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Pensions under probe

County public safety retirees take disability plans at double city's rate

By Troy Anderson
Staff Writer

Los Angeles County firefighters and sheriff's employees receive lucrative disability pensions at rates two to three times higher than their city and state counterparts', an analysis shows.

In fact, the percentage of county public safety employees getting enhanced pension benefits is similar to that of California Highway Patrol officers, who have the highest rate in the state.

Fearing that looser rules and enhanced benefits have created conditions for widespread abuse, county Supervisor Gloria Molina said she plans to introduce a motion Tuesday calling for a case-by-case review to check for fraud.

"I think the public wants us to provide disability pensions for firefighters and sheriff's deputies hurt on the job," Molina said. "But when people abuse the system it taints the entire process. We have to look for abuse and where there may even be fraud."

The growing cost to taxpayers for public employees' pensions – totaling billions statewide – has gained the attention of lawmakers. They have scheduled a Jan. 24 hearing and have proposed legislation to rein in the costs, make it a crime to lie to get a disability pension and to shift workers to 401(k)-style retirement plans.

In addition, the CHP is conducting criminal investigations of 15 high-ranking officers who filed workers' compensation claims shortly before taking disability pensions, a practice referred to by the rank and file as "chief's disease."

"The CHP got nailed first," said Ted Costa, chief executive officer of People's Advocate Inc., a Sacramento-based advocacy group. "But this is happening all over the place. A lot of these guys going out on disability pensions already have a new job lined up in another city – Monday morning after a Friday retirement. It's truly out of control."

In the past decade, an average of 79 percent of Los Angeles County firefighters and 56 percent of sworn sheriff's employees were granted service-connected disability pensions, records show. That compares with 44 percent of Los Angeles city firefighters and 15 percent of Los Angeles Police

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Department officers.

On average, 68 percent of county public safety employees were granted disability pensions from 1994 to 2003, including a record 85 percent of firefighters in 2002 and 67 percent of sheriff's employees in 1994.

Historically, 67 percent of CHP officers have retired on disability pensions. The number rose to a high of 82 percent in 2002, then dropped to 75 percent last year.

By comparison, an average of 30 percent of public safety employees in the city of Los Angeles and 33 percent at hundreds of public safety agencies statewide who contract with the California Public Employees Retirement System took disability pensions in the last decade, according to information obtained under the state Public Records Act.

"This is staggering," said Larry McCarthy, president of the California Taxpayers' Association. "These are far higher ratios in Los Angeles County than we've ever seen. The problem is there is an enormous financial incentive for public safety officers to claim a disability retirement.

"Oftentimes, these would not be viewed as a disability in any other occupation and certainly would not be viewed as a disabling condition by the general public."

Molina said the potential abuse is particularly disturbing at a time when the county is struggling to find money to run its jails.

"It's just something that makes me very angry and hostile. I think we need to look at every case. That's the only way we are going to root out the problem, find out who is abusing the system and create the necessary sanctions – because obviously people just don't get it."

County Chief Administrative Officer David Janssen said one of the reasons for the high percentage of disability pensions is that laws are geared in the employees' favor. He said the county is also looking at the role that doctors and attorneys play.

"We don't believe there is much fraud. It's just that this whole system is set up to encourage them to take advantage of a very good benefit."

Roy Burns, president of the 7,000-member Association for Los Angeles Deputy Sheriffs, said law enforcement officers have a dangerous job.

Officers face physical assaults, car accidents, airborne pathogens in jails, methamphetamine lab fumes, lower back injuries from constantly sitting in cars and carrying about 15 pounds of equipment and constant stress from facing potentially life-threatening situations, Burns said.

"We know that every year 60,000 police officers in the United States will be attacked. That gives us about a 1-in-13 chance every year of being attacked by a suspect. It's not like our people are bailing out and abusing the system. Many of them are victims of the system."

Burns and Janssen said the Sheriff's Department has a much higher disability rate than the LAPD because the county's disability pension requirements are much more lenient and deputies are often injured in jails.

Sheriff Lee Baca stressed that the Los Angeles County Employees Retirement Association Board of Retirement ultimately decides who gets disability pensions.

"It's all done in secret and the Sheriff's Department doesn't know what the reasons are for these disability retirements," Baca said. "I think the more important story here are the standards the LACERA retirement board uses in making their decisions.

"I can't believe that things are so different in the city of Los Angeles that there should be this big of a difference, other than the two systems have different standards. My belief is that these claims are substantially legitimate."

In California, police and firefighters can obtain disability pensions if they can show that their job is causing them undue stress or psychological problems.

Also, an increasing scope of illnesses and injuries are presumed to be job-related, allowing public safety employees to get disability pensions if they have heart trouble, lower back pain, a hernia, cancer, pneumonia, tuberculosis or meningitis.

Disability pensions guarantee workers, even if they have spent only one day on the job, a benefit worth at least half of their salary, which can total millions over the course of a

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lifetime.

In addition, the first 50 percent of the pension is tax-free, and if the employee dies, his or her spouse is eligible for a pension worth up to 100 percent of the salary.

About 1,200 former county employees draw yearly pensions of \$100,000 or more. Ten bring in \$210,434 to \$316,047 annually, including the widow of former Sheriff Sherman Block.

Experts say the county has some of the most lenient disability pension requirements in a state famous for generosity to public employees and high pension costs. This encourages people to apply for disability pensions, even when it's not warranted, they say.

For example, the county sheriff's and fire departments have a policy that requires employees to be able to perform a "full range of duties." If they are partially disabled, the policy prevents the departments from assigning them to office jobs or light- or moderate-duty assignments, and allows them to take disability pensions.

In city government, public safety employees can obtain disability pensions when there is "clear and convincing" evidence that the job was the "predominant cause of the disability." The county's standard says the job must have "contributed substantially" to the disability, a far less stringent standard.

In a 2000 report on the "disturbing" disability retirement rates in the county, Treasurer and Tax Collector Mark Saladino, who is a member of the county retirement board, said half of the disability pension claims made by sheriff's employees were "questionable."

"The fundamental problem is simply that disability retirement is often awarded to people who are not truly disabled, wasting millions of dollars and preventing those public servants who are disabled from receiving the attention and support they deserve," Costa said.

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