



Agenda Date: 3/7/2006
Agenda Placement: 6L

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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

RECOMMENDATION

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.

EXECUTIVE SUMMARY

Mr. James York filed for an industrial disability retirement which become effective November 5, 2005. The Human Resources Division reviewed the medical and other evidence that supported 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 Board of Supervisors approved this action October 25, 2005. CalPERS is requiring additional language in the resolution, therefore making it necessary to request adoption of a revised 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:

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

The Board of Supervisors approved the industrial disability retirement for Mr. James York on October 25, 2005. CalPERS is requiring additional language in the resolution before it processes the application. Under CalPERS requirements, the following is the additional language that must be included in the resolution: "that the employee is incapacitated for performance of the usual duties of the position for other California public agencies in CalPERS and similar positions with reasonably comparable pay, benefits and promotional opportunities with other California public agencies are not available." The attached resolution contains the requisite language.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Andrew Carey