

AGENDA

THE MEETING OF THE

DISABILITY PROCEDURES AND SERVICES COMMITTEE

and

BOARD OF RETIREMENT*

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 NORTH LAKE AVENUE, SUITE 810
PASADENA, CA 91101

9:00 A.M., WEDNESDAY, APRIL 6, 2016 **

COMMITTEE MEMBERS:

Vivian H. Gray, Chair
William de la Garza, Vice Chair
Yves Chery
Les Robbins
David Muir, Alternate

I. APPROVAL OF THE MINUTES

A. Approval of the minutes of the regular meeting of February 3, 2016.

II. PUBLIC COMMENT

III. ACTION ITEMS

A. Proposed Changes to the Disability Retirement Appeals Agenda and Disability Retirement Appeal Summary (memo dated 3/2/16).

B. Discussion regarding Panel Physician, Roy Caputo, M.D., as requested by Mr. Shawn Kehoe, Board of Retirement Chairman.

IV. FOR INFORMATION

V. GOOD OF THE ORDER

(For information purposes only)

VI. ADJOURNMENT

***The Board of Retirement has adopted a policy permitting any member of the Board to attend a standing committee meeting open to the public. In the event five (5) or more members of the Board of Retirement (including members appointed to the Committee) are in attendance, the meeting shall constitute a joint meeting of the Committee and the Board of Retirement. Members of the Board of Retirement who are not members of the Committee may attend and participate in a meeting of a Board Committee but may not vote on any matter discussed at the meeting. The only action the Committee may take at the meeting is approval of a recommendation to take further action at a subsequent meeting of the Board.**

****Although the meeting is scheduled for 9:00 a.m., it can start anytime thereafter, depending on the length of the Board of Retirement meeting. Please be on call.**

Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

Any documents subject to public disclosure that relate to an agenda item for an open session of the Committee, that are distributed to members of the Committee less than 72 hours prior to the meeting, will be available for public inspection at the time they are distributed to a majority of the Committee, at LACERA's offices at 300 North Lake Avenue, suite 820, Pasadena, California during normal business hours from 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling the Disability Retirement Services Division at 626-564-2419 from 7:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence.

MINUTES OF THE MEETING OF THE
DISABILITY PROCEDURES AND SERVICES COMMITTEE
and
Board of Retirement**

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION
GATEWAY PLAZA - 300 N. LAKE AVENUE, SUITE 810, PASADENA, CA 91101

Wednesday, February 3, 2016, 11:19 A.M. – 12:17 P.M.

COMMITTEE MEMBERS

PRESENT: Vivian H. Gray, Chair
William de la Garza, Vice Chair
Yves Chery
Les Robbins
David Muir, Alternate

ABSENT: None

ALSO ATTENDING:

BOARD MEMBERS AT LARGE

Ronald A. Okum
Anthony Bravo
Shawn R. Kehoe
Alan Bernstein
Vito M. Campese, M.D.

STAFF, ADVISORS, PARTICIPANTS

Gregg Rademacher
JJ Popowich
Steven Rice
Vincent Lim
Eugenia Der
Allison E. Barrett
Frank Boyd
Sandra Cortez
Angie Guererro
Maria Muro
Maisha Coulter

Ricki Contreras
Vickie Neely
Kerri Wilson
Anna Kwan
James Pu
Debbie Semnanian
Mario Garrido
Debra Martin
Marco Legaspi
Marilu Bretado
Karla Sarni

Darren Huey
Shamila Freeman
Hernan Barrientos
Ricardo Salinas
Ruby Minjares
Nichelle Porter
Danny Hang

ATTORNEYS

Thomas J. Wicke
Michael Treger

GUEST SPEAKER

Indira (Didi) Richards

The meeting was called to order by Chair Gray at 11:19 a.m.

I. APPROVAL OF THE MINUTES

A. Approval of minutes of the regular meeting of January 6, 2016

Mr. de la Garza made a motion, Ms. Gray seconded, to approve the minutes of the regular meeting of January 6, 2016. The motion passed unanimously.

II. PUBLIC COMMENT

III. ACTION ITEMS

IV. FOR INFORMATION

A. Presentation by Ricki Contreras, Division Manager and Frank Boyd, Senior Staff Counsel – Accommodations as it relates to Disability Retirement.

