

CITY OF ANN ARBOR EMPLOYEES' RETIREMENT SYSTEM

DISABILITY RETIREMENT PROCEDURE

1. Member or his/her department head submits a written application to the Retirement Board requesting a disability retirement (Form CAAERS-DIS 1). The member is encouraged to submit all medical and/or other information in support of the application and must submit a medical authorization form to the Retirement Board (Form CAAERS-DIS 2). In the event the application is submitted by the member's department head, the Retirement Board's Executive Director shall forward to the member the application; a request for all medical and/or other information; and a medical authorization form to be executed by the member and returned to the Board. The Board must be in receipt of a completed disability application and authorization form to process any requests for disability retirement.
2. The Executive Director shall commence processing of the application upon receipt and schedule an appointment for the member with the Board's designated physician (Medical Director). The member shall not be responsible for the cost of the examination by the Medical Director; however, a member may incur a cancellation charge due to the member's failure to keep a scheduled appointment.
3. The Retirement Board, at its next regularly scheduled meeting, shall acknowledge receipt of the application and notify the appropriate parties.
4. The Retirement Board, through its Executive Director, requests copies of all medical records and/or incident reports on file with the member's department head, Human Resources Department, the member's physician(s), and other identified sources as the Retirement Board deems pertinent in its sole discretion.
5. The Retirement Board sends a notice to the Board's Medical Director and requests that the physician conduct/direct an examination of the member. A copy of the member's job description in effect at the time of the alleged disability and copies of all medical records, incident reports, and other pertinent information shall be forwarded to the Medical Director. All relevant information and/or medical records that the applicant wishes to be considered, must be provided by the applicant to the Medical Director at or prior to the examination at the applicant's expense.
6. Examination of member by or under the direction of the Medical Director. If in the opinion of the Board's Medical Director the member should be examined by a specialist such examination will be conducted under the direction of the Medical Director. The Medical Director shall obtain prior authorization of the Executive Director prior to the scheduling of such additional examination.

7. Medical Director forwards to the Retirement Board its written medical report and certification (Form CAAERS-DIS 3) on the issue of: (1) whether member is mentally or physically totally incapacitated for duty in the service of the City, and (2) whether such incapacity will probably be permanent. "Incapacitated for duty in the service of the City" shall mean that the member is mentally or physically incapacitated for the further performance of duty in the service of the City in the same or similar position said member held at the time of the claimed disability. All claims for disability retirement must be fully and completely established by or on behalf of the applicant and certified by the Medical Director prior to the Retirement Board's grant of a disability retirement.
8. The Retirement Board may request an opinion from its Medical Director as to whether the claimed disability arose as the natural and proximate result of personal injury or disease arising out of and in the course of the member's actual performance of duty in the employ of the City. (Form CAAERS – DIS 4)
9. If the Medical Director indicates that the member can do other work, the Retirement Board, through its Executive Director, forwards a copy of the medical report to the Human Resources Director and requests a written determination as to whether the City has a position available that the member can perform in light of his/her condition.
10. The Executive Director 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 Executive Director shall notify the member of the meeting. The Executive Director will confirm with the Human Resources Department the employment status of applicant and/or last day worked.
11. For members with less than five (5) years of service, the Retirement Board shall determine (1) whether 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 his/her actual performance of duty in the employ of the City, and (2) that the member is in receipt of worker's compensation on account of his/her said physical or mental disability.
12. The Retirement Board, based upon: (a) Medical Director'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.
13. A member's effective date of disability retirement shall be (1) the date of application for disability retirement, or (2) such later date as the member actually last worked. The effective date of disability retirement shall be determined during the Board meeting.
14. The Executive Director shall notify the member and the City in writing within 30 (thirty) days of the Retirement Board's action on the application for disability retirement.
15. The Board's decision may be appealed within 90 (ninety) days of the date of notification of the denial by filing with the Executive Director a written request for 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 request to appeal. The applicant 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 Retirement Board. Appeal of a final decision of the Board may be

made to a court of appropriate jurisdiction.

16. Disability retirees shall be subject to re-examination and all other terms and conditions contained within the Retirement System Ordinance and applicable collective bargaining agreement in effect at the time of disability retirement. The terms of the collective bargaining agreement shall control in the event of conflicting plan 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.
17. While the disability retiree is receiving worker's compensation benefits, his/her pension benefits shall be offset by his/her weekly worker's compensation award converted to a monthly amount, if any, subject to all other terms and conditions contained within the Retirement System Ordinance and the disability retiree's applicable collective bargaining agreement.
18. In accordance with Retirement System provisions and past practice, if a disability retiree is in receipt of a worker's compensation redemption settlement amount, his "workmen's compensation period," shall be the period, if any, he was in receipt of (a) weekly worker's compensation plus (b) the period arrived at by dividing the said single sum by his weekly worker's compensation award.
19. Workers' compensation benefits shall include redemptions and settlements in lieu of periodic benefits, but shall not include payments or allocations for past, present and future medical expenses, rehabilitation and/or retraining expenses, statutory fees, or attorney fees.
20. A disability retirement allowance shall be reduced by workers' compensation until the attainment of age 60 where the Member was a General City Member and is a member of either (a) AFSCME, or (b) Police Service Specialists employee groups.
21. A disability retirement allowance shall be reduced by workers' compensation until the attainment of age 55 where the Member was a Police Officer and is a member of the (a)Ann Arbor Police Officers Association; (b) Command Officers Association of Michigan; or (c) Police Deputy Chiefs employee groups.
22. A disability retirement allowance shall not be reduced by workers' compensation where the Member is a non-union employee or a member of the (a)Teamsters (Supervisors) Civilians;(b) Police Clerical; or (c) Fire Fighter employee groups.
23. The redemption settlement amount for purposes of calculating additional service credit shall be the total settlement amount that is subject to offset as provided herein.
24. Upon termination of the period for payment of the retiree's worker's compensation benefits, if any, arising on account of City employment, a disability retiree shall be given membership service credit for the statutory period the retiree was in receipt of worker's compensation benefits.
25. A Member's disability retirement allowance shall be recomputed to include such additional service credit.

26. In no case shall such additional service credit include any period beyond attainment of age 60 years if the individual was a General City Member, or age 55 years if the Member was a Police Officer or Firefighter.