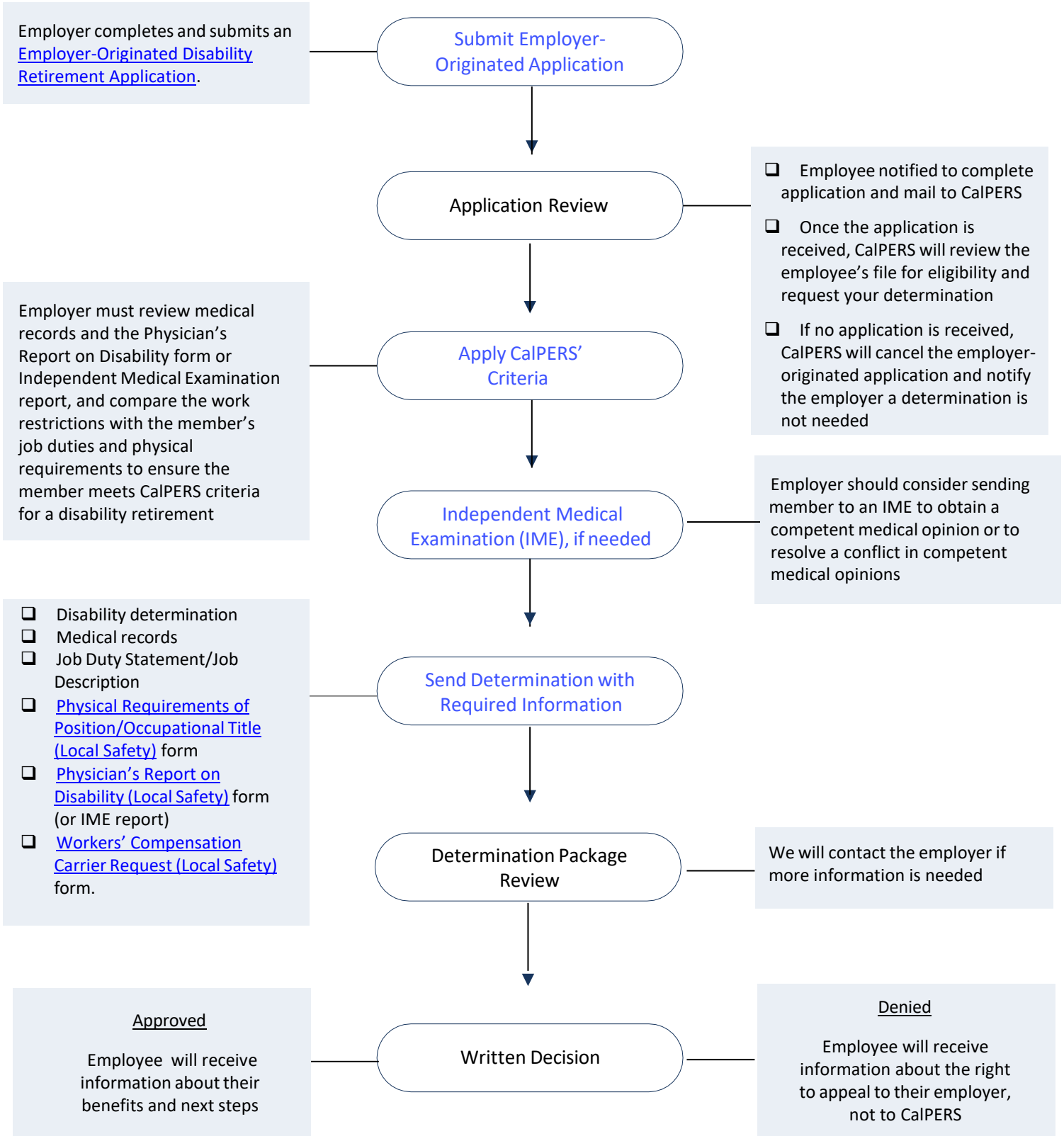
### **Key Points for Reinstatement from Disability Retirement**

- Retiree must have approval from CalPERS before returning to active employment.
- Local safety retirees who want to return to any safety position (public agency or state) must submit their reinstatement application to their former employer.
- Local safety retirees who want to return to work in a miscellaneous position with a CalPERS-covered employer, must submit their reinstatement application to CalPERS.
- Upon approval, the retiree will receive regular paychecks, earn service credit, and make contributions to CalPERS. Their retirement checks stop until they decide to retire again.

# CalPERS Local Safety Member Originated Application Process



## CalPERS Local Safety Employer Originated Disability Retirement Application



## Contact and Resource Information

To ensure inquiries and documents are securely submitted and responded to timely, please contact us using one of the following secure methods:

### Find Us Online – [my.calpers.ca.gov](https://my.calpers.ca.gov)

Log in to access your account information or send us a secure message. For more info, refer to page 30 of the [Introduction to myCalPERS for Business Partners](#) guide. Request a secure message link through your [myCalPERS](#) account to upload documents.

### Call Us

Our offices are open Monday through Friday, 8:00 a.m. to 5:00 p.m. We're closed on state holidays.

Toll free: **888 CalPERS** (or **888-225-7377**)

TTY: (877) 249-7442

Fax: (800) 959-6545

International Calls: +1 916-795-3000

### By Mail

California Public Employees' Retirement System (CalPERS)

Disability & Survivor Benefits Division

P.O. Box 2796

Sacramento, CA 95812

## Resources

[CalPERS Public Agency & Schools Reference Guide \(PDF\)](#)

[A Guide to Completing Your CalPERS Disability Retirement Election Application \(PDF\)](#)

[A Guide to CalPERS Employment After Retirement \(PDF\)](#)

Disclaimer: CalPERS is governed by the Public Employees' Retirement Law (PERL). The statements in this document are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this document, any decisions will be based on the law and not this document.

**Local Safety Disability Retirement Resource Guide**

June 2024

