

CITY OF ANN ARBOR EMPLOYEES' RETIREMENT SYSTEM

DISABILITY RETIREMENT RE-EXAMINATION PROCEDURE

1. At least once each year during the first five years following a member's retirement on account of disability, and at least once in every three-year period thereafter, the Retirement Board may require any disability retiree who has not attained his/her voluntary retirement age to undergo a medical examination made by or under the direction of a physician designated by the Board (Medical Director).
2. The Retirement Board shall review the files of all disability retirees twice a year to determine which retirees must undergo a medical re-examination by the Board's Medical Director. The files shall be reviewed each May for disability retirements that commenced or had a re-examination in the prior year January through June time frame, and each November for disability retirements that commenced or had a re-examination in the prior year July through December timeframe.
3. The Retirement Board (unless otherwise determined by the Board based on reasons that support a disability retiree's exclusion from the re-examination requirement) shall require such disability retiree to undergo medical re-examination for purposes of determining continued eligibility to receive disability retirement benefits (Forms CAAERS-DIS 4 or 5).
4. The Retirement Board shall notify each disability retiree to make arrangements, with the assistance of the Board's Executive Director, for the scheduling of such medical re-examination by the Board's Medical Director (Forms CAAERS-DIS 2 and 6). The retiree shall not be responsible for the cost of the examination by the Medical Director, unless the Board incurs a cancellation charge due to the retiree's failure to keep a scheduled appointment. All relevant information and/or medical records that the retiree wishes to be considered, must be provided by the retiree to the Medical Director at or prior to the examination.
5. The Retirement Board's Executive Director shall send a notice to the Board's Medical Director requesting that the physician conduct/direct a re-examination of the retiree (Form CAAERS-DIS 7). A copy of the current job description for the retiree's former position, all medical records, and other pertinent information shall be forwarded by the Executive Director to the Medical Director.
6. If a disability retiree refuses to submit to such medical examination in any such period, his/her pension may be discontinued by the Board until his/her withdrawal of such refusal. If such refusal continues for one year, all of his/her rights in and to benefits may be revoked by the Board.
7. The Medical Director shall forward to the Retirement Board its written medical report and certification on the issue of whether the retiree is mentally or physically able and capable of resuming employment in the City based upon the job description forwarded to the Medical Director (Form CAAERS-DIS 8). The standard of review shall be based upon the retiree's

ability to resume employment in the service of the City in the same or similar position said retiree held at the time of disability retirement. If the Medical Director indicates that the member can do other work in the service of the City, the Retirement Board, through its Executive Director, shall forward a copy of the medical report to the Human Resources Director and request a written determination as to whether the City has a position available that the member can perform in light of his/her condition.

8. Upon receipt of the report and certification of the Medical Director, the Retirement Board shall take appropriate action regarding the disability retiree's continued eligibility for disability retirement (Form CAAERS-DIS 9). The Executive Director shall notify the retiree of the meeting(s) during which the Board is scheduled to discuss matters related to the retiree.
9. If, upon such periodic medical examination, the Medical Director reports to the Board that the retiree is physically able and capable of resuming employment with the City in the same or similar job classification at the time of disability, and the Board concurs with the report, the disability retirement allowance shall be discontinued.
10. The Executive Director shall notify the retiree and the City in writing within 30 (thirty) days of the Retirement Board's action on the disability retirement re-examination. The Board's decision may be appealed by either the retiree or the City within 90 (ninety) days by filing with the Executive Director a written request for a hearing and a statement of the reason(s) for believing the action to be improper. The Retirement Board shall schedule a hearing of the appeal before the Board within 60 (sixty) days of receipt of the appeal. The retiree and/or the City will have the ability to present any new information to the Board which may be forwarded to the Medical Director for consideration. A final decision on the matter being appealed shall be made by the Pension Board.
11. The disability retiree who has been or shall be returned to City employment shall again become a member of the retirement system. His/her credited service in force at the time of his/her retirement shall be restored to his/her credit. He/she shall be given service credit for the period he/she was in receipt of worker's compensation benefits on account of City employment prior to attainment of age 60 years for covered members and age 55 for non-covered members. Any annuity funds previously withdrawn must be repaid to the Retirement System.
12. **NOTE: 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.**

Adopted: December 19, 2002
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