



**City of Riverside, California  
Human Resources Policy and Procedure Manual**

Approved:

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Human Resources Director

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City Manager

*Number: VI-03 Effective Date: 12/14*

**SUBJECT: PUBLIC SAFETY (FIRE AND POLICE) INDUSTRIAL DISABILITY  
RETIREMENT**

**PURPOSE:**

To establish a procedure in accordance with state and federal laws<sup>1</sup> for determining eligibility for industrial disability retirement under the Public Employee's Retirement Systems (PERS).

**POLICY:**

It is the City's responsibility to determine the retirement eligibility for safety employees and to provide the necessary due process procedures. The City Manager first renders a decision as to whether or not the person is disabled for the performance of the job, and if so, then renders a decision as to whether or not the disability is industrial. Upon receiving medical documentation indicating that an industrially injured employee is precluded from continuing his /her position or a request for disability retirement, the City's Workers' Compensation Supervisor will review supporting data and provide it to the City Manager for eligibility determination.<sup>2</sup>

Resolution No. [23044 42248](#) authorizes the City Manager to make such determinations on behalf of the City of Riverside.

In the event of a dispute regarding whether the disability is industrial (job-related), the determination regarding causation will be made by the Workers' Compensation Appeals Board (WCAB). The role of the WCAB, however, will not be to determine whether the employee is "permanently incapacitated" and therefore eligible for disability retirement,

<sup>1</sup> California Government Code section 21151

<sup>2</sup> PERS has delegated the responsibility for determination of retirement for safety employees to the local agency. City of Riverside Resolution No. [23044 42248](#) authorizes the City Manager to make such determinations on behalf of the City of Riverside.

nor will their determinations on percentage of disability be decisive on the issue of incapacity in the retirement proceedings.

When there is a dispute regarding eligibility for industrial disability retirement, the employee will file a written appeal with the City Manager within 20 days of receipt of the Industrial Disability Retirement Determination Letter. The City's Human Resources Director or designee will secure the services of an Administrative Law Judge (ALJ) through the Office of Administrative Hearings to act as a finder of fact on the case. The ALJ will hear testimony and receive evidence presented by the employee and by the City. Both sides may be represented by legal counsel and offer evidence. The ALJ will make a recommendation to the City Manager regarding disposition of the case. The City Manager, at all times, will retain the responsibility for the final determination, based upon the facts as determined by the ALJ.

Upon receiving the final determination, the City Workers' Compensation Supervisor will prepare the necessary correspondence to PERS. The City will initiate ADPP monthly until PERS institutes payments in order to ensure there is no lapse of benefits to the employee.<sup>3</sup>

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<sup>3</sup> See California Government Code Sections 21150-21428.1