



MEMORANDUM

TO: CITY COUNCIL

FROM: DEBORAH MALICOAT, DIRECTOR OF ADMINISTRATIVE SERVICES *DM*

BY: KAREN SISCO, HUMAN RESOURCES MANAGER *KS*

SUBJECT: CONSIDERATION OF A RESOLUTION DETERMINING THAT POLICE OFFICER TAMMIE NEUFELD SUFFERS FROM AN INDUSTRIAL DISABILITY

DATE: SEPTEMBER 22, 2015

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution determining that Police Officer Tammie Neufeld suffers from an industrial disability.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

No financial impact is projected.

BACKGROUND:

Upon application for industrial disability retirement by a public safety employee, the California Public Employees' Retirement Law, Government Code Section 21156 requires that the contracting agency determine whether the employee of such agency is disabled and whether such disability is industrial within the meaning of the law. The disability decision is based upon competent medical opinion and all medical and vocational information provided by the member, employer and Workers' Compensation carrier. The determination is based on actual/present disability, not prospective inability to perform the job duties. Government Code Section 20046 states that "industrial" means a disability as a result of an injury arising out of and in the course of employment as a local safety member. If there is no application filed with the Workers' Compensation Appeals Board for a determination pursuant to Government Code Section 21166, the agency is required to provide the determination of industrial causation.

ANALYSIS OF ISSUES:

Officer Neufeld sustained ongoing injuries while engaged in the course and scope of her employment as a Police Officer with the City of Arroyo Grande. Medical information provided to the City's Workers' Compensation insurance carrier by her treating physician

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confirms that her injury is disabling. The primary disabling condition is right carpal tunnel syndrome and right long trigger finger.

Officer Neufeld has filed her application for industrial disability with the California Public Employees' Retirement System based on her medical condition. Upon the City Council adopting the attached Resolution, it will be forwarded to the California Public Employees' Retirement System for the processing of Officer Neufeld's industrial disability retirement application. Officer Neufeld's last day on payroll was March 26, 2015.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- Adopt the Resolution;
- Do not adopt the Resolution; or
- Provide direction to staff.

ADVANTAGES:

The advantage of adopting the Resolution is that it will allow the processing of California Public Employees' Retirement Law industrial disability retirement benefits for the safety officer consistent with the determination of the treating physician.

DISADVANTAGES:

There are no disadvantages to approving the industrial disability retirement for Officer Neufeld.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted in front of City Hall on Thursday, September 17, 2015. The Agenda and report were posted on the City's website on Friday, September 18, 2015. No public comments were received.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DETERMINING THAT POLICE OFFICER TAMMIE NEUFELD SUFFERS FROM AN INDUSTRIAL DISABILITY PURSUANT TO GOVERNMENT CODE SECTION 21156

WHEREAS, the City of Arroyo Grande (hereinafter referred to as Agency) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for industrial disability retirement of Tammie Neufeld, employed by the Agency in the position of Police Officer, has been filed with the Public Employees' Retirement System; and

WHEREAS, the City Council of the City of Arroyo Grande has reviewed the medical and other evidence relevant to such alleged disability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. The City Council of the City of Arroyo Grande does hereby find and determine that Tammie Neufeld is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of her duties in the position of Police Officer; and
2. That the City Council of the City of Arroyo Grande does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment.
3. That neither Tammie Neufeld nor the City of Arroyo Grande has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code Section 21166 whether such disability is industrial; and
4. That the member will be separated from her employment in the position of Police Officer after expiration of her leave rights under Government Code, Section 21164, effective March 31, 2015 and that no dispute as to the expiration of such leave rights is pending. Her last day on payroll status was March 26, 2015.
5. That there is no possibility of third party liability; and

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6. That advanced bi-weekly Disability Pension payments in the amount of **\$1,466.31** began on April 17, 2015; and
7. The primary disabling condition is right carpal tunnel syndrome and right long trigger finger.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this _____ day of _____, 2015.

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JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

DIANNE THOMPSON, CITY MANAGER

APPROVED AS TO FORM:

HEATHER WHITHAM, CITY ATTORNEY

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