

Genesee County Employees' Retirement System

Disability Retirement Policy, Procedure and Forms

This policy is intended to standardize the disability claim process by establishing written guidelines for consistency of administration, to promote effective, efficient processing of benefits and to ensure that members are afforded due process.

Disability retirements are administered by the Retirement Commission according to the Retirement System provisions in effect at the time of retirement as provided by Retirement Ordinance Sections 28, 29, 30, 31, 32, 33 and 48, the member's collective bargaining agreement or personnel policy and any applicable federal and state statutes.

*Eligibility Requirements for Application: Non-Duty – Member must have a minimum of ten (10) years of credited service.

- Duty – Member must be in receipt of worker's compensation payments on account of the total and permanent disability

*Members should be advised that the above referenced eligibility requirements could be modified by collectively bargained benefit provisions that supersede the Retirement Ordinance. A member should reference his or her union contract.

As part of the disability review process, the Retirement System provisions require in part a certification from the Retirement Commission's Medical Director that the Member is totally incapacitated for "duty in the employ of his last Employer". The standard of review established to define "for duty in the employ of the last Employer" shall be the Job Classification Standard. The Job Classification Standard defines the member as being totally and permanently mentally or physically incapacitated for the further performance of duty in the service of the employer *in the same or similar position the member held at the time of disability*. This standard requires:

- a) that a copy of the disability applicant's job description in effect at the time of the alleged disability shall be forwarded to the Retirement Commission's designated Medical Committee in a given matter and to the Commission.

b) No consideration shall be given to any job position which would be inconsistent with the current collective bargaining agreement restrictions with respect to job transfers

DISABILITY RETIREMENT PROCEDURES

1. The Member must schedule an appointment with the Retirement Office Supervisor to submit the following: (a.) a Disability Retirement Application and Election of Retirement Allowance Option form (Form DIS.1) requesting a non-duty or duty disability retirement; (b.) an Addendum to Disability Retirement Application form (Form DIS.2); (c.) a W-4P Withholding Certificate for Pension and Annuity Payments (Form DIS.3); (d.) the Authorization for Release of Records form (Form DIS.4); and (e.) the Disability Retiree Checklist (Form DIS.5). A Member's department head may submit a written request for disability retirement on behalf of a Member. In such event, the Retirement Commission shall forward the foregoing forms to the Member, which shall be completed and executed by the Member and timely returned to the Commission. In the event that the Member is incapacitated and unable to submit the required application form, the Member's department head or designated representative may submit the application on the Member's behalf.

2. If the Member at the time of application for disability retirement benefits is separated from service due to a paid sick leave or a paid worker's compensation leave, the Member may request in writing to the Retirement Office to purchase the paid sick leave or worker's compensation leave time to restore lost service credit without having to physically return to work. The Retirement Commission will make the request directly to the employer. The Member understands that this request is solely at the employer's discretion, and any approved service credit purchase must be paid-in-full prior to the Member's effective disability retirement date. If a member retires before satisfying the age and Service requirements for Retirement provided in Section 22 of the Retirement Ordinance and the Retirement Commission finds (1) that his disability is the natural and proximate result of causes arising out of and in the course of his employment by an Employer, and (2) that he is granted worker's compensation on account of such disability, the Credited Service used in computing his disability Retirement Allowance shall be the sum of (1) his Credited Service in force at the time of his Retirement and (2) the number of years and fraction of a year, in the period from the date of his disability Retirement to the date he could have satisfied the age and Credited Service requirements for Retirement Allowance subject to Sections 31, 32, 33, and 48 of the Retirement Ordinance. Prior to the date of his Retirement he may elect to

receive his disability Retirement Allowance under an option provided in Section 27 of the Retirement Ordinance in lieu of a straight-life Retirement Allowance.

