

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

**DISABILITY COMMITTEE MEETING
Wednesday, May 17, 2023
9:00 A.M.**

Members of the Committee

Richard Oates, Chair
Roger Hilton
Chuck Packard
Jeremy Vallone (Alternate)

Members of the public who wish to observe and/or participate in the meeting may do so (1) from the OCERS Boardroom or (2) via the Zoom app or telephone (information below) from any location.

OCERS Zoom Video/Teleconference information	
Topic: Disability Committee Meeting Time: May 17, 2023 09:00 AM Pacific Time (US and Canada) Join Zoom Meeting https://ocers.zoom.us/j/85955470239 Meeting ID: 859 5547 0239 Passcode: 731227 One tap mobile +16694449171,,87551846632#,,,,*141097# US +16699006833,,87551846632#,,,,*141097# US (San Jose)	Dial by your location +1 669 444 9171 US +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York) +1 301 715 8592 US (Washington DC) Meeting ID: 859 5547 0239 Passcode: 731227 Find your local number: https://ocers.zoom.us/j/kP3k941y

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

- 1. CALL MEETING TO ORDER AND ROLL CALL**
- 2. BOARD MEMBER STATEMENT REGARDING PARTICIPATION VIA ZOOM (IF NECESSARY)
(Government Code section 54953(f))**

3. PUBLIC COMMENTS

Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. Members of the public who participate in the meeting from the OCERS Boardroom and who wish to provide comment during the meeting may do so from the podium located in the OCERS Boardroom. When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

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.

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

CONSENT ITEMS

All matters on the Consent Agenda are to be approved by one action unless a Committee member requests separate action on a specific item.

DC-1: JOHN BRYSON

Firefighter, Orange County Fire Authority (Safety)

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-2: KENNETH BUCHANAN

Fire Apparatus Engineer, Orange County Fire Authority (Safety)

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 24, 2023.

DC-3: ZORINA CATUNA

Public Health Nurse, Orange County Health Care Agency (General)

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-4: JOHN CHANDLER

Fire Apparatus Engineer, Orange County Fire Authority (Safety)

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 10, 2023.

DC-5: ALBERT HALL

Fire Apparatus Engineer, Orange County Fire Authority (Safety)

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-6: RANDY MORPHEW

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

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-7: JOHN SAHM (DECEASED)

Firefighter, Orange County Fire Authority (Safety)

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 September 21, 2022.

DC-8: JOSEPH SANDOVAL

Captain, Orange County Sheriff's Department (Safety)

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 February 24, 2023.

DC-9: VINCENT TRUONG

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

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 September 10, 2021.

DC-10: MERY VALDEZ

Data Entry Technician, Orange County Probation

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.

CLOSED SESSION

Government Code section 54957

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

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

OPEN SESSION

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

ACTION ITEMS:

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. **Members of the public who wish to provide comment in connection with any matter listed in this agenda may do so by "raising your hand" in the Zoom app, or if joining by telephone, by pressing * 9, at the time the item is called. Persons attending the meeting in person and wishing to provide comment on a matter listed on the agenda should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary's box located near the back counter.**

A-1 MINUTES FROM THE APRIL 17, 2023 DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

COMMITTEE MEMBER COMMENTS

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

ADJOURNMENT

NOTICE OF NEXT MEETINGS

REGULAR BOARD MEETING

May 17, 2023

9:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

INVESTMENT COMMITTEE MEETING

May 24, 2023

9:00 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

DISABILITY COMMITTEE MEETING

June 19, 2023

8:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

AVAILABILITY OF AGENDA MATERIALS - Documents and other materials that are non-exempt public records distributed to all or a majority of the members of the OCERS Board or Committee of the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board or Committee of the Board are available at the OCERS' website: <https://www.ocers.org/board-committee-meetings>. If such materials are distributed to members of the Board or Committee of the Board less than 72 hours prior to the meeting, they will be made available on the OCERS' website at the same time as they are distributed to the Board or Committee members. Non-exempt materials distributed during an open meeting of the Board or Committee of the Board will be made available on the OCERS' website as soon as practicable and will be available promptly upon request.

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.

**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

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

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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:

Submitted by:

Approved by:

Suzanne Jenike
Staff Liaison

Steve Delaney
Secretary to the Board

Richard Oates
Chair