

**§17910. Voluntary return to service**

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

[RR 2023, c. 2, Pt. B, §127 (COR).]

**2. Dispute over mental or physical capacity.** In the event there is a dispute between the beneficiary and the former employer over the beneficiary's mental or physical capacity to perform a specific job, at the option of the beneficiary that dispute must be resolved by the majority decision of 3 medical providers, one appointed and reimbursed by the beneficiary, one appointed and reimbursed by the employer and one appointed by the chief executive officer and reimbursed by the Maine Public Employees Retirement System.

[PL 2017, c. 88, §24 (AMD); PL 2021, c. 548, §45 (REV).]

**3. Termination or reduction in benefits.** At the option of the former beneficiary who has returned to an employment position, the disability retirement benefit may be terminated as of the end of the first month the former beneficiary is reinstated to a position or may be subject to section 17906, subsection 3.

[RR 2023, c. 2, Pt. B, §128 (COR).]

**4. Reinstatement of benefits.** If, during the first 5 years of reinstatement, the former beneficiary again becomes disabled as a result of the medical condition for which the initial disability retirement allowance was granted and terminates employment, the Maine Public Employees Retirement System shall resume paying the disability retirement benefit payable prior to the reinstatement with all applicable cost-of-living adjustments. The Maine Public Employees Retirement System may require examinations or tests to determine whether a member's medical condition is the same as that for which disability retirement was initially granted.

This provision shall apply only to state employees and teachers.

[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2007, c. 58, §3 (REV).]

**SECTION HISTORY**

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 58, §3 (REV). PL 2017, c. 88, §24 (AMD). PL 2021, c. 548, §45 (REV). RR 2023, c. 2, Pt. B, §§127, 128 (COR).

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