Ms. Contreras and Mr. Boyd prepared a presentation. Ms. Contreras invited Ms. Richards, Chief Program Specialist – Risk Management for County of Los Angeles, to discuss any return to work issues or benefit issues.

Mr. Boyd outlined what the law is as it relates to accommodations in Disability Retirement. Mr. Boyd also stated that once an employee retires, they are no longer in the system and there will be no interactive process for employee to return to work.

Ms. Richards discussed and explained the interactive process in detail along with a flow chart and she also stated that regular trainings are done with return to work coordinators.

Several of the Committee Members asked Ms. Richards questions regarding how her department audits itself with respect to the responses from the individual employers who say that they will accommodate employees returning to work, the structure of interactive process and how Ms. Richards' department gets involved,

and what process is in place to measure department's ability to adhere to the process and if there is a way to institutionalize it.

Ms. Richards responded to Committee Members questions and stated that her department will check if employers are truly accommodating the employee and following proper procedures throughout the return to work process. Ms. Richards stated that her department establishes the procedures that employers need to follow and although they do not have a return to work system, they do manage the top five high risk departments.

Ms. Gray asked if flow chart can be emailed in full page. Ms. Richards stated that she will email the link that includes hyperlink to each part of the flow chart.

Ms. Contreras briefly described LACERA role and continued with presentation by highlighting Disability Retirement process, which includes to Review Application, Obtain Records, Conduct Interview, Examination by Panel Physician, and finally, Submission to the Board. Ms. Contreras also explained Active and Inactive Accommodation Form. Ms. Contreras spoke about documenting accommodation and about permanent accommodation.

Mr. Muir directed question to Ms. Richards asking if the offer to accommodate is in writing and if it is signed by employee. Ms. Richards responded yes to both questions.

Mr. de la Garza asked Ms. Richards if she knew if any departments budgeted for accommodations. Ms. Richards stated that employees are usually placed in open positions rather than create a position for them. Mr. Boyd stated that the employer can also state that they cannot accommodate an employee if it becomes a financial hardship on the employer.

Ms. Contreras concluded the presentation.

Mr. Chery commended Ms. Contreras and Ms. Richards for providing all the information regarding accommodation.

B. Discussion on the content of the Disability Retirement Evaluation Report as requested by David Muir.

Mr. Muir stated that we have a great Manager and great Investigators that have earned the trust of the Committee and with that in mind, Mr. Muir pointed out that what he found was most helpful for him was the Doctor's report. Mr. Muir asked if there is a way to put the information in to a format that will make it easier for everyone involved to review, however, Ms. Gray stated that staff already presents the foundation and would like to keep it as is. Mr. Muir also asked if there can be more detailed bookmarks on the iPad and Ms. Gray asked Mr. Pu and Ms. Contreras to obtain feedback from the Board and find out what may or may not work.

Mr. Pu stated that they want to be measured in the tabs and bookmarking of the Evaluation Report and that they do not want to "over do it" or "under do it" when it came to the indexing but also stated that Mr. Muir's idea was good and that they will look into it and will obtain feedback from the Board to make sure that they have what they need.

Ms. Gray asked Ms. Contreras and Mr. Boyd if anything further to discuss. Ms. Contreras and Mr. Boyd did not have anything further.

V. GOOD OF THE ORDER

Mr. Chery wished everyone a Happy Valentine's Day.

VI. ADJOURNMENT

With no further business to come before the Disability Procedures and Services Committee, the meeting was adjourned at 12:17 p.m.

**The Board of Retirement has adopted a policy permitting any member of the Board to attend a standing committee meeting open to the public. In the event five (5) or more members of the Board of Retirement (including members appointed to the Committee) are in attendance, the meeting shall constitute a joint meeting of the Committee and the Board of Retirement. Members of the Board of Retirement who are not members of the Committee may attend and participate in a meeting of a Board Committee but may not vote on any matter discussed at the meeting. The only action the Committee may take at the meeting is approval of a recommendation to take further action at a subsequent meeting of the Board.



