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DATE: October 31, 2013
BOARD MEETING DATE: November 19, 2013
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: David Bailey, Chief Executive Officer, SamCERA

SUBJECT: Approval of the deletion of existing Regulation 5.2 and the amendment and renumbering of Regulations 5.1 Through 5.10 of Article V of the Board of Retirement Regulations relating to the disability retirement process.

RECOMMENDATION:

Adopt a Resolution approving the deletion of existing Regulation 5.2 and the amendment and renumbering of Regulations 5.1 Through 5.10 of Article V of the Board of Retirement Regulations relating to the disability retirement process.

BACKGROUND:

SamCERA is governed by the County Employees Retirement Law ("CERL") contained in the Government Code. CERL section 31525 authorizes the Board of Retirement ("BOR") to adopt regulations that are consistent with the CERL. Section 31525 further provides that the regulations become effective when approved by the Board of Supervisors. The BOR has adopted amendments to its regulations governing the processing of disability retirement applications and is submitting those amendments to this Board for approval.

DISCUSSION:

The current disability process can be summarized as follows: After a disability retirement application has been reviewed by SamCERA staff, it is presented to the BOR for action. The BOR determines if the application should be approved on the consent agenda or be heard in closed session. An applicant can also have the matter removed from the consent agenda. If the applicant, or the employer, does not agree with the BOR's action, the matter is sent to a hearing officer, who makes findings and recommendations that are submitted to the BOR. Under CERL, the BOR has several optional actions it can take in regards to the hearing officer's findings and recommendations. If the member, or the employer, does not agree with the BOR's action, a writ of mandate can be filed in Superior Court. The proposed regulations clarify this existing procedure.

Existing regulation 5.2, which relates to the death of a member prior to the filing of a disability application, provides an optional survivor benefit that is inconsistent with CERL and as such should be deleted.

FISCAL IMPACT:

None.