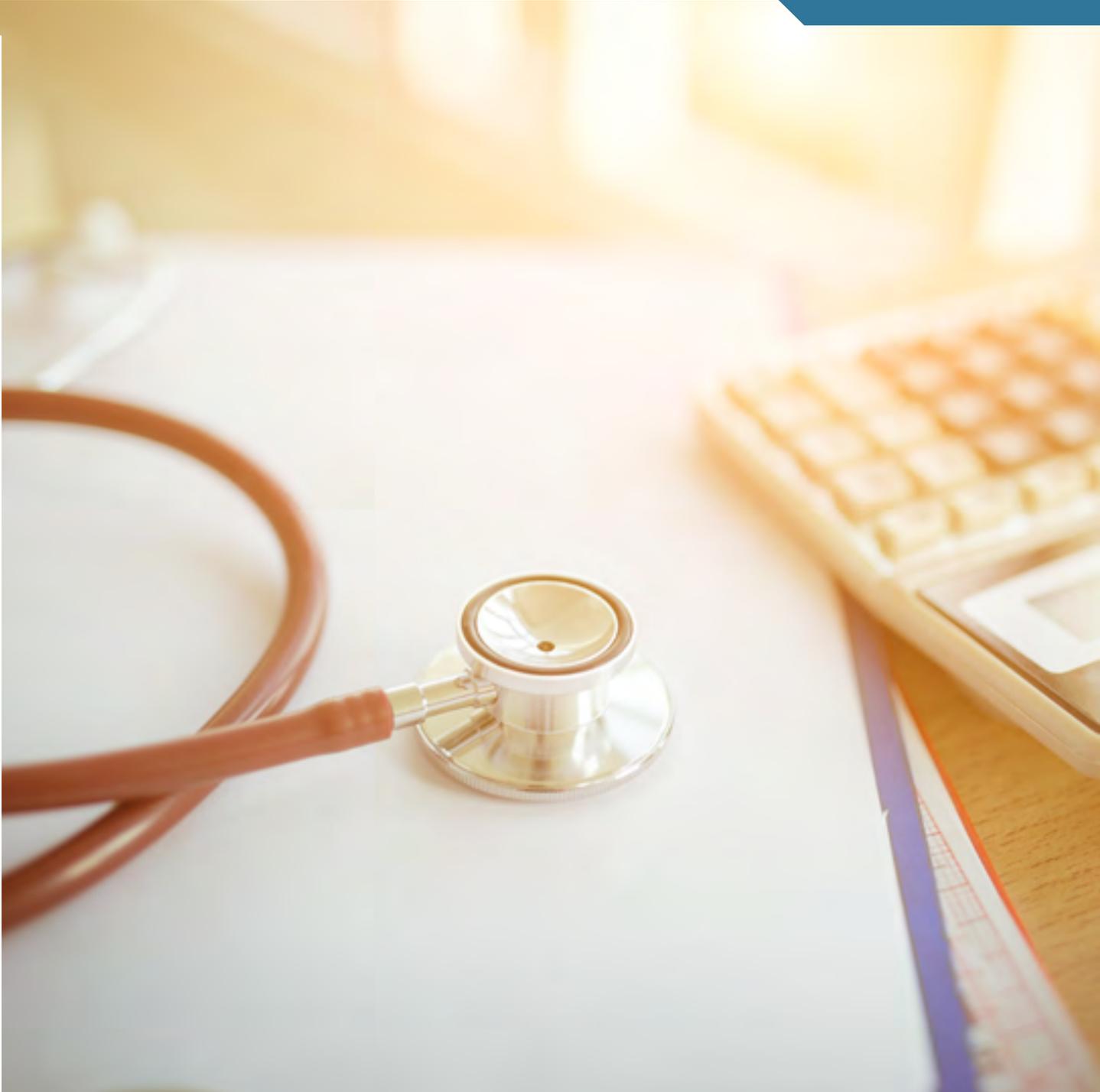


# DISABILITY RETIREMENT

LOS ANGELES FIRE & POLICE PENSIONS



**IF** you believe you are incapable of performing your duties as a sworn employee of the Fire, Police, Harbor or Airport Department, you may be eligible for disability pension benefits.

