

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA 92701**

**DISABILITY COMMITTEE MEETING
March 16, 2020
8:30 a.m.**

Members of the Committee

Jeremy Vallone
Adele Tagaloa
Arthur Hidalgo

AGENDA

This agenda contains a brief general description of each item to be considered. The Committee may take action on any item listed on this Agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the Agenda. The Committee may consider matters included on the agenda in any order, and not necessarily in the order listed.

OPEN SESSION

CALL MEETING TO ORDER

PUBLIC COMMENT

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Committee; and (2) any matter appearing on the Consent Agenda. **Persons wishing to provide public comment at this time should fill out a speaker card located on the counter at the back of the room and deposit it in the Recording Secretary's inbox on the wall near the middle of the room.** When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

CONSENT ITEMS

DC-1: Deborah Borboa

Deputy Sheriff I, Orange County Sheriff's Department

Recommendation: Staff recommends that the Disability Committee deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate. (Safety Member)

DC-2: Christopher Brown

Fire Captain, Orange County Fire Authority

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement pursuant to Government Code 31720.5 (Heart Presumption) with an effective date of March 29, 2019. (Safety Member)

DC-3: Robert Carpenter

Sergeant, Orange County Sheriff's Department

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of the day after the last day of regular compensation. (Safety Member)

DC-4: David R. Chaffey

Fee Station Attendant, Orange County Waste and Recycling

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of January 4, 2019. (General Member)

DC-5: Steven Kircher

Firefighter, Orange County Fire Authority

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of March 15, 2019. (Safety Member)

DC-6: Francis Price

Carpenter, Orange County Public Works

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of May 24, 2019. (General Member)

DC-7: Brian Sims

Sergeant, Orange County Sheriff's Department

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of January 17, 2020. (Safety Member)

DC-8: Tanisha Turner

Coach Operator, Orange County Transportation Authority

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of December 27, 2015. (General Member)

DC-9: Frank Ybarra

Fire Apparatus Engineer, Orange County Fire Authority

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of March 29, 2019. (Safety Member)

CLOSED SESSION

Government Code section 54957

Adjourn to Closed Session under Government Code section 54957 to consider member disability applications and to discuss member medical records submitted in connection therewith. The applicant may waive confidentiality and request his or her disability application to be considered in Open Session.

ACTION ITEMS:

DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

OPEN SESSION

NOTE: Public comment on matters listed in this agenda will be taken at the time the item is addressed, prior to the Committee's discussion of the item. **Persons wishing to provide public comment at this time should fill out a speaker card located on the counter at the back of the room and deposit it in the Recording Secretary's inbox on the wall near the middle of the room.**

A. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

B. MINUTES FROM THE FEBRUARY 4, 2020 DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

C. ANNUAL REVIEW OF DISABILITY COMMITTEE CHARTER

Recommendation: Review the attached Disability Charter

COMMITTEE MEMBER COMMENTS

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

NOTICE OF NEXT MEETINGS

REGULAR BOARD MEETING

March 16, 2020

9:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

INVESTMENT COMMITTEE MEETING

March 25, 2020

9:00 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

PERSONNEL COMMITTEE MEETING

March 25, 2020

1:00 P.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

All supporting documentation is available for public review in the retirement office during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Thursday and 8:00 a.m. – 4:30 p.m. on Friday.

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at adminsupport@ocers.org or call 714-558-6200 as soon as possible prior to the meeting to tell

us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours notice, if possible. Please also advise us if you plan to attend meetings on a regular basis.

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA 92701**

**DISABILITY COMMITTEE MEETING
February 4, 2020
10:00 a.m.**

MINUTES

OPEN SESSION

The Chair called the meeting to order at 10:03 a.m. Attendance was as follows:

Present: Jeremy Vallone, Chair; Adele Tagalao; Arthur Hidalgo

Staff: Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Suzanne Jenike, Assistant CEO, External Operations; Megan Cortez, Disability Manager; Sonal Sharma, Recording Secretary; Anthony Beltran, Audio Visual Technician

PUBLIC COMMENT

None.

CONSENT ITEMS

MOTION by Tagalao, **seconded** by Hidalgo, to approve staff's recommendation on all of the following items on the Consent Agenda:

The motion passed **unanimously**.

