



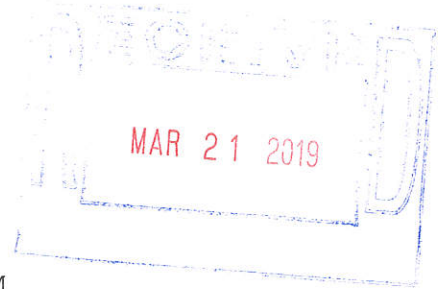
DUKES COUNTY CONTRIBUTORY RETIREMENT SYSTEM

9 Airport Road, Suite 1
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Telephone (508) 696-3846 • Fax (508) 696-3847

March 18, 2019

Mr. James Malkin
Chilmark Board of Selectmen
PO Box 119
Chilmark, MA 02535



RE: DUKES COUNTY CONTRIBUTORY RETIREMENT SYSTEM

Dear Mr. Malkin:

The Dukes County Retirement Board has asked me to forward this information to all Boards of Selectmen and School Committee members. The escalation of disability applications has prompted this correspondence in order to make sure that due diligence is being done at even the earliest stages of employment to help mitigate the liability of claims.

As you know, the Dukes County Contributory Retirement Board is not in the employer/employee relationship. By providing this correspondence we are not attempting to interfere with that relationship, at the same time, as fiduciaries to our members and retirees, we have a statutory obligation to administer the Retirement System for the benefit of all of its members. It is in that capacity that I provide the following information.

In recent years there has been an alarming increase in Applications for Accidental Disability concentrated in the custodial staff. In reviewing the records for each of the cases, it appears that these employees have not been required to undergo a pre-employment physical. In a number of cases the employees have had pre-existing conditions that later have played a role in their disability. In writing this correspondence we are also aware of the difficulty in filling certain positions which limits the number of potential applicants from which to choose. Providing pre-employment physicals will result in you having better information upon which to evaluate each candidate, it will also assist the Retirement Board in its evaluation of each claim.

Under the provisions of M.G.L. Chapter 32 §7, an employee with a non-job related pre-existing condition, that is permanently exacerbated to the level that the employee can no longer perform the essential duties of his or her position on a sustained basis without the risk of re-injury, would be

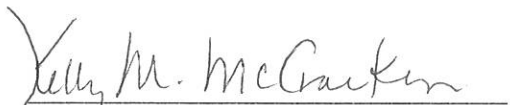
entitled to be awarded an accidental disability. In many cases, the Retirement System then provides a long term benefit for short term employees. A greater number of these individuals receiving such benefits affect a proportional increase on your unit's unfunded liability, reflected in your annual assessment under the Retirement System's Funding Schedule.

None of us can change the marketplace and we know that the pay scale for certain positions makes it difficult for individuals to support their families, unfortunately, we cannot change that. At the same time, it is clear that the more information you have relative to potential employees' medical and physical conditions, the more informed your hiring decisions will be.

We provide this information to explain the impact on the Retirement System which, in turn, relates to the School District's annual assessment. Please note that the Retirement Board is not being accusatory and we do not seek to be part of the employer/employee relationship.

We hope that this is helpful information. After you have had an opportunity to review this correspondence, if you have any questions, please do not hesitate to call.

Very truly yours,



Kelly M. McCracken
Executive Director