





MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

October 28, 2008

MEMORANDUM

TO: Public Safety and Management and Fiscal Policy Committees

FROM: Phil Andrews, Chair, Public Safety Committee 
Duchy Trachtenberg, Chair, Management and Fiscal Policy Committee 

SUBJECT: **Potential Reforms to County's Disability Retirement System**

At our October 30th session, the joint PS and MFP Committees will continue to discuss the County's process for awarding service connected and non-service connected disability retirements. The issue was brought to the Council's attention by the findings in the Inspector General's Interim Report on service-connected disability retirements in the Police Department and the County Executive's Work Group's recommendations on disability retirements. At our October 30th session, the joint Committee will have an opportunity to hear from Managed Care Advisors on their review of the County's process and their suggestions and recommendations on how to improve our current policies and procedures. Since our September 11th session, we have continued to review this issue and have had the benefit of reviewing a draft report from Managed Care Advisors. Based on the information we have reviewed to date, we believe the following issues should be addressed in a reform package that can be enacted through legislation.

1. Prohibit an employee who commits an offense that justifies dismissal from receiving a service-connected disability retirement pension. This should most certainly include a criminal offense and the Council should also consider including serious misconduct that would result in dismissal.
2. Prohibit the application for a service-connected disability retirement after receiving normal or early retirement benefits with appropriate exceptions for those applying due to occupational diseases.

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3. **Modify the appointment procedures for the Disability Review Panel. This may include having a larger number of physicians so that Panels may be adjusted based on the applicant's injury or illness and to ensure that at least one member of the Panel have certification or experience in occupational medicine.**
4. **Consider implementing a two panel review which would allow the Disability Review Panel to focus on the medical review and a new administrative board to determine the eligibility for benefits.**
5. **Require an independent medical exam as a part of the process for all employees.**
6. **Create tiers for full and partial disability for all employees. The current system for Group G has two levels of benefits with the higher level requiring that the applicant meet the Social Security Administration's definition for total disability. Under a finding of total disability it would be expected that an applicant would not be able to perform any substantial gainful employment.**
7. **Implement an appropriate follow-up system that may require medical exams or the submission of medical records.**
8. **Consider a deduction in the service-connected disability retirement pension benefit when the employee has other substantial earnings. Reduce or eliminate a service-connected disability pension payment if the retiree applies for and receives another disability retirement pension from a different position for the same impairment.**

Many of these suggestions are in line with the recommendations of the County Executive's work group. We want to put in place a system that provides for those who have become disabled in the course of their public service while at the same time making sure that the county's standards for a finding of disability are clear and consistent and that the county's pension system does not take on unnecessary costs. We look forward to hearing your comments and suggestions on these and other policy issues.

cc: Councilmembers
County Executive
Chief Administrative Officer