



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/4/2017

Agenda Placement: 6R

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Heather Ruiz - Director
Human Resources
REPORT BY: Olivia Soria, Benefits Administrator - 253-4945
SUBJECT: Industrial Disability Retirement

RECOMMENDATION

Director of Human Resources requests adoption of a resolution regarding an application for industrial disability retirement determining that an employee in the District Attorney's Office is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of her duties and eligible for advanced disability pension payments, effective March 7, 2017.

EXECUTIVE SUMMARY

Ms. Jane Hinshaw, a District Attorney Investigator, filed for an industrial disability retirement to become effective March 7, 2017. The Human Resources Division has reviewed the medical and other evidence that supports a finding that Ms. Hinshaw is physically incapacitated for the performance of her duties as a District Attorney Investigator due to a disabling condition that is work-related. Additionally, according to Labor Code Section 4850, employers are required to make monthly advanced disability pension payments to safety members. Human Resources recommends approval of the industrial disability retirement and advanced disability pension payments through the proposed resolution.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	County General Funds. The advanced payments will terminate once CalPERS begins paying the disability retirement allowance, and CalPERS

will reimburse the County the amount of advanced payments made.

Is it Mandatory or Discretionary? Mandatory

Is the general fund affected? Yes

Future fiscal impact: The advanced payments should occur only in the current fiscal year and will be reimbursed by CalPERS once CalPERS begins paying the disability retirement allowance.

Consequences if not approved: If this action is not approved, Ms. Hinshaw will be unable to obtain industrial disability retirement status with CalPERS.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: 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 California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency who is classified as a local safety member is disabled for purposes of the California Public Employees' Retirement Law, and whether such disability is "industrial" within the meaning of the law. The medical reason for the disability is included in the resolution as required by the California Public Employees' Retirement Law.

Ms. Jane Hinshaw filed for an industrial disability retirement to become effective March 7, 2017. The Human Resources Division has reviewed the medical and other evidence that supports a finding that Ms. Hinshaw is physically incapacitated for the performance of her duties as a District Attorney Investigator due to a disabling condition that is work-related. Human Resources engaged Ms. Hinshaw in the interactive process to determine if there was another job where she could be accommodated. Ms. Hinshaw was offered an alternate non-safety job within the County, which she turned down electing a disability retirement instead. According to CalPERS regulations since the County's job offer was a non-safety position, she is still eligible for an industrial disability retirement. Additionally, according to Labor Code Section 4850, employers are required to make monthly advanced disability pension payments to safety members. The advanced payments shall not exceed 50% of the member's average monthly pay rate for the last (one) year prior to retirement. These payments will terminate once CalPERS begins paying the disability retirement allowance, and CalPERS will reimburse the County the amount of advanced payments made. Therefore, the Director of Human Resources is recommending approval of the industrial disability retirement and advanced disability pension payments through the proposed resolution.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Molly Rattigan