

**ST. CLAIR COUNTY EMPLOYEES' RETIREMENT SYSTEM
DISABILITY RETIREMENT PROCEDURE**

1. The Member or the Member's department head submits a written application to the Board ("Board") requesting a disability retirement (**Form DIS 1**). The Member is encouraged to submit all medical and/or other information in support of the application, and must submit an Authorization for Release of Records form (**Form DIS 2**) to the Board. The Member must also acknowledge his/her rights and responsibilities during the process by completing the Applicant's Rights and Responsibilities (**Form DIS 3**).

In the event the Member's department head submits the application, the Board shall forward to the Member: (1) the application; (2) a request for all medical and/or other information; (3) the Authorization for Release of Records (**Form DIS 2**); and (4) the Applicant's Rights and Responsibilities (**Form DIS 3**). The Member must sign and date the forms and return them to the Board. The Board must be in receipt of the completed disability application and release of records forms to process any requests for disability retirement. The Member must also designate his/her physician for purposes of the Medical Committee.

2. The Board, at its next regularly scheduled meeting, shall adopt a resolution (**Form DIS 4**) which will: (a) acknowledge receipt of the application; (b) designate its physician to serve on the Medical Committee; and, (c) notify the applicant and department head of its action taken. In accordance with the Retirement System provisions, the Member will be given a medical examination by the Board's designated physician.
3. The Board shall provide all applicable job descriptions from the Member's Benefit Group with minimum requirements for which the Member meets the qualifications to the Member's Designated Physician and shall request from the Member's Designated Physicians a completed Decision of Examining Physician (**Form DIS 5**) from his/her designated physician wherein the Member's designated physician answers the following three questions: whether (1) the Member is mentally or physically totally incapacitated for any continued employment by the County; (2) the incapacity is likely to be permanent; and (3) that the Member should be retired. Incapacitated for duty shall mean that the Member is mentally or physically incapacitated for the further performance of duty in the service of the County. The standard of review established to define "any continued employment by the County" shall mean that the Member is mentally or physically totally incapacitated for any continued employment within the Member's current Benefit Group as defined in the Retirement Ordinance (i.e. General County; Sheriff; CMHA; or Road Commission).

Once the Retirement System is in receipt of a completed form from the Member's Designated Physician which certifies that the Member is disabled, then the Board shall direct the Member to schedule an appointment with the Board's designated physician. The Member shall not be responsible for the cost of the examination by its designated physician; however, a Member may incur a cancellation charge due to the Member's failure to keep a scheduled appointment. The Member shall be responsible for all of the Member's travel costs. If the Member's Designated Physician does not certify that the Member is disabled, then this process will cease.

4. The Board requests copies of all medical records and/or incident reports on file with the Member's department head, Human Resources (Personnel) Department, the Member's physician(s), and other identified sources as the Board in its sole discretion may deem relevant to the process. The Board shall also provide all applicable job descriptions from the Member's Benefit Group with minimum requirements for which the Member meets the qualifications to its Designated Physician. All reasonable costs for duplication and copying of records shall be payable from the assets of the Retirement System.
5. The Board sends a notice to its Designated Physician along with a copy of all applicable job descriptions in effect at the time of the alleged disability and copies of all medical records, incident reports, and other pertinent information (**Form DIS 6**). The Member, at the Member's expense, must provide to its designated physician all relevant information and/or medical records that the Member wishes to be considered at or prior to the examinations of the Member.
6. Examination of the Member by or under the direction of the Board's designated physician: If in the opinion of the Board's designated physician the Member should be examined by a specialist, such examination will be conducted under the direction of the designated physician. The Board's designated physician shall obtain authorization of the Board prior to the scheduling of such additional examination
7. The Board's designated physician shall forward to the Board his/her written medical report(s) and certification (**Form DIS 5**) regarding the following three questions: Whether (1) the Member is mentally or physically totally incapacitated for any continued employment by the County; (2) the incapacity is likely to be permanent; and (3) that the Member should be retired. Incapacitated for duty shall mean that the Member is mentally or physically incapacitated for the further performance of duty in the service of the County. The standard of review established to define "any continued employment by the County" shall mean that the Member is mentally or physically totally incapacitated for any continued employment within the Member's current Benefit Group as defined in the Retirement Ordinance under Article V (i.e. General County; Sheriff; CMHA; or Road Commission).

All claims for disability retirement must be fully and completely established by or on behalf of the applicant and certified by the Board's designated physician prior to the Board's grant of a disability retirement.

8. The Board shall place on the agenda an executive session during a regular meeting of the Board to discuss the Member's disability application, medical reports and opinions, and all other pertinent information. The Board shall notify the Member of the meeting at least 7 days prior to the date of the meeting.
9. The Board may request an opinion from its designated physician as to whether the Member is totally and permanently disabled, in the appropriate case, in the employ of the employer as a result of causes directly related to his or her actual performance of duty while an employee, however, such final determination is expressly reserved to the Board of Trustees. (**Form DIS 7**). Additionally, the Member must be in receipt of Worker's Compensation benefits to qualify for a duty disability retirement.

Approved: November 17, 2015

10. The Board, based upon: (a) the designated physician's findings, recommendations and certifications; (b) the review of the Member's records; and (c) any other evidence deemed appropriate and relevant by the Board; resolves to grant or deny the disability retirement accordingly (**Form DIS 8**).
11. A Member's effective date of disability retirement shall not predate: (1) the date of disability; or (2) the date the Member ceases to be paid by the County.
12. The Board shall notify the Member and the Member's department head in writing within thirty days of the Board's action granting or denying the application for disability retirement. If the Board's designated physician determines that the Member is not disabled, then a Medical Committee shall be formed with the Board's designated physician and the Member's designated physician to serve on the Committee. The third physician shall be mutually agreed upon by the Member's and the Board's designated physicians. A majority of the Medical Committee's opinions shall prevail.
13. The Member or the County may appeal the Board's decision within ninety days after the date of notification of the denial by filing with the Board a written request for hearing and a statement of the reason(s) for believing the Board action to be in error. The Board shall schedule a hearing of the appeal before it within sixty days after receipt of the written request for appeal. The Member and the County will have the opportunity to present any new information to the Board which they may desire the Board to consider in connection with the appeal; the Member or County representative desiring to present any such information shall present such information to the Board for consideration. The Board shall render a final decision on the matter being appealed. Appeal of a final decision of the Board may be made to a court of law possessing jurisdiction over the matter.
14. Disability retirees shall be subject to an annual certification of earnings (**Form DIS 9**), periodic re-examination, and all other terms and conditions contained within the Retirement Ordinance and applicable collective bargaining agreements in effect at the time of disability retirement. The terms of the collective bargaining agreement shall control in the event of conflicting Retirement Ordinance 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.
15. The Board shall take all reasonable efforts to protect the confidentiality of medical records.