

**§18532. Voluntary return to service**

**1. Right to reinstatement.** If a person who is the recipient of a disability retirement benefit decides that the person is no longer incapacitated and is able to perform the duties of that person's employment position, the employer for whom the person last worked before becoming disabled shall reinstate the person to the first available position for which the person is qualified and which is consistent with the person's prior work experience. If a collective bargaining agreement applies to such a position, the employer may offer only a position which the person may claim by virtue of seniority accumulated at the time of the disability, unless otherwise specified in the collective bargaining agreement.

[PL 1989, c. 409, §§11, 12 (NEW).]

**2. Dispute over mental or physical capacity.** If there is a dispute between the person and the former employer over the person's mental or physical capacity to perform a specific job, at the option of the person that dispute must be resolved by a majority of 3 medical providers, one appointed and reimbursed by the person, one appointed and reimbursed by the employer and one appointed and reimbursed by the retirement system. If the 3 medical providers resolve the dispute in favor of the person, the former employer must reimburse the medical provider appointed by the person.

[PL 2017, c. 88, §34 (AMD).]

**3. Termination or reduction in benefits.** At any time before the elimination of disability retirement benefit payments under section 18530, subsection 3, the person may request that benefit payments be terminated and the chief executive officer shall terminate benefit payments at the end of the month in which the request is received.

[PL 1989, c. 409, §§11, 12 (NEW); PL 2021, c. 548, §45 (REV).]

**4. Reinstatement of benefits.** If, during the first 5 years of reinstatement, the person again becomes disabled and terminates employment, the retirement system shall resume paying the disability retirement benefit payable before the reinstatement with all applicable cost-of-living adjustments, or if greater, a disability retirement benefit based upon the person's current average final compensation. The chief executive officer may require examinations or tests to determine whether the person is disabled under section 18521.

[PL 1989, c. 409, §§11, 12 (NEW); PL 2021, c. 548, §45 (REV).]

**SECTION HISTORY**

PL 1989, c. 409, §§11,12 (NEW). PL 2017, c. 88, §34 (AMD). PL 2021, c. 548, §45 (REV).

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