

(d) If a retiree's refusal of a medical examination continues for 1 year, the Board of Trustees may revoke the retiree's rights in the retiree's pension.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE MEDICAL BOARD FINDS AFTER A MEDICAL EXAMINATION THAT A DISABILITY RETIREE WHO IS UNDER NORMAL RETIREMENT AGE IS NO LONGER MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE POSITION OF THE RETIREE AT THE TIME OF RETIREMENT, THE BOARD OF TRUSTEES MAY, AFTER GIVING NOTICE AND AN OPPORTUNITY FOR A HEARING, SUSPEND THE RETIREE'S ALLOWANCE.

(2) THE BOARD OF TRUSTEES MAY NOT SUSPEND A RETIREE'S ALLOWANCE UNDER THIS SECTION UNLESS:

(I) A RETIREE IS EMPLOYED IN A POSITION THAT REQUIRES THE RETIREE'S ALLOWANCE TO BE SUSPENDED UNDER § 29-117 OF THIS SUBTITLE;

(II) A RETIREE IS EMPLOYED IN A POSITION THAT DOES NOT REQUIRE THE RETIREE'S ALLOWANCE TO BE SUSPENDED UNDER § 29-117 OF THIS SUBTITLE, BUT IS EMPLOYED IN A POSITION SIMILAR TO THE POSITION HELD BEFORE RETIREMENT OR A POSITION WITH COMPENSATION THAT IS AT LEAST EQUAL TO THE RETIREE'S AVERAGE FINAL COMPENSATION AT RETIREMENT; OR

(III) THE BOARD OF TRUSTEES DETERMINES, AFTER GIVING NOTICE AND AN OPPORTUNITY FOR A HEARING, THAT A RETIREE HAS REFUSED TO ACCEPT FROM THE RETIREE'S EMPLOYER AT RETIREMENT AN OFFER OF REEMPLOYMENT IN A POSITION COMPARABLE TO THE POSITION HELD BEFORE RETIREMENT OR A POSITION WITH COMPENSATION THAT IS AT LEAST EQUAL TO THE RETIREE'S AVERAGE FINAL COMPENSATION AT RETIREMENT.

(2) (3) A RETIREE WHOSE ALLOWANCE IS SUSPENDED UNDER THIS SUBSECTION MAY RECEIVE A VESTED ALLOWANCE AS PROVIDED UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE, IF THE RETIREE HAD AT LEAST 5 YEARS OF ELIGIBILITY SERVICE AT RETIREMENT.

[(e)](F) A member who retires on or after July 1, 1982, and receives a disability retirement allowance shall provide yearly medical and earnings information on request of the Board of Trustees.

[(f)](G) If the retiree refuses to provide the information, the Board of Trustees shall suspend the retiree's allowance until the information is provided.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.