

## **BENEFIT APPEALS POLICY AND PROCESS**

### **I. PURPOSE AND POLICY STATEMENT**

This procedure provides direction for consideration and action on appeals of staff decisions regarding benefits provided by Sonoma County Employees' Retirement Association. This procedure seeks to provide direction to completely and expeditiously process benefit appeals. This procedure is to be used in conjunction with the SCERA Administrative Hearing Rules when a Member requests a hearing before a neutral referee. This procedure and the Administrative Hearing Rules and Procedures seek to protect the Member's right to receive notice and opportunity to be heard and present the Member's case. Disability retirement applications shall be governed by the Disability Retirement Policy and Process and not this procedure.

### **II. DEFINITIONS**

- A. Benefit – Any retirement benefit paid by SCERA or element used by SCERA to calculate a retirement benefit including, but not limited to, Highest Average Salary, compensation, service accrual, service purchases, benefit formulas, premium pay items, and buybacks.
- B. Board – the Board of Retirement of the Sonoma County Employees' Retirement Association.
- C. Member – any person who requests review of a benefit determination by SCERA staff and is authorized to receive a benefit or act on behalf of a benefit recipient.
- D. Retirement CEO – The Retirement Chief Executive Officer of SCERA or designee.
- E. SCERA – the Sonoma County Employees' Retirement Association.
- F. SCERA office – 433 Aviation Blvd., Suite 100, Santa Rosa, CA 95403.

### **III. BENEFIT APPEALS PROCESS**

- A. Generally, initial Benefit determinations are made by the SCERA Member Services staff after contact from the Member. Member Services staff may consult with the

Member Services Manager and / or the Assistant Retirement CEO on complex matters. Upon written request by the Member, Member Services staff will provide the Member with a written explanation of the initial Benefit determination. The written determination may include a synopsis of the Member's request, citation to any authority relied upon by staff in making its initial determination, and the determination itself, as well as instructions regarding how the Member can appeal staff's initial determination to the Retirement CEO.

- B. If the Member disagrees with a Benefit determination by staff, the Member may file a first level appeal with the Retirement CEO. The first level appeal must be in writing and must arrive at the SCERA office no later than sixty (60) days after the initial determination by Member Services staff.
- C. Upon receipt of the first level appeal, the Retirement CEO will provide a written response to the Member addressing the Benefit issue raised by the Member. The response may include a synopsis of the Member's request and staff's response, citation to any authority relied upon by the Retirement CEO in making his or her determination, and the determination itself, as well as instructions regarding how the Member can appeal the determination to the Board.
- D. If the Member disagrees with the determination of the Retirement CEO, the Member may file a second level appeal to the Board. The second level appeal must be in writing and must arrive at the SCERA office no later than sixty (60) days after the determination by the Chief Executive Officer is mailed to the Member.
- E. The Board will take action on the Member's request only at a duly-noticed meeting where the matter has been properly placed on a regular Board meeting agenda. The Member or the Member's attorney, if any, will be given notice of the date and approximate time the Board will consider the Member's request and will be given the opportunity to be heard by the Board.
- F. After the Board takes action, the Member will be notified in writing of the Board's decision and the Member's right to have the matter heard by an administrative hearing officer if the Member disagrees with the Board's decision.
- G. The Member will have sixty (60) days from the date of mailing of the letter notifying the Member of the Board's decision to make a written request for an administrative hearing of the matter.

- H. Administrative hearings and subsequent Board determinations shall follow the procedure set forth in the SCERA Board of Retirement Policy for Administrative Hearings, which shall be provided to the Member and / or the Member's attorney after SCERA's receipt of the Member's written request for an administrative hearing.

#### IV. DISMISSAL OF A BENEFIT APPEAL

If the Member fails to pursue his or her appeal after initially requesting review or if the Member fails to file a written appeal within the time prescribed above, the matter will be considered closed and the determination of staff, the Retirement CEO, or Board will be implemented.

#### V. CONFLICT WITH LAWS

In the event that this policy and process conflicts with relevant statute or authoritative case law, the statute or case law will control.

#### VI. POLICY REVIEW

The Retirement CEO shall review this policy at least every three years to ensure that it remains relevant and appropriate and shall reflect such reviews in the History, below. Any contemplated substantive amendment should be brought to the Retirement Board for approval.

#### VII. HISTORY

The Board adopted this policy on February 22, 2018.

Reviewed and revised on March 28, 2019, February 18, 2021, June 3, 2021 and 7/21/2022.