

COUNTY LOCAL LAWS

SECTION 8. Section 67(h), title "Administrative disability retirement" is hereby amended as follows:

(h) Administrative disability retirement. Whenever any member not having reached his normal retirement date becomes disabled or incapacitated so that he is demonstratively not capable of performing the duties and responsibilities of his position at an "acceptable level of competence" for medical reasons, he shall be notified by the head of his principal department, office or agency that in consideration of his medical condition he should initiate a disability retirement application. Before notifying the employee, the principal department, office or agency head shall consult and obtain the recommendation of each of the member's supervisors, review the recommendations of the Employee Medical Examiner, and afford the member the opportunity to voluntarily initiate a disability retirement application. If the employee fails or refuses to make application for disability retirement or early retirement if qualified, the employee's principal department office or agency head may initiate a disability retirement application on his behalf for the type of disability retirement that the member appears to be eligible to receive. Before final action may be taken on a disability retirement application initiated by a principal department office or agency head all pertinent information, including the employee's attendance record, his job performance record and his medical record, including the opinion of the medical examiner, and all other pertinent information must be transmitted to the Retirement Hearing Board. The decision of the department head or administrative head of a participating agency may be appealed by the member to the Retirement Hearing Board who shall make a determination as to whether or not the employee in fact qualifies for disability retirement. The recommendation of the Retirement Hearing Board may be appealed to the County Personnel Board before the County Personnel Board takes final action thereon. Appeal procedures provided in the Personnel Regulations shall be followed in making and handling such appeals. This type of retirement shall not become effective, in the event the employee does not appeal, without action of the Retirement Hearing Board and the County Personnel Board whose decision shall be final. (See Section 94-62(h), title "Administrative retirement for cause on or after normal retirement date.")