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County of Santa Cruz

PERSONNEL DEPARTMENT

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

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DANIA TORRES WONG, DIRECTOR

March 27, 2000

AGENDA: April 11, 2000

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:

Mr. Donald Dietrich has applied to the Public Employees' Retirement System (P.E.R.S.) for a disability retirement. Under the terms of the Public Employees' Retirement law, an employee is disabled if he cannot substantially perform the duties of the position he occupies. P.E.R.S. requires that your Board provide, via a resolution, a determination of two issues: (1) whether Mr. Dietrich is disabled (under the above-stated terms); and (2) whether his disability (if so determined) is "industrial" (work related).

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

Very truly yours,

Dania Torres Wong
Personnel Director

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

Att.

DTW:JM/jm

cc: County Counsel, Sheriff Tracy, Donald Dietrich, James Jeffers, Esq.

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
DONALD DIETRICH, DEPUTY SHERIFF

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 Donald Dietrich formerly employed by the County of Santa Cruz in the position of Deputy Sheriff has been filed with the Public Employees' 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 Donald Dietrich is incapacitated within the meaning of the Public Employees' Retirement law for performance of his duties in the position of Deputy Sheriff; 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 orthopedic;

BE IT FURTHER RESOLVED that the member be separated from his employment in the position of Deputy Sheriff effective April 14, 2000.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 11th day of April, 2000, by the following vote:

AYES:	SUPERVISORS
NOES	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Mardi Wormhoudt, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

Distribution:

Personnel
County Counsel
Auditor-Controller
Sheriff
Risk Management