

Disability Retirement Fact Sheet

What is Disability Retirement?



As a member of Orange County Employees Retirement System (OCERS), you may be eligible for a disability retirement, if you have an illness or injury that permanently prevents you from performing the usual and customary duties of your job. There are two types of disability retirement: Service Connected and Non-Service Connected.

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SERVICE CONNECTED DISABILITY RETIREMENT

If your employment caused, or contributed to, your illness or injury, you may be eligible for a service connected disability retirement benefit.

Your age and length of service are not factors in determining your eligibility.

If your service connected disability retirement application is approved, you will receive 50 percent of your final average salary or your service retirement allowance, whichever is greater.

With a service connected disability retirement, 50 percent of your final average salary is excluded from taxable retirement income.

NON-SERVICE CONNECTED DISABILITY RETIREMENT

If your illness or injury is not related to your employment, and you have at least five years of service credit (including reciprocal retirement system service credit), you may be eligible for a non-service connected disability retirement benefit.

If your non-service connected disability retirement application is approved, your benefit amount is based on your age and years of OCERS service credit. The benefit for non-service connected disability is based on a formula not to exceed one-third of your highest final average salary, or the amount of your service retirement benefit, whichever is greater. Nonservice-connected disability retirement benefits are 100 percent taxable.

Note: *Even if you have been found eligible for Workers' Compensation benefits, you must go through OCERS' disability retirement process. OCERS will review any relevant evidence, but is not bound by a Workers' Compensation determination.*

Note: *You are not eligible for a disability retirement if you have withdrawn your retirement contributions.*

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When to Apply

When you have medical evidence that shows you are no longer able to perform your usual and customary job duties, contact OCERS to speak with someone about disability retirement. An OCERS disability investigator will go over the application process and explain the medical evidence that you will be required to submit with your application. Application packets can be picked up in OCERS' office or mailed directly to you.

The application packet consists of the Application for Disability Retirement, an Employee's Statement of Disability, an Authorization for Disclosure, and a Physician's Statement of Disability. These forms must be completed for an application to be processed. Incomplete, inaccurate and/or unsubstantiated applications (e.g. The box indicating permanent incapacity on your Physician's Statement is checked NO) will not be accepted by OCERS and will be returned to you for correction.

You may apply for disability retirement while you are still employed, or within four months of separating from employment. You may also apply at any time after you have separated from employment provided you have medical evidence that shows your condition has, since the date of separation, continuously made you unable to perform your regular job duties.

How the Application Process Works

Once you submit your completed application packet, OCERS will retrieve additional documentation on your behalf.

OCERS will schedule you for an independent medical examination.

The OCERS Disability Committee will review your information and submit a recommendation to the Board of Retirement (Board) to grant or deny your application.

It typically takes six to 12 months from the time you submit a completed application and required documentation for the Board to make a decision on your disability application. If a hearing is required, it may take longer. Attorney representation is not required, but you may have an attorney represent you, at your expense, if you choose. OCERS staff is able to assist you through the application process, but they are unable to provide legal advice.

Once approved, your first disability retirement benefit will be paid within approximately four to six weeks of the Board's decision.

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NON-OCERS COVERED EMPLOYMENT

As a disabled member under age 55, you may obtain full or part-time employment in another occupation with an employer that does not participate in OCERS. You will still receive your disability retirement allowance, as long as the duties performed comply with the work restrictions applied by OCERS. After the age of 55, you may obtain full or part-time employment in another occupation with an employer that does not participate in OCERS and still receive your disability retirement allowance regardless of the duties performed because the disability retirement allowance is considered a permanent lifetime benefit after age 55.

Additional information on disabled members who return to work and the supplemental disability allowance can be found on OCERS' website.

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Survivor Benefits after Disability Retirement

When you retire, you will choose from several benefit options that will determine whether your survivor will receive a continuing monthly benefit. The Unmodified benefit option provides you the greatest monthly benefit for your lifetime and a continuing benefit for your eligible spouse or registered domestic partner. If you receive a service-connected disability retirement, the Unmodified benefit option provides your spouse or registered domestic partner a 100 percent continuance for their lifetime, **provided you were married/registered before your retirement date**. If you choose the Unmodified benefit option when you retire on a Non-service connected disability retirement, your eligible spouse or eligible registered domestic partner will receive 60 percent of your monthly allowance upon your death. More information about other options can be found on OCERS website.

If you do not have an eligible spouse or eligible domestic partner at the time of your death, your monthly allowance will be payable to your eligible child(ren).

A child is considered eligible if unmarried, under the age of 18, or an unmarried full-time student under the age of 22.

If you do not have an eligible spouse, eligible domestic partner or eligible child(ren) at the time of your death, your designated beneficiary will receive a refund of your remaining member contributions, if any.

Note:

This fact sheet is intended to provide you with information as simply and accurately as possible. The law governing disability retirement is complex. If a conflict arises between applicable law and any statement in this fact sheet, the law will govern.