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Updates: PERS Revised Disability Retirement & Reevaluation Required Documents for Local Safety

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The Industrial Disability Retirement (IDR) process is complicated for safety members. To qualify for an IDR under Cal-PERS, a member must show through a medical evaluation and report: (1) the member is permanently and substantially incapacitated from duty, and (2) that the disability has lasted, or is expected to last, more than twelve months. Most often, the medical evidence from a safety members Workers' Compensation case is relied upon to determine eligibility for the IDR, and PERS will pay close attention to the details that support the IDR application.

In order to complete the process properly, it is critical to understand the connection between the successive stages of the Workers' Compensation claim through the Interactive Meeting ("IPM") and eventually to the IDR Application. The quality of the medical opinion cannot be understated. The safety member must have the proper medical evidence so the local agency can grant the IDR application. Obtaining that medical opinion and meeting the appropriate legal standard can be difficult. Hopefully, your local agency understands what is necessary.

However, on March 15, 2023, Cal-PERS added additional requirements before Cal-PERS will accept a local agency's determination. In a revised Circular Letter, Cal-PERS notified all local agencies that eligibility for the IDR now requires the following documents to be completed with the standard Application. Incomplete or insufficient information on these forms will delay processing of the member's application.

- [Physical Requirements of Position/Occupational Title \(Local Safety\) \(PDF\) form \(New\)](#)
- [Physician's Report on Disability \(Local Safety\) \(PDF\) form \(New\)](#)
- [Workers' Compensation Carrier Request \(Local Safety\) \(PDF\) form \(if applicable\) \(New\)](#)

What are the new issues and forms facing safety members in the IDR lane? First, PERS requires the medical evidence to support the IDR from a comprehensive medical report, which can be from a treating physician, QME, AME or IME from the work comp case. Now, however, in addition to the standard report one of those physicians may issue, PERS requires that physician to also complete the form- Physician's Report on Disability. To ensure that the med expert will do it, the form will need to be included into the Joint letter-medical addendum packet explaining that the parties need this form completed. As this is a form coming from outside the workers' compensation case, it is easy to predict reluctance and/or misunderstanding of the physician being requested

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to fill out this form. This will likely create unnecessary delays if the med expert is not properly educated on the form.

The additional forms--Physical Requirements and Workers Comp Carrier Request--must also be completed by the local agency and the work comp carrier, which will likely require the member to push to get the forms completed. If the forms are not completed, the IDR will likely be delayed. Unfortunately, it appears that local agencies and insurance companies are slow to understand these new requirements. Awareness on behalf of the member is key to ensuring that the IDR Application will not be unnecessarily delayed because the proper fill forms will not filled out.

What is the impact if the forms are not completed? There are several potential issues that may arise if the IDR application has been stalled. First, what financial benefits are the safety members currently receiving? Typically--at the IDR stage, the member has exhausted 4850 and is either burning accrued sick leave or being paid Long Term Disability (LTD) through CLEA or CAPF. Local safety members are also entitled to Advanced Disability Pension Payments ("ADPP'S") upon the exhaustion of 4850 and sick leave, pursuant to Labor Code sections 4850.3 and 4850.4. Any delay in the PERS process because of the new forms will extend the timeline for the safety members to burn their own time or extending the LTD benefits. The safety member will need to be vigilant in securing the PERS forms, since a failure to fill out the forms could form the basis for denying the IDR Application. It is critically important to make sure the safety members connect with an expert in workers comp and PERS-IDR to make sure their case is on track and their benefits are secure. Otherwise, the member is at risk of having to pay back any ADPP's they received due to a denial of the application.

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