

MONTGOMERY COUNTY

not capable of performing the duties and responsibilities of the position to which assigned at an "acceptable level of competence" for medical reasons, the member shall be notified by the head of the principal department, officer or agency that in consideration of the medical condition, a disability retirement application should be initiated. Before notifying the member, the principal department, officer or agency head shall consult and obtain the recommendation of each of the member's supervisors, review the recommendations of the Medical Examiner and afford the member the opportunity to voluntarily initiate a disability retirement application. If the member fails or refuses to make application for disability retirement, the principal department, office or agency head may initiate a disability retirement application on behalf of the member. All pertinent information, including the member's attendance record, job performance record and medical record, including the findings of the Medical Review Committee, must be transmitted to the Retirement Hearing Board. The Retirement Hearing Board shall determine whether or not the member qualified for disability retirement. The decision of the Retirement Hearing Board may be appealed to the County Personnel Board. Appeal procedures provided in the Personnel Regulations shall be followed in making and handling appeals.

SECTION XI. Section 43(i), title "Applicability of revised benefits" is hereby deleted.

SECTION XII. Sections 44(a), title "Election of pension payment option" and 44(b), title "Voluntary adjustment of pension payment by a member who retires before he is qualified to receive Social Security benefits" are hereby amended and Section 44(e), title, "Applicability of cost-of-living adjustments to widow's of Group D retirees", is hereby added, as follows:

(a) Election of pension payment option. A member may elect an optional form of pension actuarially equivalent to the normal form of retirement pension otherwise payable. A member who qualifies for a disability retirement before reaching early retirement date is not eligible to elect a pension payment option. A member who qualifies for non-service connected disability retirement on or after reaching early retirement date is eligible to elect a pension payment option. A member who qualified for a service connected disability retirement may elect a pension payment option irrespective of age and credited service. To elect a pension payment option, the member must file the