PROCEDURE ON DISABILITY RETIREMENT RE-EXAMINATION

I. ASSESSMENT FOR RE-EXAMINATION
   A. Staff will issue an affidavit to all applicable disability retirees under age 55 on a triennial basis. Retirees are required to return the affidavit within 30 days and are notified that failure to return the affidavit in a timely manner may result in suspension of their benefit.
   B. Staff will review the affidavits and assess whether additional information is required and/or disability retirees should be referred to a medical re-examination by a physician for the Board.
   C. After consideration of the available evidence, staff will take one or more of the following actions:
      1. Refer the disability retiree to medical re-examination;
      2. Determine the disability retiree is not a candidate for re-examination; or
      3. Re-assess the disability retiree for re-examination at a later date.

II. DISABILITY RETIREE’S REFUSAL TO PROVIDE AFFIDAVIT OR SUBMIT TO RE-EXAMINATION
   Staff will recommend to the Board that any disability retiree who refuses to submit to the re-examination process, will have their benefit suspended until they withdraw their refusal to cooperate in the re-examination. If the failure to cooperate continues for a period of one year, Staff will recommend that their disability retirement payments be canceled.
   A. Disability Retirees and/or their respective counsel will be provided written notice of the date and time that the Board will meet in open session to decide whether disability retirement payments will be suspended or canceled. The notice will be mailed by first class mail no later than 30 days before the scheduled meeting.

III. HEARING ON RE-EXAMINATION OF DISABILITY RETIREE
   A. If Staff determines that the disability retiree is no longer incapacitated for service and the retiree’s employer offers to reinstate the retiree, Staff will refer the matter to a hearing de novo before a Hearing Officer.
   B. The hearing de novo process shall be governed by the Disability Hearing Procedures.

IV. BOARD ACTION
   Following a hearing de novo, the Board will take action on the Hearing Officer’s recommended decision. The hearing before the Board shall be governed by the Disability Hearing Procedures.
V. EFFECT OF BOARD ACTION
If the Board finds that the disability retiree is no longer incapacitated and the employer has offered to reinstate the retiree, the retiree’s disability retirement benefit shall be canceled.

VI. REPORTING
Staff will report to the Board on an annual basis the disability retirees who underwent re-examination during the calendar year and the outcome of such re-examination.

HISTORY
Approved by: Elaine W. Reagan  Date: 7-19-2018
Elaine W. Reagan, Chief Legal Officer

Approved by the Board of Retirement, effective July 1, 2018  Date: 7-19-2018