



**OFFICE OF INSPECTOR GENERAL**

**Thomas J. Dagley**  
*Inspector General*

**MEMORANDUM**

June 8, 2010

TO: Timothy L. Firestine  
Chief Administrative Officer

FROM: Thomas J. Dagley  
Inspector General

SUBJECT: Follow Up – OIG Review of Disability Retirement Program

This is a request for updated information regarding the Office of Inspector General's (OIG) September 2008 Interim Report on MCG's Disability Retirement Program and your September 8, 2008 management response. The management response was included as Appendix B in the Interim Report.

Please provide the information requested in this memorandum by July 23, 2010. The OIG plans to use the information to help determine appropriate objectives and a methodology for follow-up work and to complete an action item regarding the Disability Retirement Program included in our FY 2010-2013 work plan.

In your September 8, 2008 response, you indicated that a number of changes were going to be made to administer the Disability Retirement Program. Please provide updated information including copies of new or revised MCG policies and procedures, or other guidelines, and the effective date of change for the following five items:

1. On page 7 you stated, "We agree that internal control and management oversight regarding sharing of information between Risk Management, which administers the workers compensation program, and OHR's Division of Occupational Medical Services (OMS), which administers the disability retirement program, need improvement, and we have already instituted changes to improve data sharing. The improvements include requiring OMS staff to contact Risk Management staff and the third party administrator to obtain last minute information prior to DRP's deliberations."



2. On page 7 you also stated, “We agree that the standards and procedures governing SCDRs need to be revised, and the Work Group’s recommendations seek to address that need.”

3. On page 8 you stated, “As recommended by the Work Group, the OHR Director is developing a plan to conduct re-examinations of retirees receiving disability benefits. We will also fast track this process so that we can review the maximum number of SCDR recipients before they reach the threshold where such examinations are no longer required.”

4. On page 9 you stated, “We agree that the authority to enforce earning limitations has not been exercised, and the Executive has directed OHR to explore the policy implications of conducting earnings reviews in the future.”

5. On page 10 you stated, “We agree that there is a need for a comprehensive review of policies and procedures relating to the periodic medical examinations for Police Department employees and we are in the process of initiating that review.”

On August 19, 2009, Bill 37-09, Personnel - Disability Retirement – Amendments became effective and made the following changes to the Disability Retirement Program. Please provide the status of implementing the following changes, including a copy of new or revised management policies and procedures, or other guidelines, and the effective date of change. In the event components of the amended Bill have not been implemented, please identify the components that have not been implemented and an estimated date for implementation.

a. The composition of the existing Disability Review Panel increased from three to four members and panel decisions are required to be made by at least three doctors (instead of two).

b. All four members of the Disability Review Panel are required to be board certified in occupational medicine or have at least 10 years of experience practicing occupational medicine.

c. An independent medical examination of each disability applicant is required unless the nature and severity of the injury render it unnecessary.

d. An annual medical exam or certificate from a medical doctor is required for existing public safety retirees for the first five years after retirement and every three years after until age 55.

e. Lump sum retroactive disability benefits are reduced by the amount of the workers’ compensation benefits received by a police officer.

f. Applicants are required to report a claimed injury within one year of the time the applicant knew or should have known that an injury was disabling.

g. Applicants are required to file for benefits within one year after separation from County service or by July 1, 2010, whichever is later, and for police officers, within five years of the accident causing the impairment or by July 1, 2014, whichever is later, unless the police officer is working in a chronic incapacity position.

h. The County's payment is reduced by the amount of disability payment made by another employer for the same injury, except for Social Security disability benefits.

i. The County's payment is reduced by the amount of the outside earnings received by a former police officer who accepts employment as a sworn law enforcement officer with another government agency.

In addition, the following SCDR and non-SCDR information is requested by MCG department/office for fiscal years 2009 and 2010:

- The number of applicants by department/office for SCDRs and non-SCDRs; the number of applications approved for SCDRs and non-SCDRs, the number of applicants approved for temporary disability retirement; the number of applicants denied SCDRs and non-SCDRs; and the number of applicants pending a decision for SCDRs and non-SCDRs.
- The total dollar cost for SCDRs and non-SCDRs.

Further, it was our understanding that the County was going to discuss the concept of a partial disability retirement for police officers with the Fraternal Order of Police. Please provide the status of implementing a partial disability retirement.

Your assistance in providing the OIG the information requested is greatly appreciated. If you have any questions, please contact me or Chris Giusti, Deputy Inspector General.

Ref: #0036

cc: Nancy Floreen, Council President  
Council Members  
Steve Farber, Staff Director  
Kathleen Boucher, ACAO