The Board of Fire and Police Pension Commissioners (Board) reviews and approves (or denies) all disability pension applications.

## TYPES OF DISABILITY PENSIONS

### Service-Connected Disability Pension

- For impairments that are disabling and Work-Related
- Eligible upon graduation from recruit training

### Nonservice-Connected Disability Pension

- For impairments that are disabling and Non-work Related
- Must have at least 5 years of service



For an impairment to be considered work-related there must be clear and convincing evidence that the discharge of duties is the predominant cause of your incapacity. The Board's determination as to which type of disability pension you may be entitled to is **independent** of any determinations made pursuant to a Workers' Compensation claim.



## **DISABILITY PENSION FORMULA**

### **Service-Connected**

30% - 90% of your final average salary.

The minimum percentage you may receive is the greater of 2% per year of service or 30%.

### **Nonservice-Connected**

30% - 50% of your final average salary.

## **THINGS TO CONSIDER**

Amounts are based on the percentage of disability as determined by the Board. Percentages awarded for a disability pension vary depending upon the severity of the illness/injury, and awards may be subject to future Board review. Future review may result in a reduction or increase in the percentage.

## APPLICATION PROCESS – TIMELINE

### All disability pension applications undergo a rigorous review process before approval by the Board

It takes several months to process a disability application. Some applications may take longer due to circumstances or complications specific to your claim(s), such as scheduling additional surgeries or procedures after the application process begins.

The disability application process is an in-depth analysis of the impairment or impairments that prevent you from performing your job duties. The process will include the following:

- An initial interview with a Disability Pensions Section Analyst;
- The collection and review of applicable medical and personnel records;
- The collection and review of past military records (if applicable);
- An examination by Board-approved physicians; and,
- A hearing before the Board.

### Medical Examinations

You must be examined by at least three doctors selected and paid for by LAFPP. Additional specialists may be required if you are claiming multiple impairments.

### Preparation for Hearing

- A Board hearing date will be

scheduled with you or your attorney/representative. You will be notified of the date, time, and location several weeks in advance.

- LAFPP Staff will formulate a recommendation to the Board regarding your application. The recommendation will include:
  1. Whether the impairments qualify as a disability;
  2. Determination of Service- or Nonservice-Connection;
  3. Pension percentage rate; and,
  4. Scheduling of a future review
- You or your representative will be informed of the recommendation to be made to the Board.
- You may withdraw your application at any time prior to the Board hearing.

### Disability Hearing

The Board will conduct a hearing on your disability application. Five Commissioners need to be present to establish a quorum for disability hearings. A minimum of five affirmative votes is required to grant or deny an application for a disability pension. After your case is presented to the Board, the Board will deliberate and render a decision.

### After the Hearing

*If you are granted a disability pension you must:*

- Determine your pension effective date. It must be either the Board hearing date or the day after your IOD time /other pay status expires; and
- Designate your Final Average Salary period.

*If your application is denied, or if you disagree with the percentage you were awarded, you may:*

- Request a rehearing, provided the request is made within 90 days of the adoption of the Findings of Fact. Your rehearing can only be requested if it is based upon and supported by new or different evidence not available to the Board at the original hearing. You may also request a rehearing if you did not have a representative to assist you during your original hearing.

## **NEW APPLICATION OR REAPPLICATION**

You may file a new disability pension application after 90 days from the adoption of the Findings of Fact only if you are reinjured, a previously denied condition becomes worse, or you sustain a new injury. (Tier 6 terminated/resigned members are not eligible to re-apply if the original application was denied.)

