



San Bernardino County Employees'  
Retirement Association


# Proposed Changes to the Disability Retirement Procedures

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# Rule 1 – Definitions

- Added Terms
    - Amended Application
    - Claimed Injury or Disease
    - Non-service Connected Disability Retirement
    - Service Connected Disability Retirement
    - Job Description
    - Participating Employers
    - Discontinuation of Service
    - Regular compensation
  - Placed terms in alphabetical order.
  - Capitalized defined terms throughout the document.
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# Rule 1 – Definitions

“Definitions” to reference words that are not specifically defined in the procedures shall be defined in accordance with the definition as listed in: (a) Government Code sections in the CERL adopted by SBCERA; (b) PEPRA; (c) SBCERA Amended By-Laws; (d) similar statutes; and/or (e) SBCERA Board Policies.

If the definition is not provided in any of the above-mentioned resources, the definition shall default to the definition as listed in the Meriam-Webster Dictionary in effect at the time of the required interpretation of the definition.




## Rule 4(a)(2) – Physician's Report


- Added the following qualified physicians to the list of persons authorized to complete a Physician's Report rendering an assessment of an Applicant's alleged incapacity:
    - Doctor of Podiatric Medicine (DPM)
    - Dentist
      - Doctor of Dental Surgery or
      - Doctor of Medicine in Dentistry
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## Rule 4(b) – Independent Medical Examinations


When an Applicant requests to submit additional records and SBCERA has scheduled an IME appointment, the proposed change requires an Applicant to submit the additional records 5 days prior to a scheduled IME appointment.



## Rule 5(d) – Amending An Application

- If an Applicant seeks to amend his Application, the amendment must be submitted within 60 days after acceptance of the original Application.
  - Staff may reject an Amended Application if it is incomplete and untimely.
  - An Applicant may appeal staff's rejection of an Amended Application.
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## Rule 13B – Formal Hearing Amending an Application.

- The existing Rule requires the suspension of a formal hearing when an Applicant alleges a new claimed injury or disease and “treats” the new allegation as an amendment to the Application.
  - The proposed change requires the Applicant to complete an amendment form and submit a Physician’s Report supporting the alleged claimed injury or disease.
  - Requires the amendment to be filed within 60 days of suspension of the formal hearing.
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## Rule 8 – Consultation

## Rule 15 – Formal Hearing

- Allows for the use of videoconference for a disability retirement consultation and formal hearing.






## Rule 11 (e) – Formal Hearing-Court Reporter


- Formalizes the practice of SBCERA bearing the cost of transcription.



# Rule 11A – Expedited Review

- Expands a hearing officer's jurisdiction over an assigned matter from 90 days to 120 days.
  - Allows for the hearing officer to submit a request for continuance of not more than 30 days for the submission of her recommendation.
  - “Unusually Good Cause” is established if the documents did not exist prior to the deadline for submission or the Applicant, through no fault of his or her own, could not obtain the documents prior to the deadline for submission despite evidence of repeated good faith attempts to obtain the documents.
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# Rule 30 – Action by the Board

- Removes the requirement of placing items on the consent calendar.
  - Removes the conditions of requiring an Applicant to submit objections and request in writing to present to the Board for an Applicant's case to be placed in Closed Session.
  - In all cases, where the hearing officer's recommendation does not support the requested benefit, the case will be heard in closed session.
  - The proposed change also outlines the time limits to present to the Board.
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## Rule 34 – Service of Documents

- Formalizes the process of accepting service of documents by electronic service.



# Non-Substantive Edits

- There are minor non-substantive edits to help with the readability of the Procedures.

