

**MACOMB COUNTY
EMPLOYEES' RETIREMENT SYSTEM**

**Statement of Administrative Policies and Procedures Regarding
Disability Retirement**

I. DISABILITY RETIREMENT

In accordance to Section 28 of the Retirement Ordinance a member or the member's department head may apply for a disability retirement if a member 1) is in the employ of the County 2) is vested, and 3) has become or becomes totally and permanently incapacitated for duty in the employ of the County.

In accordance to Section 29 of the Retirement Ordinance, a member who is not vested shall be considered vested for the purpose of a duty disability. Duty Disability is determined when (1) the Board finds the member is totally and permanently incapacitated for duty as the natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty in the service of the County, and (2) the member is currently in the receipt of workers' compensation benefits as a result of the member's physical or mental incapacity.

II. APPLICATION PROCESS

Due to the number of different review processes, members should allow at least four (4) to six (6) months for consideration of a final approved disability retirement.

Members must complete the employee statement packet. Upon the packet being reviewed by Retirement Services, the completed packet will be forwarded to the Retirement Board Secretary to be posted on the next available Retirement Board meeting agenda.

After a determination by the Board has been made on the application, Retirement Services will send notice to the member.

- 1) Approved applications will move forward in the process
- 2) Denied applications will close the process

III. APPROVED APPLICATIONS

Members must submit the physician statement within thirty (30) days from notice of application approval. Any and all costs associated with having the physician complete the physician statement is the member's responsibility. Failure to provide the complete physician packet within thirty (30) days of the notice will result in the application being closed.

The member's application, job description, physician statement and employer statement will be submitted to the Medical Director. The Medical Director will review the documentation submitted and contact the member via a letter stating when the medical examination has been scheduled. This process by the Medical Director may take up to forty-five (45) days. On the occasion a member may need to cancel their appointment, the member must comply with the cancelation notice policy stated in the letter provided by the Medical Director. Failure to cancel an examination will result in cancelation fees paid by the member, NOT the Retirement System.

IV. TRAVEL TO AND FROM ANY EXAMINATIONS

Members shall travel to the location of any examination scheduled by the Medical Director. In no circumstances, will the Retirement System be obligated to reimburse any costs related to travel.

V. MEDICAL DIRECTOR DETERMINATION

Once the Medical Director's determination is provided to Retirement Services, the full determination will be sent to the member. The member will also be notified of when the determination will be presented to the Board.

The Board will make a motion for approving or denying the disability based on the recommendation of the Medical Director. On occasion, the Board may request additional information from the Medical Director. If this occurs, the Board will table the decision of the member's disability retirement.

VI. APPROVED DISABILITY RETIREMENT

If the member has been approved for disability retirement, Retirement Services will send a notice to the member. The member must elect their retirement pension option within thirty (30) days of the approval. In accordance with the Retirement Ordinance, Section 26(a), failure to make an election of the pension option within the thirty (30) days, will result in an automatic payment of Straight Life. This option is irrevocable.

Pension payments will be effective the date of application or such date as the member's actual last date paid as an employee of Macomb County/Department of Roads/Martha T Berry. If the member has been approved for a duty disability, the monthly pension payment will be offset by the weekly worker's compensation benefit.

VII. DENIED DISABILITY RETIREMENT

If the member has been denied for disability retirement, Retirement Services will send notice to the member. The member may appeal the Board's decision by completing a statement with compelling reasons as to why the denial is improper. The appeal statement must be signed by the member and presented to the Board within ninety (90) days of the denial notice.

VIII. APPEAL PROCESS

If the member's appeal has been granted by the Board, the member will be notified by Retirement Services. Members may submit an additional physician's statement within thirty (30) days from the notice of the appeal approval. Any and all costs associated with having the physician(s) complete the physician statement is the member's responsibility. After the thirty (30) days, Retirement Services will notify the Medical Director of the reasons the Board is requesting clarification and/or re-examination.

The Medical Director will review the original medical records and any additional documentation (if provided) to determine if a new medical examination is warranted. If the Medical Director has determined a new examination is warranted, an examination will be scheduled and the member will be notified within forty-five (45) days. On the occasion a member may need to cancel their appointment, the member must comply with the cancelation notice policy stated in the letter provided by the Medical Director. Failure to cancel an examination will result in cancelation fees paid by the member, NOT the Retirement System.

IX. RE-EXAMINATION REQUIREMENTS

In accordance to Section 32 of the Retirement Ordinance, disability retirees must have a medical examination once each year during the first five (5) years following the retirement of a member with a disability pension, and at least once in each three-year period thereafter until the member reaches normal retirement eligibility.

Retirement Services will send notice to the member when the examination is due based on the effective date of pension payment or such later date of an appeal approval. Additionally, the member will be provided their normal retirement effective date.

If the retirant refuses to comply with such requirements in any such period, the retirant's disability pension will be suspended by the Board until the retirant complies with the re-examination requirement. When a suspension occurs, the pension will be reinstated as soon as administratively possible. If such refusal continues for one year, the Retirant's disability pension may be revoked by the Board.

If, upon such medical examination of a retirant, the Medical Director reports and the Board concurs, retirant is physically able and capable of resuming employment with Macomb

County/Department of Roads/Martha T Berry, the disability pension shall terminate effective the date of the motion. If such action occurs, the member may apply for normal service retirement, if eligibility requirements have been met for age and service.

X. RE-EXAMINATION APPEAL

If the member has been denied for a continual disability retirement, Retirement Services will send notice to the member. The member may appeal the decision of the Board by completing a statement with compelling reasons why the denial is improper. The statement must be signed by the member and presented to the Board within ninety (90) days of the denial notice. During the appeal process; pension payments will be suspended until the Board has granted a continual disability retirement.

If the member's appeal has been granted by the Board, the member will be notified by Retirement Services. Members may submit an additional physician(s) statement within thirty (30) days from the notice of the appeal approval. Any and all costs associated with having the physician(s) complete the statement is the member's responsibility. After the thirty (30) days, Retirement Services will notify the Medical Director of the reasons the Board is requesting clarification and/or re-examination.

The Medical Director will review the original medical records and any additional documentation (if provided) to determine if a new medical examination is warranted. If the Medical Director has determined a new examination is warranted, an examination will be scheduled and the member will be notified within forty five (45) days. On the occasion a member may need to cancel their appointment, the member must comply with the cancelation notice policy stated in the letter provided by the Medical Director. Failure to cancel an examination will result in cancelation fees paid by the member, NOT the Retirement System.