March 2, 2016

TO: Disability Procedures and Services Committee
Vivian H. Gray, Chair
William de la Garza, Vice Chair
Yves Chery
Les Robbins
David Muir, Alternate

FROM: Ricki Contreras, Manager 
Disability Retirement Services Division

FOR: April 6, 2016 Disability Procedures & Services Committee Meeting

**SUBJECT: Proposed Changes to the Disability Retirement Appeals Agenda
and Disability Retirement Appeal Summary**

RECOMMENDATION

Recommend the Board of Retirement approve the proposed changes to the Disability Retirement Appeals Agenda and Disability Retirement Appeal Summary.

BACKGROUND

The Disability Retirement Services Workspace integration team has been working on identifying opportunities to create standardized templates that will allow Workspace (LACERA's enterprise member management system) to auto-populate data for the Disability Retirement Appeals Agenda and Disability Retirement Appeal Summary. The team's goal is to streamline operations, maintain consistency with the Disability Retirement Evaluation Summary and Disability Retirement Applications Agenda, while realizing the benefits of standardization.

DISCUSSION

The Disability Retirement Appeals Agenda

The current Appeals Agenda (Referee's Report) lists basic applicant case data along with a detailed summary of the documents provided to the Board of Retirement (Attachment A).

Staff has revised the Appeals Agenda (Referee's Report) and renamed the item the Disability Retirement Appeals Agenda. The new Disability Retirement Appeals Agenda will list all appeals on one page with specific categories, is visually familiar with the

Disability Retirement Application Agenda, and allows for auto-population by the Workspace application once the integration project is completed. (Attachment B).

The Disability Retirement Appeal Summary

The Appeal Summary provides detailed applicant data with a summary of the documents provided to the Board of Retirement (Attachment C). The current Appeal Summary lists the following types of documents:

- Applicant's Closing Brief
- Respondent's Closing Brief
- Applicant's Reply to Respondent's Closing Brief
- Initial Proposed Findings of Fact & Recommended Decision
- Objections to the Initial Proposed Findings of Fact & Recommended Decision
- Response to Objections
- Final Proposed Findings of Fact & Recommended Decision

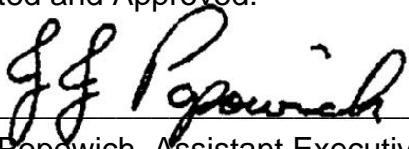
Document nomenclature and appearance (letters versus briefs) vary depending on the party preparing the document. The proposed changes to the Disability Retirement Appeal Summary will standardize document descriptions (Attachment D). This creates a template for Workspace integration that provides visual familiarity and is consistent with the Disability Retirement Evaluation Summary currently utilized for Disability Retirement applications presented to the Board.

IT IS THEREFORE RECOMMENDED that the Board of Retirement approve the proposed changes to the Disability Retirement Appeals Agenda and Disability Retirement Appeal Summary.

Attachment

KS:RC:mb

Noted and Approved:



JJ Popowich, Assistant Executive Officer

Date: 3/24/16

**APPEALS AGENDA
(Referee's Report)**

BOARD OF RETIREMENT MEETING OF DECEMBER 2, 2015

Appellant:	Charlie Brown	<ul style="list-style-type: none"> - Dated 10-08-2014 Applicant's Closing Brief - Dated 11-10-2014 Respondent's Closing Brief - Dated 12-15-2014 Applicant's Reply Brief - Dated 02-09-2015 Referee Celia Fate's <u>Initial</u> Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations - Dated 04-07-2015 Applicant's Objections to Referee's Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations. - Dated 04-20-2015 Respondent's Response to Applicant's Objections to Referee's Proposed Findings of Fact and Recommended Decision - Dated 02-09-2015 Letter from Referee Celia Fate adopting her Initial Findings of Fact, Conclusions of Law, and Recommendations as final
Membership:	General	
Department Name:	SS – Social Services	
Board Action:	Deny SCD	
Attorney:	Anna Turney	
Referee:	Celia Fate	
Respondent's Attorney:	Elle Quent	
Ref.'s Recommendation:	Deny SCD	
Oral Argument:	Yes	
Board's Final Action:		

Investigator: Magnum P. Eye
Appeals Agenda-December 2, 2015

**DISABILITY RETIREMENT APPEALS AGENDA
FOR MEETING OF DECEMBER 2, 2015**

ATTORNEY	NAME	DEPT. NO.	S/G	REQ.	INITIAL BOARD ACTION	REFEREE RECOMMENDATION	ORAL ARGUMENT	BOARD ACTION
TURNEY	BROWN, CHARLIE	SS	G	SCD	DENY	DENY	YES	

