

(II) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR
2. IF THE MEMBER IS UNABLE TO APPLY, BY THE MEMBER'S DEPARTMENT HEAD; AND

(III) THE MEDICAL BOARD HAS CERTIFIED THAT:

1. THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF DUTY;
  2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
- AND
3. THE MEMBER SHOULD BE RETIRED.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER WHO IS RETIRED FOR ORDINARY DISABILITY UNDER THIS SUBSECTION SHALL RECEIVE AN ORDINARY DISABILITY RETIREMENT ALLOWANCE EQUAL TO 1/55 OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF CREDITABLE SERVICE.

(II) IF THE RETIREMENT ALLOWANCE CALCULATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN ONE-FOURTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION AND THE MEMBER IS YOUNGER THAN 60 YEARS OLD, THE MEMBER'S ORDINARY DISABILITY RETIREMENT ALLOWANCE SHALL BE THE LESSER OF:

1. ONE-FOURTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR
2. THE RETIREMENT ALLOWANCE AMOUNT THE MEMBER WOULD HAVE RECEIVED IF THE MEMBER WERE 60 YEARS OLD.

COMMITTEE NOTE: This subsection is new language derived without substantive change from former Art. 73B, § 11(4) and (5).

In subsection (a)(1) of this section, the term "shall" is substituted for "may" to conform the ordinary disability provisions to the accidental disability provisions.

The clause "if the member is unable to apply" is added in subsection (a)(1)(ii) to clarify that a department head is not to force the retirement of a member.

The phrase "after a medical examination of such member" is deleted to conform with current practice and with the provisions relating to accidental disability.