DC-1: DANIEL DECKER

Deputy Sheriff I, Orange County Sheriff's Department

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of May 25, 2018. (Safety Member)

DC-2: ELISEO ELIAS-MARTINEZ

Coach Operator, Orange County Transportation Authority

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of April 28, 2019. (General Member)

DC-3: BLANCA GONZALEZ

Office Assistant, Orange County Health Care Agency

Recommendation: Staff recommends that the Disability Committee grant non-service connected disability retirement with an effective date of March 14, 2017. (General Member)

DC-4: MICHAEL HURST- PULLED PER MEMBER’S REQUEST.

DC-5: EDWARD KISOW

Deputy Sheriff II, Orange County Sheriff’s Department

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of the day after the last day of regular compensation. (Safety Member)

DC-6: STEVEN WALKER

District Attorney Investigator, Orange County District Attorney

Recommendation: Staff recommends that the Disability Committee grant service connected disability retirement with an effective date of July 21, 2017. (Safety Member)

The Committee recessed into Closed Session at 10:05am.

The Committee resumed Open Session at 10:14am.

ACTION ITEMS:

A. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

DA-2: RENEE BROWN

Eligibility Supervisor, Orange County Social Services Agency

MOTION by Tagaloa, **seconded** by Hidalgo to deny service connected disability retirement due to insufficient evidence of permanent incapacity.

The motion passed **unanimously.**

B. MINUTES FROM THE JANUARY 7, 2020 DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

MOTION by Tagaloa, **seconded** by Hidalgo to approve the Minutes.

The motion passed **unanimously.**

C. 2020 DISABILITY COMMITTEE MEETING CALENDAR-REVISED

Recommendation: Approve the revised 2020 Disability Committee meeting calendar.

MOTION by Tagaloa, **seconded** by Vallone to approve the revised 2020 Disability Committee meeting calendar.

The motion passed **unanimously**.

COMMITTEE MEMBER COMMENTS

None.

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

None.

COUNSEL COMMENTS

None.

ADJOURNMENT

The meeting adjourned at 10:17 am.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Jeremy Vallone
Chair



Memorandum

DATE: March 16, 2020
TO: Members of the Disability Committee
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: ANNUAL REVIEW OF DISABILITY COMMITTEE CHARTER

Recommendation

Review the attached Disability Committee Charter.

Background/Discussion

On January 16, 2018, the Board of Retirement formed the Disability Committee to assist the Board by ensuring diligent analysis of specialized medical records, careful evaluation of all applications for disability retirement, and an efficient process for applicants for disability retirement. The Committee has been meeting monthly since June 2018 and has undergone a number of changes to improve efficiencies in the disability adjudication process including using a consent agenda for all undisputed claims and moving the date of the meeting to coincide with the date of the regular Board meeting.

At the beginning of each year, Staff brings forward each committee charter so that the members of the committee can review their responsibilities and purpose of the committee for the coming year. This is important for a new committee like the Disability Committee; one that has experienced a number of changes over the last year as well as a committee that is made up almost entirely of new members each year.

The Disability Committee Charter will be up for a triennial review in 2021. At that time, any recommended amendments will go to the Board for approval to ensure that the charter remains relevant and appropriate.

Submitted by:



S. J. – APPROVED

Suzanne Jenike
Assistant CEO, External Operations



OCERS Board Charter

Disability Committee Charter

Introduction

1. The Board of Retirement (Board) has established the Disability Committee to assist the Board in overseeing the review of disability retirement applications. The Disability Committee is an advisory committee to the Board, and its recommendations are subject to final approval by the Board.

Purpose

2. Under applicable law, the Board must act upon all applications for disability retirement filed by OCERS members. The purpose of the Disability Committee is to ensure diligent analysis of specialized medical records, careful evaluation of all applications for disability retirement, and an efficient process for applicants for disability retirement. The Disability Committee will review the administrative record relating to all applications for disability retirement, the recommendations of OCERS staff, and the findings and conclusions of the administrative hearing officer, where applicable and will thereafter make recommendations to the Board on approval or denial of applications. In most circumstances, recommendations from the Disability Committee will be placed on the Board's consent agenda for final action in accordance with the Board Policy on Disability and Non-Disability Adjudication.

