

COUNTY LOCAL LAWS

(4) the member is not qualified for or is unable to productively handle another available position.

(d) Medical re-examination of disability retiree. The County Personnel Board may require a member receiving disability pension payments to undergo a yearly physical examination during the five-year period following retirement, and once in every three-year period thereafter, until age fifty-five, if a member of Group B, C or E, or age sixty if a member of Group A or F. The Retirement Hearing Board will review the findings of the physical examination and take appropriate action, which may include a hearing. Should a member refuse to submit to the examination, the County Personnel Board may reduce or discontinue pension payments.

(f) Amount of pension at service connected disability retirement. The yearly amount of pension payable upon service connected disability retirement will equal:

(1) if the member is totally and permanently incapacitated and incapable of earning a livelihood - two percent of final earnings, multiplied by years of credited service, up to a maximum of thirty-six, but not less than fifty percent of final earnings, or;

(2) if the member is partially and permanently incapacitated, five percent of final earnings for each ten percent of partial and permanent incapacity. If the member meets the age requirements for elective early retirement, not less than the yearly amount of retirement pension computed under Section 33-42(c) shall be payable. The County Personnel Board may adjust the percentage amount of disability payments, after considering the findings and recommendations of the Medical Examiner, after a periodic physical examination.

(g) (3) Adjustment or cessation of disability pension payments. Whenever a disability retiree's earnings capacity is changed, the amount of disability retirement pension may be further modified by the County Personnel Board. The amount of the revised pension shall not exceed the original disability retirement pension or an amount which, when added to the amount earned by the member, equals the current earnings of a member similarly classified exclusive of cost-of-living increases. For the purpose of this paragraph, "disability pension" is the amount of pension payable without election of a pension payment option.

(h) Administrative disability retirement. Whenever any member not having reached normal retirement date becomes disabled or incapacitated and is demonstratively