

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

**DISABILITY COMMITTEE MEETING
Monday, April 17, 2023
8:30 a.m.
MINUTES**

OPEN SESSION

Chair called the meeting to order at 8:31 a.m.

Recording Secretary administered roll call.

Attendance was as follows: Richard Oates, Chair (via Zoom); Charles Packard; Roger Hilton

Also in Attendance: Steve Delaney, Chief Executive Officer; Suzanne Jenike, Assistant CEO, External Operations; Gina Ratto, General Counsel, Manuel Serpa, Deputy General Counsel; Megan Cortez, Disability Manager; Brittany Brayboy, Disability Retirement Investigator; Cesar Rodriguez, Disability Retirement Investigator; William Singleton, Paralegal; Anthony Beltran, Audio Visual Technician; Marielle Horst, Recording Secretary

PUBLIC COMMENT

None.

CONSENT ITEMS

MOTION by Packard, **SECONDED** by Hilton, to approve staff's recommendation on all of the following items on the Consent Agenda, except for DC-2 and DC-4 which were continued to a future meeting at their attorney's request. The motion passed **unanimously**.

DC-1: STEVEN BURKLEY

Sheriff's Special Officer II, Orange County Sheriff's Department (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as July 7, 2017.

DC-2: KEVIN GARRETT – CONTINUED TO A FUTURE MEETING

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Deputy Sheriff II, Orange County Sheriff's Department (Safety Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice because the member has opted not to join in the employer filed application.

DC-3: DENNIS GOMEZ

Battalion Chief, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as March 11, 2022.

DC-4: MARILYN GORRIN - CONTINUED TO A FUTURE MEETING

Sheriff's Record Supervisor, Orange County Sheriff's Department (General Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice because the member has refused to attend her scheduled Independent Medical Examination.

DC-5: JULIA JARRIN

Physical Therapist II, Orange County Health Care Agency (General Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Grant non-service connected disability retirement.
- Set the effective date as October 22, 2021.

DC-6: WILLIAM JUREWICH

Firefighter, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.

- Set the effective date as January 2, 2023.

DC-7: BRIAN KURKA

Sheriff's Special Officer II, Orange County Sheriff's Department (General Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice because the member has opted not to join in the employer filed application.

DC-8: JONATHAN TIPTON

Deputy Sheriff I, Orange County Sheriff's Department (Safety Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as day after last day of regular compensation.

DC-9: SILVIA VEGA

Office Assistant, Orange County Health Care Agency (General Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as day after last day of regular compensation.

CLOSED SESSION

The Committee adjourned to Closed Session at 8:40 am.

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

None

DA-2: RICHARD CHAPPELL

Construction Inspection Supervisor, Orange County Sanitation District (General Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity.

DA-3: GEORGE TISCARENO - CONTINUED TO A FUTURE MEETING
Deputy Sheriff I, Orange County Sheriff's Department (Safety Member)

Recommendation: Staff recommends that the Disability Committee Forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement due to insufficient evidence of permanent incapacity.

The committee reconvened from Closed Session at 8:56.

OPEN SESSION

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

Ms. Jenike reported the Committee voted to adopt staff's recommendation as presented for DA-2. The motion passed **unanimously**. No action was taken on item DA-3, as it was continued to a future meeting at their attorney's request.

A-1 MINUTES FROM THE MARCH 20, 2023, DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

MOTION by Packard, **SECONDED** by Hilton to approve the March 20, 2023, Disability Committee meeting minutes. The motion passed **unanimously**.

A-2 REVIEW OF ADMINISTRATIVE REVIEW AND HEARING POLICY, DISABILITY APPLICATION REVIEW PROCESS ADMINISTRATIVE PROCEDURE AND DISABILITY COMMITTEE CHARTER

Recommendation: Review, and recommend the Board approve, the attached Adjudication Policy, Disability Application review OAP and Disability Committee Charter documents reflecting the process change of the CEO reviewing disability applications where the staff recommendation is a full Grant:

- Administrative Review and Hearing Policy (Disability and Non-Disability Benefits)
- Disability Application Review Process (OAP)
- Disability Committee Charter

MOTION by Hilton, **SECONDED** by Packard to recommend the Board approve Administrative Review and Hearing Policy (Disability and Non-Disability Benefits), with the removal of Section 4, and addition of a definition of a business day.

4. Termination for Cause and Resignation in Lieu of Termination

The motion passed **unanimously**.

MOTION by Hilton, **SECONDED** by Packard to recommend the Board approve the Disability Application Review Process (OAP). The motion passed **unanimously**.

MOTION by Packard, **SECONDED** by Hilton to recommend the Board approve the Disability Committee Charter. The motion passed **unanimously**.

A-3 REVIEW OF NEW ADMINISTRATIVE PROCEDURE REGARDING PRESUMPTIONS

Recommendation: Review, and recommend the Board approve, the attached Disability Administrative Procedure related to Disability Retirement Presumptions

After discussion, **MOTION** by Hilton, **SECONDED** by Packard to recommend the Board approve the New Administrative Procedure Regarding Presumptions. The motion passed **unanimously**.

COMMITTEE MEMBER COMMENTS

N/A

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

N/A

COUNSEL COMMENTS

N/A

ADJOURNMENT

The meeting adjourned at 9:24 a.m.

Submitted by:

DocuSigned by:
Suzanne Jenike
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Suzanne Jenike
Staff Liaison

Submitted by:

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SEDM
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Steve Delaney
Secretary to the Board

Approved by:

DocuSigned by:
Richard Oates
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Richard Oates
Chair