

Present Procedures Followed by the City of Cambridge  
Retirement Board Pertaining to Accidental Disability Pensions

Councillor Francis Duehay  
Council Order - May 3, 1982

May 17, 1982

1. Application for Accidental Disability must be signed by the employee which states the nature of the disability, date, time and place of injury or hazard undergone. Application must state the names of witnesses, if any.
2. A letter from the applicant naming the physician he wishes to have represent him on a medical panel.
3. The Retirement Board requires that an Accident Report is filed with the Retirement Board within ninety days of the occurrence, however, lapse of time or failure to file notice of injury sustained or hazard undergone in the performance of his duties, shall not be a bar to the proceedings if such member received payments on account of such injury or hazard under the provisions of Chapter 152 - Workmen's Compensation.

Any member classified in Group 2, 3 and 4 (Police, Fire) who are not subject to the provisions of Chapter 152 - Workmen's Compensation, a record of such injury sustained or hazard undergone should be on file in the official records of his department. (Journal)

The Accident Report which is signed by the Department Head also lists the names of witnesses to the accident or hazard undergone. These witnesses may be called before the Retirement Board to testify.

4. A letter from the applicant's physician is also required to accompany the application. The physician must state the nature of the disability, likelihood of being permanent due to a specific injury or hazard undergone while in the performance of his duties. The physician should also state that the applicant can no longer perform all the duties of his position.
5. A complete Job Description must also be filed with the application and signed by the Department Head. This Job Description will be forwarded to the Medical Panel.
6. The Retirement Board, after securing all the necessary facts and records may vote to set up a medical panel to consider the case.
7. The Medical Panel consists of three registered physicians who are selected in the following manner:

One physician who shall be designated by the Commissioner of Public Health and who shall, so far as practicable, be skilled in the particular branch of medicine or surgery involved in the case and who shall serve as the Chairman of the Medical Panel

A second physician who is designated by the Retirement Board. The Cambridge Retirement Board also appoints a physician who is skilled in the particular field of medicine.

A third physician who is designated by the member at the time of his application for retirement.

May 17, 1982

Accidental Disability Retirement Procedures (Continued)

No Member shall be retired for Accidental Disability under Section 7 unless he has first been examined by a Medical Panel and unless a majority of the physicians on such Medical Panel shall, after such examination and after a review of all the pertinent facts in the case, certify in writing to the Retirement Board that such member is mentally or physically incapacitated for further duty and that such incapacity is likely to be permanent. The Medical Panel must further state as to whether or not the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which retirement is claimed.

8. Upon receipt of the required Medical Panel Certificates and a detailed report of findings and recommendations, the Retirement Board may vote to retire an individual.
9. If the Retirement Board votes to deny the application of a member, the applicant is notified in writing of the Board's decision and of his right to appeal to the Contributory Retirement Appeal Board.

Any person aggrieved by any action taken or decision of a Board rendered, or by the failure of a Board to act, may appeal to the Contributory Retirement Appeal Board by filing therewith a claim in writing within fifteen days of such action or decision of the Board.

Suggested Revised Procedures of Retirement Boards  
Pertaining to Accidental Disability Pensions

Retirement Boards within the Commonwealth are all governed by the same Disability Laws, however, the statute is sometimes interpreted or applied differently from Board to Board. Specific guidelines and interpretations of Chapter 32 of the Massachusetts General Laws should be made available to all Retirement Boards in the Commonwealth.

According to the Worcester Evening Gazette, records at the State Division of Insurance show that in 1980, about 680 municipal employees received Accidental Disability retirements - one out of six of the 4,035 who retired that year.

Legislation should be filed that would clarify and strengthen the Disability section of Chapter 32 and make it more difficult to receive a Disability Pension.

Legislation that would give partial Disabilities depending on the extent of their Disability, etc. and/or authorization to the Appointing Authority to make lateral transfers to other positions based on the incapacity of the employee.

Legislation should also be filed that would give Local Retirement Boards access to Federal and State Income Tax Returns in order to verify outside earnings of those retired for Accidental Disability.

Local Level

On the Local Level, an impartial investigator should be hired to assist the Retirement Board in determining whether or not a legitimate claim for Accidental Disability has been filed. This investigator would be able to gather information which would be extremely valuable to the Retirement Board in the processing of Accidental Disability applications.

The investigator would also be able to observe those persons already retired for Accidental Disability and report his findings to the Retirement Board. The cost of paying an investigator would be minimal in comparison to the savings in future pension benefits since the average Accidental Disability retiree receives approximately one quarter of a million dollars in his life time.

At the present time Police Officers and Firefighters are required to have a physical examination upon employment, however, this is not required of Group 1 employees, Clerical, Professional, Laborers, etc. It would be of great value to the Retirement System to have a copy of all employees' medical conditions when they begin working for the City. Again, the cost would be minimal in comparison to long run savings.

The Retirement Board should also receive the medical records of all those employed by the City who are receiving a Disability Pension from the Federal Government.

Suggested Procedures - Accidental Disability (Continued)

Additional appropriation to the Retirement System's Administrative Expenses in order to fund the re-examination of those retired for Disability. At the present time the Retirement System can only pay for the medical panels of those presently applying for Disability.

The City must also be aware that if re-examination reveals that a retiree is physically and mentally able to return to his former position, the Retirement Board may, with the approval of the head of any department in which a vacancy exists, order any such retired member to return and be restored to active service in the same employment in which such member was employed at the time of his retirement, or in similar employment in the same governmental unit. If such member refuses to return to active service or to file such information as the Board may require, it may revoke or suspend his pension.

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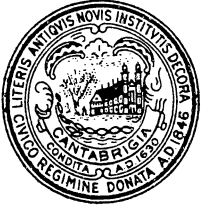
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# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9011


EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

May 24, 1982

To the Honorable, the City Council:

With reference to City Council Order No. 2 of May 3, 1982, I transmit herewith report prepared by the Retirement Board, relative to the policies and procedures of the Cambridge Retirement Board concerning disability pensions, and recommendations for revising these procedures.

Very truly yours,

  
Robert W. Healy  
City Manager

RWH/b

Re: report regarding the policies & procedures of the Cambridge Retirement Board concerning disability pensions.

*copy sent to Finance Committee  
Chairman 5/25/82 ml*

In City Council,

May 24, 1982

*5/24/82*

*RP  
Chairman of Finance  
Committee*