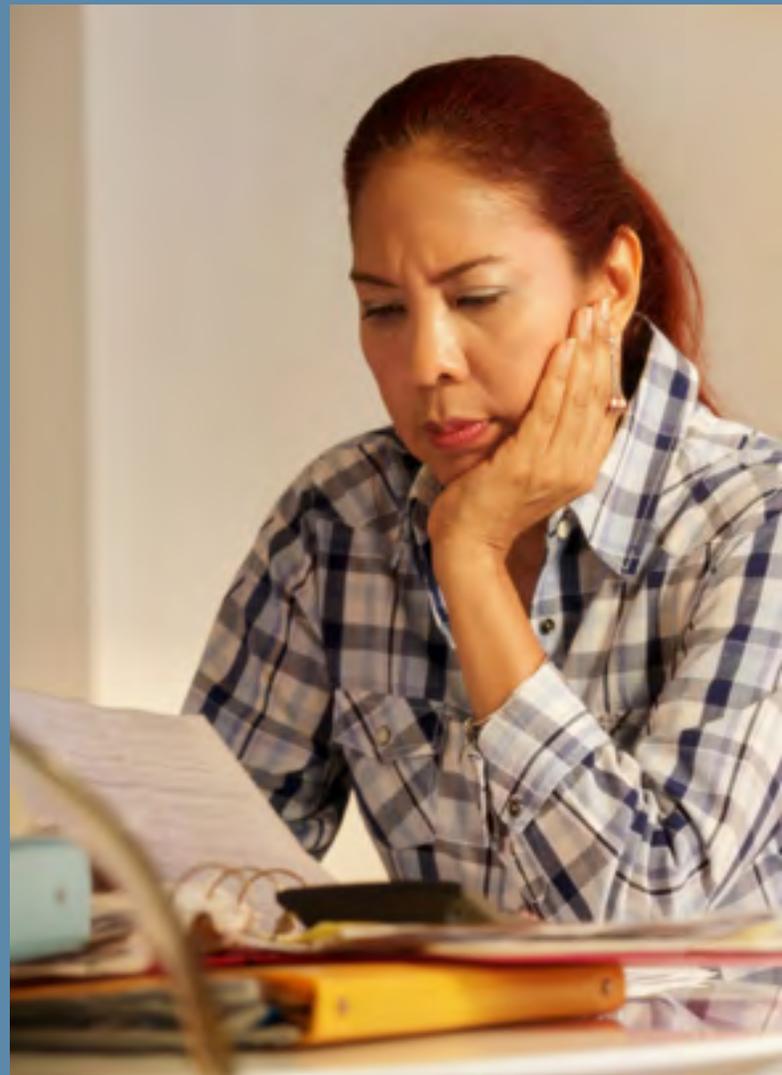
If you return to duty from a disability pension you cannot receive a refund of contributions at a later date for service prior to receiving the disability pension.

## **REPRESENTATION**

You may have legal counsel or a representative of an organization registered with the City Clerk's Office (e.g., a Union representative) appear before the Board on your behalf or you may represent yourself at the hearing.

## **THINGS TO CONSIDER**

Board approval of your disability pension application is not guaranteed. Consider the timeline when applying and how it may affect your status. You may be awarded a limited amount of IOD/Workers' Compensation time by the City and may have to supplement your income with other compensated time (i.e., SK, VC). Contact your Department's Accounting/Payroll section for more details.



## DISABILITY PENSION REVIEWS

Disability pensions are normally paid for a member's lifetime; however, *the Board retains the right to review your disability pension at any time.* Members may also initiate a review of their disability status. Any adjustment to your percentage amount will be based only on improvement or deterioration of the original impairments. Based on the Board's review, ***the percentage awarded may be increased, decreased, remain the same, or be terminated completely.***

*If your disability is found to no longer exist:*

- **Disability pension received less than 5 years** - If there is a position available for you in your original department, your pension will be terminated effective upon your return to active duty.
- **Disability pension received for 5 years or more** - Your disability pension may be reduced to 30%, even if you are entitled to more than 30% based on your length of service.

