

**2011 CITY OF SAN JOSE – POA AND IAFF, LOCAL 230  
RETIREMENT NEGOTIATIONS**

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**CITY PROPOSAL– WORKERS’ COMPENSATION OFFSET**

Proposed Language

ARTICLE 49 RETIREMENT

49.7 In the event a member is retired for a service-connected disability and receives both a service-connected disability retirement allowance and a workers’ compensation benefit for temporary disability, permanent disability or vocational rehabilitation temporary disability, the service-connected disability retirement allowance shall be offset by the sum of all workers’ compensation benefits as follows:

1. The offset shall apply only to the following persons:
  - a. Those persons whose application for a service-connected disability retirement was filed, by any person authorized to file such application, on or after January 1, 2012; and
  - b. The applicable amount of the workers’ compensation benefits shall be converted to a monthly equivalent. The monthly service-connected disability retirement allowance shall be reduced by the workers’ compensation benefit monthly equivalent.
2. The applicable amount of the workers’ compensation benefits shall be converted to a monthly equivalent. The monthly service-connected disability retirement allowance shall be reduced by the workers’ compensation benefit monthly equivalent.
3. The offset shall be in effect only during such time as concurrent retirement allowances and workers’ compensation benefits are paid. In the case of the payment of a lump sum workers’ compensation benefit (excluding payments for medical treatment), the offset shall apply only for such period of time as concurrent payments would have been made had the workers’ compensation benefit been paid in installments.
4. In no case shall the offset reduce the service-connected disability retirement allowance to an amount less than the sum of the maximum retired member contributions for medical, dental, life and accidental death insurance premiums, as determined by the City, plus one dollar. This limitation shall apply regardless of whether the retired member actually contributes toward the payment of such premiums.
5. The offset shall not apply with respect to workers’ compensation benefits paid for an injury or illness which did not cause or contribute to the disability for which the service-connected disability retirement was granted.