- 3.** The application shall be placed on the agenda of the next regularly scheduled meeting of the Retirement Commission, and the Commission shall adopt its Acceptance Resolution (Form DIS.6) which acknowledges receipt of the application and designates its Medical Director, or some other physician recommended by its Medical Director, to serve as the Medical Director.
- 4.** The Retirement Office Supervisor shall forward to the Member the Retirement Commission's Acceptance Resolution and a written request for any medical records which the Member wishes to be considered (Form DIS.7). The Member shall be responsible for the costs associated with copying or providing medical records from his/her private physician(s).
- 5.** The Retirement Office Supervisor shall request copies of medical records and/or incident reports on file with (a) the Member's Department Head(s); (b) the Human Resources Director and Risk Manager of the Member's employer, if applicable; (c) the Member's physician(s); and, (d) any other identified sources as the Retirement Commission deems pertinent in its sole discretion. All reasonable costs for duplication and copying of records shall be immediately payable from the assets of the Retirement System.
- 6.** The Member must apply for Social Security disability benefits and properly notify the Retirement Commission concerning the results of said application.
- 7.** The Retirement Office Supervisor shall schedule an appointment for a medical examination by or under the direction of the Retirement Commission's Medical Director and advise the Member in writing of the appointment date and time. The member shall NOT be responsible for the cost of the examination by the Medical Director; however, a Member may incur a cancellation charge due to the Member's failure to keep a scheduled appointment. Travel costs shall be the responsibility of the Member.
- 8.** The Retirement Office Supervisor shall forward a copy of the Member's job description and related duties as obtained from the Human Resources Department of the employer to the Medical Director (Form DIS.8). The Retirement Office Supervisor shall forward all medical records and incident reports obtained from the employer and the Member's physician(s) to the Medical Director prior to the scheduled examination. 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.

9. The Member is examined by the Medical Director or a physician designated by and under the direction of the Medical Director.

10. The Medical Director forwards to the Retirement Commission his/her medical reports on the issue of whether the Member is disabled. The physician shall provide a thorough medical report that sets forth the facts as presented by the Member, the process of examination, the medical conclusions and the reasons for the medical conclusions. In addition to the full medical report, the Medical Director must certify in writing as to whether the Member is (a.) mentally or physically totally incapacitated for duty in the employ of his/her last employer; (b.) that such incapacity will probably be permanent; and (c.) that the Member should be retired (Form DIS.9). Incapacitated for duty in the employ of his/her last employer shall mean employment in the same or similar position the Member held at the time of disability. All claims for disability retirement must be fully and completely established by or on behalf of the applicant and certified by the Medical Director prior to the Commission's grant of a disability retirement.

11. The Retirement Commission shall place on its agenda an executive session during a regular meeting of the Commission to discuss the Member's disability application, medical reports and opinions, and all other pertinent information. The Retirement Commission shall notify the Member of the meeting at least 7 days prior to the date of the meeting.

12. For duty disability applicants, the Retirement Commission decides the issue of whether a Member's disability occurred as the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty in the employ of the employer. The Member must be in receipt of workers' disability compensation on account of such total and permanent incapacity prior to the Member's application and the Commission's determination of duty causation.

13. The Retirement Commission, based upon: a) Medical Director's findings and recommendations; b) their review of the Member's records; and c) any other evidence deemed appropriate and relevant by the Commission; resolves to grant or deny the disability retirement (Form DIS.10).

14. A Member's effective date of disability retirement shall be thirty (30) days from the date of application for disability retirement and may be paid retroactively.

15. The Retirement Office Supervisor sends the Retirement Commission's Determination Resolution and a copy of the Genesee County Employees'

Retirement System's Appeal Procedures to the Member within thirty (30) days of its determination.

16. Disability retirement benefits are paid consistent with the Genesee County Employees' Retirement System's Retirement Ordinance provisions and applicable collective bargaining agreements in effect at the time of the Member's grant of disability retirement. All benefits payable pursuant to the Retirement Commission's Disability Retirement Procedures shall cease upon the death of the disability retiree.

17. Disability retirees shall be subject to an annual certification of earnings, periodic re-examination and all other terms and conditions contained within the Retirement System and applicable collective bargaining agreements. The terms of the collective bargaining agreement shall control in the event of conflicting plan provisions. In the event it is determined upon re-examination that the disability retiree is no longer eligible to receive disability retirement benefits, the disability retirement allowance will cease. If a disability retiree waives rights to seniority and employment as part of a worker's compensation redemption, the individual will have no rights to re-employment. Disability retirees shall also be subject to benefit offsets as provided in the Retirement System for receipt of worker's compensation benefits.

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

Adopted by the Retirement Commission on 12/11/2004