

**MACOMB COUNTY EMPLOYEES RETIREMENT SYSTEM**

**POLICY RESOLUTION**

**ADOPTED: SEPTEMBER 22, 2016**

**RE: DISABILITY EXAMINATION – CANCELLATION CHARGES**

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**WHEREAS**, the Board of Commissioners of the Macomb County Employees Retirement System (“Retirement Board”) is vested with the authority and fiduciary responsibility for the administration, management and operation of the Retirement System, and

**WHEREAS**, the Retirement Board has the responsibility to administer disability retirements in accordance with Sections 28 and 32 of the Retirement Ordinance, and

**WHEREAS**, the Retirement Board is required, pursuant to Section 11 of the Retirement Ordinance, to retain the services of a Medical Director to arrange for medical examinations, investigate all essential matters of a medical nature, and report in writing conclusions and recommendations in order for the Board to administer the disability retirement process, and

**WHEREAS**, the Retirement Board is of the position that while the costs arising out of the services provided by the Medical Director are expenses which may be paid by the Retirement System, the cost of no-show/ late cancellation fees incurred by the Retirement System due to an individual’s failure to attend a scheduled appointment with the Medical Director is an expense more appropriately paid by the individual, and

**WHEREAS**, the Retirement Board has determined that it is in the best interest of the Retirement System to establish a policy regarding the payment of costs related to the cancellation/ rescheduling of a disability appointment which results in a no-show/late cancellation fee (“Cancellation Charge”), therefore be it

**RESOLVED**, that the Retirement Board hereby adopts the following procedure:

The Retirement Administrator shall provide written notice to an individual who is undergoing a disability retirement medical review: (1) the time and location of the appointment, (2) the specific process required to change/cancel an appointment, (3) the costs associated with failure to comply with the appointment process, (4) the process by which the Retirement System will recoup any Cancellation Charges from the individual, and (5) the appeal process.

Upon notification of a Cancellation Charge, the Retirement Administrator shall provide the individual with notification of the Cancellation Charge which shall explain the nature and amount of the costs, as well as the repayment options.

**RESOLVED**, that it shall be the policy of the Retirement System that:

The Retirement System shall receive repayment of the Cancellation Charge, with no payment of interest by:

- (a) a lump sum payment within ninety (90) days of the date of the Retirement System's notification to the individual of the Cancellation Charge; or
- (b) an adjustment to pay through County payroll (if active employee) or to monthly retirement benefits (if retired) over a time period not to exceed one (1) year, unless otherwise provided by law.

The individual shall have ninety (90) days from the date of the notification of Cancellation Charge to select one of the indicated repayment options.

Failure to select a repayment option within ninety (90) days will result in the Cancellation Charge being recouped from the individual by an adjustment to pay through County payroll (if active employee) or to monthly retirement benefits (if retired) over the shortest period of time provided by law.

In the event the individual is no longer an active County employee or in receipt of retirement benefits, the Retirement System will recoup the Cancellation Charge from the individual at the time the individual commences receipt of and from retirement benefits or refund of accumulated contributions. The individual will be responsible to repay the Retirement System the amount of the Cancellation Charge together with interest (at the Retirement System's actuarial assumed rate of investment return) from the date of notification to the date of repayment.

The individual may appeal the Cancellation Charge and request a hearing before the Retirement Board. The appeal shall be in writing and filed with the Retirement System within ninety (90) days of the date of the notification. The request for appeal shall contain a statement of the claimant's reasons for disputing the Cancellation Charge. The Retirement Board shall schedule a hearing of the appeal within sixty (60) days of receipt of the request to appeal.

**RESOLVED**, that a copy of this resolution shall be forwarded to applicable parties.