APPEAL SUMMARY

Applicant: **Charlie Brown**

Soc.Sec.#: xxx-xx-6000

Position: Children's Social Worker

Department: Social Services

Current Age: 57

Service: 35 – 7

Nature of Disability:
Back and Neck

Presented to Board: December 1, 2010

Action: Deny SCD

Date of Appeal: January 5, 2011

Referred for hearing: February 10, 2011

Hearing Date: February 6, 2014

Attorney: Anna Turney

Referee: Celia Fate

Respondent's Attorney: Elle Quent

Recommendation: Deny SCD

Board's final action:

12/02/2015

- Dated 10-08-2014
Applicant's Closing Brief
- Dated 11-10-2014
Respondent's Closing Brief
- Dated 12-15-2014
Applicant's Reply Brief
- Dated 02-09-2015
Referee Celia Fate's Initial Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations
- Dated 04-07-2015
Applicant's Objections to Referee's Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations.
- Dated 04-20-2015
Respondent's Response to Applicant's Objections to Referee's Proposed Findings of Fact and Recommended Decision
- Dated 02-09-2015
Letter from Referee Celia Fate adopting her Initial Findings of Fact, Conclusions of Law, and Recommendations as final

Investigator: Magnum P. Eye

DISRPT – No route



HELD OVER: 01/05/2015

REQUEST FOR TRANSCRIPT: 02/04/2015

BOARD MEETING DATE	12/02/2015
DATE OF APPLICATION	09/14/2009
ORAL ARGUMENT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

DISABILITY RETIREMENT APPEAL SUMMARY

NAME	CHARLIE BROWN	SOCIAL SECURITY NO.	***-**-6000
CLASSIFICATION	CHILDREN'S SOCIAL WORKER		
DEPARTMENT	SOCIAL SERVICES	DEPT. CODE	SS ATTORNEY ANNA TURNEY
EMPLOYEE NO.	023456	AGE	57 YEARS OF COUNTY SERVICE CREDIT 35 – 7

NATURE OF DISABILITY	BACK AND NECK		
PRESENTED TO BOARD	12/01/2010	BOARD ACTION	DENY SCD

AMENDMENT FILED	NOT APPLICABLE		
NATURE OF DISABILITY			
PRESENTED TO BOARD	BOARD ACTION		

DATE OF APPEAL	01/05/2011 <input type="checkbox"/> EED ONLY	REFEREE	CELIA FATE
REFERRED FOR HEARING	02/10/2011	RESPONDENT'S ATTORNEY	ELLE QUENT

HEARING DATE(S)	02/06/2014		
APPLICANT'S CLOSING BRIEF	10/08/2014	ORAL ARGUMENT IN LIEU OF WRITTEN BRIEFS	
RESPONDENT'S CLOSING BRIEF	11/10/2014		
APPLICANT'S REPLY TO RESPONDENT'S CLOSING BRIEF	12/15/2014		
INITIAL PROPOSED FINDINGS OF FACT & RECOMMENDED DECISION	02/09/2015		
OBJECTIONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	04/07/2015	<input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> RESPONDENT
RESPONSE TO OBJECTIONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	04/20/2015	<input type="checkbox"/> APPLICANT <input checked="" type="checkbox"/> RESPONDENT
FINAL PROPOSED FINDINGS OF FACT & RECOMMENDED DECISION	05/12/2015		
OTHER			

REFEREE RECOMMENDATION:	<input type="checkbox"/> Grant SCD	<input checked="" type="checkbox"/> Deny – Not Permanently Incapacitated
	<input type="checkbox"/> Grant SCD – Employer Cannot Accommodate	<input type="checkbox"/> Deny – Employer Can Accommodate
	<input type="checkbox"/> Grant SCD – Survivor Benefit	<input type="checkbox"/> Deny SCD – Survivor Benefit
	<input type="checkbox"/> Grant NSCD	
	<input type="checkbox"/> Grant Option of an Earlier Effective Date	<input type="checkbox"/> Deny Option of an Earlier Effective Date

FINAL BOARD ACTION:

