



COUNTY OF SANTA CRUZ

PERSONNEL DEPARTMENT

RISK MANAGEMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073

(831) 454-2600 FAX: (831) 454-2245 TDD: (831) 454-2123

JANET MCKINLEY, RISK MANAGER

January 15, 2002

AGENDA: January 29, 2002

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. Timothy Henderson has applied to the Public Employees' Retirement System (PERS) for a disability retirement. Under the terms of the Public Employee' 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. Henderson 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. Henderson 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
Timothy Henderson
James Jeffers

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
TIMOTHY HENDERSON, 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 Timothy Henderson employed by the County in the position of Deputy Sheriff has been filed with the Public Employment Retirement System; and

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors find and determine and it does hereby find and determine that Timothy Henderson 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; and

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

BE IT FURTHER RESOLVED that such disability is cardiovascular;

BE IT FURTHER RESOLVED that pursuant to Labor Code Section 4550.3, the Auditor-Controller is directed to commence advance disability retirement allowance payments effective February 1, 2002;

BE IT FURTHER RESOLVED that the member separated from his employment in the position of Deputy Sheriff effective February 1, 2002;

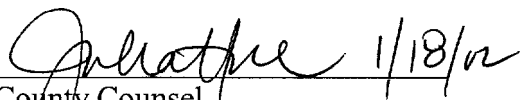
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of January, 2002, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Jan Beautz, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Attachment

Distribution: Personnel
County Counsel
Auditor-Controller
Sheriff-Coroner
Risk Management