Any work or daily activities performed after your pension is granted must be within the restrictions/limitations upon which the disability pension was based.

If you subsequently perform any activities that are not consistent with or exceed these limitations, the Board will review your disability pension and rescind approval.



## THINGS TO CONSIDER

Disability pensions may be revoked. Pensioners returned to work may receive credit toward service retirement for the time spent on disability pension.

Service-Connected Disability Pensioner returned to duty – after remaining on the job continuously for one year, disability time is restored at a day for day conversion rate. After three years of continuous duty, the entire disability pension time will be restored for purposes of calculating length of service.

Nonservice-Connected Disability Pensioners who return from a nonservice-connected disability pension are required to purchase their time spent on disability pension in order to be credited toward overall length of service.

## WORKERS' COMPENSATION AWARDS

The Board makes independent decisions in its review and approval of disability pensions. Even though you may have been granted a Workers' Compensation award, *it does not automatically entitle you to a disability pension.*

**All Workers' Compensation awards must be paid back to the City if you are granted any type of disability pension.** This includes all awards you received or are currently receiving for which you filed a Workers' Compensation claim and received benefits, not just the injury(ies) for which you received your disability pension.

- Dollar-for-dollar offset – for cash award(s) that continue beyond the pension effective date (including retroactive payments)
  - includes attorney's fees; and
  - State Rate/permanent disability payments.
- Lump sum or a minimum 25% deduction from monthly disability pension benefit – for awards received prior to pension effective date



## THINGS TO CONSIDER

Filing for a disability pension after using at least 6 months of your IOD time will most likely result in you spending some time on Workers' Compensation "State Rate". You should prepare for a reduced level of monthly income. Employees on State Rate may elect to use compensated time off to supplement State Rate to receive the equivalent of their regular salary. {Andersen v. Workers' Compensation Board.}

The use of sick time, vacation time, overtime, etc., to supplement State Rate while you are injured constitutes a return to payroll status for pension purposes. It is important that you understand such action will impact the effective date of your disability pension.

Reinstatement to payroll for any purpose permanently changes the earliest possible effective date of your disability pension. If you use accrued overtime/vacation/sick time because it provides more income than State Rate payments, your pension effective date shifts forward. You will not be eligible to receive retroactive pension benefits for any time prior to the new earliest effective date.

Receipt of Workers' Compensation awards does not guarantee a disability pension.

## SERVICE PENSION CONVERSION

If you retire on a service pension, you have up to one year from the effective date of your service pension to apply for a disability pension. You may also apply up to one year after your Workers' Compensation claim is resolved (if the claim was filed before or within one year of the effective date of your service pension).

You will be required to demonstrate to the Board that the disabling condition(s) was present on the day of your service retirement and has been continuous to the day of the disability pension hearing or your application will be denied.

Once a disability pension is awarded it cannot be converted to a service pension later.

## RESIGNED/DEFERRED MEMBER ELIGIBILITY

A former member who terminates employment (for any reason other than disability) is a resigned member. Tier 5 and 6 members who terminate employment after completing 20 or more years of service (10 years for Tier 3) are considered "vested members". These vested members may elect to leave their contributions at LAFPP in order to receive a deferred service retirement upon reaching age 50. (Tier 4 is not eligible for a deferred pension option.)

Resigned/Deferred status members have one year from the effective date of resignation to apply for a disability pension, or one year after your Workers' Compensation claim is resolved (if the claim was filed before or within one year of the effective date of your service pension).

Impairments occurring after resignation cannot be used to support a claim for disability pension benefits.

## THINGS TO CONSIDER

Depending on your situation, it may be more advantageous for you to file for a regular service pension than a disability pension. Consider your age, years of service, and membership tier to determine your eligibility and pension percentage. Log into MyLAFPP to run a Service Pension Estimate. You can find MyLAFPP at [www.lafpp.com](http://www.lafpp.com)

Be mindful of the time constraints when considering converting your normal service pension to a disability pension. The option to convert is provided, however, disability pension approval and the percentage awarded are not guaranteed.

