APPENDIX E

DISABILITY RETIREMENT DETERMINATION
PROCEDURE FOR ALTERNATIVE RETIREMENT PLAN
(SEE ARTICLE 20.C) PARTICIPANTS

This procedure is adopted to implement the disability retirement determination standard created by Article 17, Section E.3.b., and Article 21, Section A.12.f.(2) of the Collective Bargaining Agreement.

1. To determine if an Alternative Retirement Plan participant qualifies for the benefits granted under the above-referenced Articles, all relevant evidence shall be submitted to a physician selected by mutual agreement of the parties. The physician's determination shall be based on the standards utilized by the State Employees' Retirement System (SERS) in determining eligibility for disability retirement. The physician's determination shall be issued to the employee, the State System, and State APSCUF.

2. In the event an employee is dissatisfied with the physician's determination under paragraph 1 above, the employee or APSCUF may appeal that determination to final and binding arbitration to be conducted before and decided by one of the arbitrators selected by mutual agreement of the parties under this procedure and not by an arbitrator selected under Article 5. The arbitrator shall apply the standards used by the SERS in determining eligibility for disability retirement.

3. The physician and arbitrators chosen at the time of making this Agreement have been chosen because of their experience in making determinations under SERS standards. Should it be necessary to select additional physicians or arbitrators during the term of this contract, the parties agree that they shall attempt to select people with similar qualifications.

4. The arbitrator's fees and expenses shall be shared equally by APSCUF/FACULTY MEMBER and the STATE SYSTEM/UNIVERSITIES, but each party shall bear its own cost of preparing and presenting its case to the arbitrator.

5. Disputes arising under this side letter shall be not be subject to the Grievance and Arbitration provisions of Article 5 of the collective bargaining agreement.

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APSCUF DATE STATE SYSTEM DATE