Duties and Responsibilities

3. The Disability Committee shall:
 - a. Review applications for disability retirement and make recommendations to the Board to grant or deny said applications;
 - b. Periodically review the disability application and review process with OCERS staff and recommend any changes as necessary or advisable;
 - c. Provide oversight for searches for outside consultants and advisors including hearing officers and medical experts, and recommend the appointment of such parties to the Board;
 - d. With OCERS staff, coordinate continuing education for the members of the Board on disability-related topics as required; and
 - e. Perform any other duties that may be assigned to it by the Board or that are necessary to discharge the Committee's responsibilities with respect to the disability application process.

Membership

4. The Disability Committee shall be composed of three members. The Board Chair shall appoint members of the Disability Committee as provided in the OCERS By-Laws and designate one member to serve as the Committee Chair.
5. The Board Chair shall appoint an alternate member of the Disability Committee, who may be any member of the Board, including the alternate seventh member. The alternate member of the



OCERS Board Charter

Disability Committee Charter

Disability Committee shall attend meetings of the Disability Committee only in the event that a regular member of the Disability Committee is unable to attend.

Meetings

6. The Disability Committee shall meet at least monthly and otherwise on an as needed basis as determined by the Committee Chair in consultation with the Board Chair.
7. All regular Disability Committee members are expected to attend all meetings of the committee, but the alternate member is expected to attend only when a regular member of the Disability Committee cannot attend a meeting.
8. A quorum to conduct business shall consist of two members of the Disability Committee, including the alternate member.
9. The Assistant CEO for External Operations (or his/her designee), the General Counsel (or his/her designee), and whatever staff deemed necessary shall attend all Disability Committee meetings. Meeting notices will be provided to interested parties in conformance with applicable laws, regulations, customs, and practices.
10. All meetings shall be conducted in accordance with the Brown Act. Meeting agendas will be prepared and provided in advance to members of the committee, along with appropriate briefing materials. Minutes of meetings will be prepared and will contain a record of persons present, decisions taken, and a high-level summary of the discussion. Disability Committee members shall not discuss disability applications with other Board members outside of the Disability Committee or Board meetings.
11. The Disability Committee shall adjourn to a closed session, Cal. Gov't Code § 54957(b), to discuss the application of any member for disability benefit.
 - a. Closed Session With the Parties Present. The Disability Committee shall conduct any discussion of an application as a closed session. Attendance at the closed session will be limited to 1) the parties; 2) counsel for the parties; 3) any OCERS disability staff members and/or attorneys acting as advocates for the staff initial determination; 4) any witnesses called to present testimony before the Disability Committee; 5) OCERS staff necessary to facilitate the hearing (including the clerk of the Board and IT Staff); 6) the CEO or Assistant CEO or their designee; and 7) the OCERS General Counsel (or his/her designee) to provide legal advice to the Disability Committee.
 - b. Closed Session Without Parties. Following the Disability Committee's hearing of a matter in a closed session with the parties present, the Disability Committee may adjourn to a closed session including only the CEO or the Assistant CEO or their designee and the OCERS General Counsel (or his/her designee) to provide legal advice to the Board in order to consider the merits of the case and the Board's legal obligations.



OCERS Board Charter Disability Committee Charter

Monitoring and Reporting

- 12. The Disability Committee shall:
 - a. Make its minutes available to all Members of the Board;
 - b. Periodically report to the Board on its activities;
 - c. Monitor compliance with and the effectiveness of the disability application process, and report to the Board on the committee’s findings, as appropriate; and
 - d. Periodically review and, when necessary, amend standardized materials used in the disability application process, as recommended by OCERS staff.

Charter Review

- 13. The Disability Committee shall review this charter at least once every three (3) years and recommend any amendments to the Board for approval as necessary to ensure that the charter remains relevant and appropriate.

Charter History

- 14. This charter was adopted by the Board of Retirement on January 16, 2018.

Secretary’s Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

 <hr style="border: 0.5px solid black;"/>	01/16/18 <hr style="border: 0.5px solid black;"/>
Steve Delaney, Secretary of the Board	Date



OCERS Board Charter Disability Committee Charter

CHANGE LOG EDITOR	CHANGES FROM PREVIOUS VERSION	DATE

REVIEWED BY	SIGNATURE	DATE