## THINGS TO CONSIDER

Members who terminate employment are eligible for a refund of contributions, plus interest. (Tier 4 members are not eligible for refund of contributions.)

Members who elect to receive a refund of contributions forfeit any right to future benefits, including applying for disability pension benefits.

## PURCHASE OF SERVICE CREDIT

You have the option to increase your qualifying service time by purchasing service credit for:

- recruit training time
- prior LAFPP membership
- time off on nonservice-connected disability pension
- time on Workers' Compensation State Rate
- training time prior to paramedic certification

You must apply to purchase service credit before or at the time of filing for a disability pension **and** complete the purchase before your retirement effective date. You must purchase your recruit training time for injuries received during basic training to be considered as work-related.

## PENSION TAXABILITY

If a disability pension is granted, all or some of your pension may be received tax-free.

- **Service-Connected** - Not taxed up to the Board approved disability rating. If you are granted an additional percentage based upon years of service, this amount is taxable.

Example: A member with 20 years of service is granted 40%, however, the Board determines their disability rating to be 10%. The difference between 10% and 40% is taxable (therefore, 75% of the pension is taxable and 25% is tax-free.)

- **Nonservice-Connected** - Fully taxable

## MEDICAL AND DENTAL SUBSIDIES

Members retiring on a Disability Pension with less than 10 years of service are **not** eligible for a retiree health or dental subsidy (except for Tier 6 members who receive a service-connected disability pension).

Retired members are eligible to begin receiving health and dental subsidies the month they turn age 55.

### THINGS TO CONSIDER

All purchases must be completed prior to your effective date of retirement. Lost Service Time (LST), also known as "bad time," may result in a reduction of your Final Average Salary. Ask about obtaining a copy of your Department's Accounting/Payroll Section records.

The taxability of your pension and eligibility to receive health/dental subsidies may be important factors in your decision to apply for a regular service pension or apply for a disability pension. Speak to a representative from the Medical & Dental Benefits section to inquire more about eligibility requirements and available plans.

## ELIGIBILITY FOR SURVIVOR BENEFITS

If granted a disability pension, a spouse or domestic partner may be eligible to receive Plan benefits following your death:

**Service-Connected** - married to spouse, or have declared a domestic partner, on the effective date of disability retirement

**Nonservice-Connected** - married to spouse, or have declared a domestic partner, at least one year prior to the effective date of disability retirement

Benefits may be paid to children or dependent parents, if qualified.

## THINGS TO CONSIDER

Disability pensions are subject to community property. Whether or not there is a community property interest in your disability pension is an issue to be determined between you and the other party in any legal action involving your marriage/partnership. Request a copy of the "Sample 'Domestic Relations Order' Provisions" prepared by the City Attorney's Office for LAFPP, which discusses this issue in detail.

LAFPP requires final copies of all dissolution records. The following documents must be submitted to LAFPP.

1. Joinder
2. Judgment of Dissolution/Legal Separation stamped by the court.
3. Qualified Domestic Relations Order (QDRO/DRO), Marital Settlement, or Stipulation Order

## RESOURCES

For more information, visit the FAQ section on our website at <https://www.lafpp.com/post/disability-pensions> or contact:

LAFPP Disability Pensions Section  
(213) 279-3165  
(844) 88-LAFPP ext. 93165

Tristar Risk Management, Inc.  
(866) 842-1547 or (626) 407-0400  
(626) 407-0425  
P.O. Box 29106, Glendale, CA 91209-9106

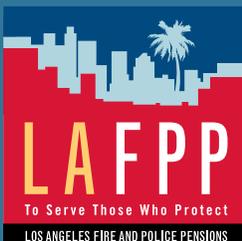
Acclaimed Insurance Management Services (AIMS)  
(855) 605-3438 or (909) 524-3300  
P.O. Box 29104, Glendale, CA 91209-9104

The information in this guide is intended to summarize the legal texts in a clear and concise manner to help you understand your benefits. It describes the most important features. If there is a difference between the legal texts and this document, the legal texts will prevail.

