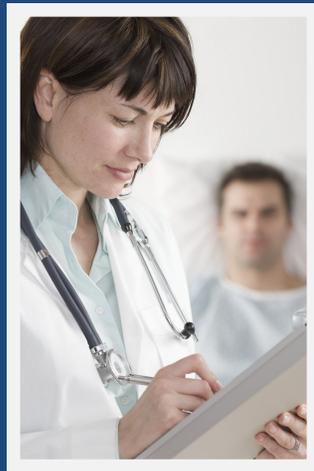




## SDRS Foundation Member Disability Retirement Benefits



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## SDRS Definition of Disability

A disability is defined by SDRS as any medically determinable physical or mental impairment that is expected to last one year or more and prevents you from performing the usual duties of your job. Any condition that results from willful or self-inflicted injury does not qualify as a disability.

## Eligibility Requirements

You are eligible to apply for disability retirement benefits after you have three or more years of consecutive contributory service with your most recent entry into active status. If you are injured on the job, however, you may apply immediately, regardless of the length of your membership.

If you have already quit working as a result of a condition that occurred while you were employed and are no longer making monthly contributions to SDRS, you have three years from your last contribution date to apply for disability retirement benefits. You must be able to prove that you were disabled at the time you left employment. You are not eligible for disability retirement benefits if three or more years have passed since your last contributions to SDRS or if you are receiving or have received a retirement benefit.

## Disability Application and Approval Process

The disability approval process involves three participants: you, your employer, and SDRS. Each participant has distinct responsibilities in the process.

### Your Responsibilities

1. First, you must thoroughly discuss with your employer the physical or mental impairment that prevents you from performing the usual duties of your job and ask for accommodations. Sometimes, workplace accommodations can be made to enable you to continue to perform the usual duties of your job. Also, if you are unable to perform the usual duties of your job, your employer may have comparable employment\* with duties you can perform. Visiting with your employer may result in changes so you do not have to consider applying for disability benefits.

\* Comparable employment is defined as a different job with similar pay that your education, training, or experience enables you to perform.

2. After discussing the situation with your employer, either you or your employer may contact SDRS to obtain disability application forms.
3. You must complete and return the disability application forms to SDRS.
4. You will then receive additional information and a letter from SDRS explaining how to gather the necessary medical documentation to support your disability claim. **It is your responsibility to ensure that SDRS receives all of the necessary documentation, including updates of medical records and records from subsequent medical visits and evaluations. Any costs associated with securing medical records are your responsibility.**

### Your Employer's Responsibilities

1. Your employer must discuss any possible workplace accommodations for your current job. If performing the usual duties of your current job is no longer possible, your employer will discuss any available comparable employment with you.
2. These preliminary steps are necessary to enable your employer to complete and return the Employer Statement and Questionnaire. Your employer must certify your inability to perform the usual duties of your job and your inability to perform a comparable job, if applicable. Other

documentation (i.e., job description, performance evaluation, salary history, etc.) must also be submitted to SDRS before your application can be evaluated.

3. When you have ended your employment, your employer will complete Form B-1, "Termination of Contributory Service," and submit to SDRS. Note: If you are using sick leave or annual leave and continuing to make contributions to SDRS, you may wait until a decision on your application is reached before contributions are terminated. However, no disability retirement benefit will be paid until the termination form and final contributions are received by SDRS.

### **SDRS' Responsibilities**

1. An SDRS disability retirement planner will review your application to verify you are eligible to apply for disability retirement benefits. If you are not eligible, you will be advised in writing why you are not eligible and of your right to appeal the decision.
2. If you are eligible to apply for disability retirement benefits, the disability retirement planner will compile information submitted to SDRS by you, your employer, and your healthcare providers. The application for disability retirement benefits and file will be presented to a Disability Advisory Committee.
3. The Disability Advisory Committee (consisting of a physician, an attorney, and a vocational rehabilitation specialist) will evaluate your application for disability retirement benefits, including all material submitted, and will recommend approval or denial of your application to the SDRS executive director. The committee may also defer your application to examine additional records or to request an Independent Medical Examination, a Functional Capacities Assessment, or other evaluation before submitting a recommendation to the executive director.
4. The SDRS executive director will then approve, deny, or defer your application for disability retirement benefits based on the committee's recommendation and information and evidence contained in your application and file. If your application for disability retirement benefits is denied, your denial and right of appeal will be provided to you in writing.
5. If your application for disability retirement benefits is approved, SDRS will verify the end of your contributory service and advise you of the amount of your SDRS disability retirement benefit.
6. SDRS will conduct an annual review to determine if you continue to be disabled. Your disability retirement benefits from SDRS will continue only as long as you remain disabled.

### **Your Right to Appeal**

If your application for disability retirement benefits is denied, you will have 30 days to appeal the decision. You have the right to use an attorney during an appeal. A letter of appeal must be sent to SDRS by either you or your attorney.

Upon receiving your letter of appeal, SDRS will contact you or your attorney and schedule a hearing before a hearing examiner. After the hearing, the hearing examiner will make a recommendation to the SDRS executive director. The executive director will review your appeal by considering the hearing examiner's recommendation. The executive director makes the final agency-level decision on all appeals.

If your appeal is approved, SDRS will begin monthly disability retirement benefits retroactive to the month following the termination of your contributions. If the executive director does not approve your appeal, the executive director's decision can be appealed by you through the state court system.

## Amount of SDRS Disability Retirement Benefits

If you are approved for an SDRS disability retirement benefit, your benefit will be the greater of:

- 25 percent of your final average compensation at the time of disability\*\*

OR

- Your unreduced accrued retirement benefit at the time of disability

\*\* Final average compensation is determined by taking your average annual salary during the highest 12 consecutive calendar quarters in the last 40 quarters of membership in SDRS (subject to adjustments for extraordinary payments in the final year or quarter).

Provided you remain disabled, the disability retirement benefit will be payable for your lifetime. SDRS disability retirement benefits receive an annual cost-of-living adjustment (COLA) effective July 1 of each year. To be eligible for the COLA, you must have received benefits during the entire prior fiscal year period (July-June). The annual COLA ranges from a minimum of 2.1% to a maximum of 3.1%.

If you recover from your disability, your benefit will terminate 30 days after your health care provider certifies that you are no longer disabled.

## Important Points to Remember

- Applying for disability retirement benefits from SDRS does not mean that you will be approved for disability and receive a benefit. You must satisfy the SDRS definition of disability and meet the eligibility requirements.
- The complete submission of information pertaining to your application for disability retirement benefits is essential to the prompt processing of your application.
- Check with your employer about possible continuation of life and health insurance while on disability.
- Note that while you are receiving disability retirement benefits, you must report any changes in your employment status to SDRS.



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