

DISABILITY RE-EXAMINATION PROCEDURES

- 1.** Section 32 of the Retirement Ordinance provides that at least once a year during the first five (5) years following the retirement of a Member with a disability retirement allowance, and at least once in each three (3) year period thereafter, the Retirement Commission may require any disability retiree who has not attained age 60 years to undergo a medical examination to be made by or under the direction of the Medical Director, or a physician designated by the Medical Director, to determine if disability as required for Retirement under Section 30 still exists. If a disability retiree refuses to submit to such medical examination in any such period his disability retirement allowance may be suspended by the Commission until his withdrawal of that refusal. If such refusal continues for one year, his rights in and to a disability retirement allowance may be revoked by the Commission.
- 2.** The disability retirement re-examination process shall commence in April of each year. A schedule of all existing disability retirees who fall within the parameters established above shall be provided to the Medical Director, along with a copy of their most recent medical examination reports.
- 3.** The Retirement Commission shall request that the Medical Director review each individual's medical reports and make a recommendation in writing as to whether the disability retiree should be scheduled for a re-examination or whether the probability of recovery is such that he or she may be excused from re-examination. It is the policy of the Retirement Commission that all disability retirees shall undergo re-examination once every year for the first five years and once every three years thereafter, unless the severity of the disability as determined by the Commission's Medical Director warrants waiver of the examination by the Commission.
- 4.** The Retirement Office Supervisor shall coordinate and schedule appointments for re-examination with the Medical Director and send written notice to each disability retiree that is required to undergo medical re-examination informing them of the scheduled date and time. For disability retirees whose Authorization for Release of Records form (Form DIS.4) has expired, the written notice shall include a new Release form to be executed by the disability retiree and returned to the Retirement Commission that authorizes the Commission and its Medical Director to review all pertinent medical records.
- 5.** The Retirement Office Supervisor should make a request to the Retiree's physician(s) for all pertinent medical records. All reasonable costs for duplication and copying of records shall be immediately payable from the assets of the Retirement System.

6. All relevant information and/or medical records that the applicant wishes to be considered, must be provided by the applicant to the Medical Director at, or prior to, the examination and at the applicant's expense.

7. The Retirement Office Supervisor shall notify the examining physician as to the standard of review and shall provide a copy of the applicable job description and medical/employment records prior to the re-examination.

8. The Medical Director shall submit to the Retirement Commission a specific determination of findings (certification) (Form DIS.11), as well as a detailed medical report.

9. The Retirement Commission shall obtain all reports, documents, information or testimony it deems necessary to make an informed decision.

10. The disability retiree shall be provided with written notice of the process and proceedings at least seven days prior to any review of the Medical Director's findings that may be undertaken by the Retirement Commission to ensure that the disability retiree is given reasonable opportunity to present his or her case and a process of appeals.

11. If upon such medical re-examination of a disability retiree, the Medical Director certifies to the Commission that disability as required for retirement under Section 30 of the Retirement Ordinance no longer exists, and his report is concurred in by the Commission, the disability retirement allowance shall be terminated. If an individual's disability retirement allowance is terminated, the employer and the applicable collective bargaining agreement provisions will determine the individual's rights to re-employment. If the individual has a right to re-employment, the Retirement Commission shall grant the individual and the employer a reasonable time period in which to secure such employment. If an individual waives rights to seniority and employment as part of a worker's compensation redemption, the individual will have no rights to re-employment.

12. The Retirement Office Supervisor shall send the Retirement Commission's Determination Resolution and a copy of the Genesee County Employees' Retirement System's Appeal Procedures to the individual within thirty (30) days of its determination.

13. The Retirement Commission shall take all reasonable efforts to protect the confidentiality of medical records.

Adopted by the Retirement Commission on : December 13, 2004