# SERVICE/DISABILITY PENSION COMPARISON

	SERVICE RETIREMENT			SERVICE CONNECTED DISABILITY			NON-SERVICE CONNECTED DISABILITY		
	TIER 3 & 4	TIER 5	TIER 6	TIER 3 & 4	TIER 5	TIER 6	TIER 3 & 4	TIER 5	TIER 6
Eligibility	<b>Tier 3:</b> Age 50 with 10 years of service <b>Tier 4:</b> 20 years of service	Age 50 with 20 years of service		Work related No age or service requirements			Not work related Five years of service		
Salary Base	<b>FINAL AVERAGE SALARY</b> <b>Tiers 3, 4 &amp; 5:</b> One-year average monthly salary <b>Tier 6:</b> Two-year average monthly salary								
Pension As a Percentage of Salary Base	2% per year of service up to 20 years of service, plus 3% for each additional year of service up to 30 years of service.  Maximum of 70% for 30 or more years of service.	50% at 20 years of service, plus 3% for each additional year (except 4% at 30 years of service)  Maximum of 90% for 33 or more years of service.	40% at 20 years of service, plus 3% per year for years 21 through 25, 4% per year for years 26 through 30, and 5% per year for years 31 through 33  Maximum of 90% for 33 or more years of service	30% to 90% depending on severity of disability, with a minimum pension equal to the greater of 2% per year of service or 30%			30% to 50% depending on severity of disability		
Cost of Living Adjustments	Annual adjustments, increase or decrease not to exceed 3%, commence on the July 1 following the effective date and is prorated in the first year of retirement. Tiers 5 & 6: Eligible for COLA Bank								
Pension Taxability	Fully Taxable			Not taxed up to Board approved disability rating.			Fully Taxable		
Pension Review by LAFPP Board	Final and not reviewable			<b>Fully Reviewable</b> Member or the LAFPP Board may initiate review of disability status. Based on the review, percentage awarded may be increased, decreased, remain the same, or terminated completely.					
Survivor Benefits Eligibility	<b>Yes</b> Must be married to spouse or have declared a domestic partner <i>at least one year prior</i> to service pension			<b>Yes</b> Must be married to spouse or have declared a domestic partner <i>on the effective date</i> of disability retirement			<b>Yes</b> Must be married to spouse or have declared a domestic partner <i>at least one year prior</i> to the effective date of disability retirement		
Workers' Compensation Repayment	<b>No</b>			<b>Yes</b> Must repay all Worker's Compensation awards received during entire career, including awards not related to the disability for which you retired.					

Final Average Salary (FAS) is the monthly average of salary received during any 12- or 24-consecutive months of service (according to Tier) as designated by the Plan Member. In the absence of such designation, the last 12- or 24-consecutive months preceding the retirement effective date shall be used as the basis for the calculation of FAS. If a Plan Member receives less than full salary on account of injury or illness, FAS shall be determined based upon the salary the Plan Member would have received, but for the injury or illness. FAS includes Length of Service Pay, Special Pay, Assignment Pay or Hazard Pay in accordance with the City Charter or Administrative Code. If there was a pending Memorandum of Understanding (MOU) when you designated your FAS period, your monthly disability pension entitlement will be adjusted accordingly to account for any retroactive changes to your salary during the FAS period.



---

## CONTACT US

701 E 3RD ST  
Los Angeles, CA 90013

844-88-LAFPP  
213-279-3000

[www.lafpp.com](http://www.lafpp.com)

---

## FOLLOW US

📷 @lafirepolicepensions  
📘 @LosAngelesFireAndPolicePensions  
🐦 @lafpp