



Agenda Date: 10/25/2005
Agenda Placement: 6N

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Mark Gregersen - Acting Director
Human Resources
REPORT BY: Caryn Fagundes, Benefits Administrator, 253-4488
SUBJECT: Industrial Disability Retirement

RECOMMENDATION

Acting Human Resources Director requests adoption of a resolution regarding an application for industrial disability retirement determining that an employee in the Sheriff's Department is substantially incapacitated within the meaning of the Public Employee's Retirement Law for performance of his duties, effective November 5, 2005.

EXECUTIVE SUMMARY

Mr. James York filed for an industrial disability retirement to become effective November 5, 2005. The Human Resources Division has reviewed the medical and other evidence that supports a finding that Mr. York is physically incapacitated for the performance of his duties as Undersheriff due to a disabling condition that is presumed work-related by California Labor Code 3212-3213. Therefore, the Acting Human Resources Director is recommending approval of the industrial disability retirement by way of resolution.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Costs incurred will appear based upon actuarial statistics and will be absorbed in the County's retirement rate.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	Costs will appear based upon actuarial statistics and will be absorbed in the County's retirement rate.

Consequences if not approved: If not approved Mr. James York will not be able to obtain industrial disability retirement status with PERS.

Additional Information: None

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Mr. James York filed for an industrial disability retirement to become effective November 5, 2005. Pursuant to California Labor Code Sections 3212-3213, certain disabling conditions or injures which occur with respect to safety employees are presumed to result from a work-related cause i.e. heart trouble, pneumonia, cancer, tuberculosis and hernia. The Human Resources Division has reviewed the medical and other evidence that supports a finding that Mr. York is physically incapacitated for the performance of his duties as Undersheriff due to a disabling condition that is presumed work-related by California Labor Code 3212-3213.

The Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law. Human Resources has received medical verification and is in agreement with the industrial disability. Therefore, it is necessary to proceed with the resolution as required by PERS.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Andrew Carey