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County of Santa Cruz

PERSONNEL DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 950604073

(831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123

DANIA TORRES WONG, DIRECTOR

May 12, 1999

AGENDA: May 25, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

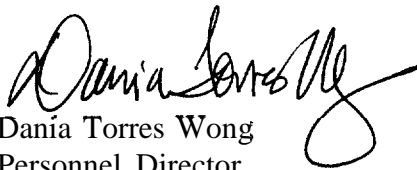
DETERMINATION OF DISABILITY RETIREMENT STATUS OF SAFETY MEMBER

Dear Members of the Board:

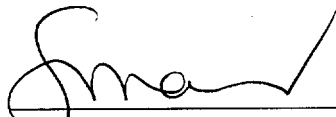
Ms. Marilyn Weaver has applied to the Public Employees' Retirement System (PERS) for a disability retirement. Under the terms of the Public Employees' Retirement law, an employee is disabled if they cannot substantially perform the duties of the position they occupy. PERS requires that your Board provide, via a resolution, a determination of two issues: (1) whether Ms. Weaver is disabled (under the above stated terms); and (2) whether her disability (if so determined) is "industrial" (work related). The Board has previously reviewed this recommendation in closed litigation session.

The attached resolution RECOMMENDED for your approval states that Ms. Weaver is disabled under the Public Employees' Retirement law.

Very truly yours,


Dania Torres Wong
Personnel Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

DTW:JM/jm

cc: County Counsel, Sheriff Tracy, Marilyn Weaver

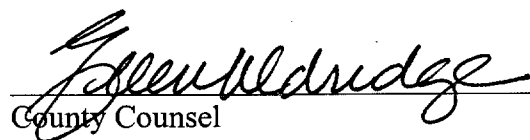
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999, by the following vote:

AYES : SUPERVISORS
NOES SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Jeff Almquist, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Distribution:

Personnel
County Counsel
Auditor-Controller
Sheriff
Risk Management

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION DETERMINING DISABILITY RETIREMENT OF
MARILYN WEAVER, SUPERVISING DETENTION OFFICER

WHEREAS, the County of Santa Cruz (hereinafter referred to as County) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether a local safety member, employee of such agency, 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 disability retirement of Marilyn Weaver formerly employed by the County of Santa Cruz in the position of supervising detention officer has been filed with the Public Employee's Retirement System; and

WHEREAS, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors find and determine and it does hereby find and determine that Marilyn Weaver is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of supervising detention officer; and

BE IT FURTHER RESOLVED that pursuant to Labor Code Section 3600, such disability is out of and occurred in the course of employment with the County and is industrial;

BE IT FURTHER RESOLVED that such disability was not caused by negligence or an intentional act of a third party;

BE IT FURTHER RESOLVED that such disability is psychiatric;

BE IT FURTHER RESOLVED that the member may separate her employment in the position of supervising detention officer effective January 3 1, 1999.