

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

897



FROM: Human Resources Department

SUBMITTAL DATE:  
August 31, 2011

SUBJECT: Adopt Resolution No. 2011-246, Delegation of Authority for Local Safety Member Disability Retirement and Reinstatement Determination

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution 2011-246, which will supersede Resolution 74-108.

Departmental Concurrence

BACKGROUND: Resolution 2011-246 is needed to 1) reflect the current/applicable Government Code Section 21173 because the Section referenced in the 1974 Resolution on Delegation of Authority, Section 21023.6 was renumbered in 1995 to Section 21173; 2) update the delegated authority to the Human Resources Director, as the previous Resolution delegated authority to the position as Personnel Director, and the title has since been revised; and 3) to state the County's position of its right to consult with medical and/or occupational experts in order to render a determination of substantial incapacity for local safety members and whether that incapacity is industrial under the meaning of the law.

Barbara A. Olivier  
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:   
Elizabeth J. Olson

County Executive Office Signature

Policy ☒ Policy ☒  
Consent ☐ Consent ☐

Dept't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.66

RESOLUTION NO. 2011-246  
A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF RIVERSIDE  
DELEGATING AUTHORITY FOR LOCAL SAFETY MEMBER  
DISABILITY RETIREMENT AND REINSTATEMENT DETERMINATIONS

WHEREAS, the County of Riverside is a contracting agency of the Public Employees' Retirement System;

WHEREAS, the Public Employees' Retirement Law required that a contracting agency determine whether an employee of such agency 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;

WHEREAS, the Board of Supervisors of the County of Riverside has determined upon legal advice that it may delegate authority to make such determinations to "a subordinate officer subject to conditions it may impose",

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on \_\_\_\_\_ that said Board of Supervisors does hereby delegate to the incumbent of the position of Human Resources Director, who may, at his/her option, consult with medical and/or occupational experts, the authority to make determinations under Government Code Section §21173, on behalf of the County of Riverside, of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System;

BE IT FURTHER RESOLVED that the incumbent of the position of Human Resources Director be authorized to make determinations on behalf of the County of Riverside for disability retirement of employees classified as local safety members and to initiate requests for reinstatement of local safety members previously retired for disability; and

BE IT FURTHER RESOLVED that the incumbent of the position of Human Resources Director be authorized to make determinations on behalf of the County of Riverside for disability retirement of employees classified as local safety members and to initiate requests for reinstatement of local safety members previously retired for disability; and

BE IT FURTHER RESOLVED that this Resolution hereby supersedes Resolution No. 74-108.

ATTEST:

Kecia Harper-Ihem  
Clerk of the Board

Chairman, Board of Supervisors  
County of Riverside

By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_

RESOLUTION NO. 2011-246  
A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF RIVERSIDE  
DELEGATING AUTHORITY FOR LOCAL SAFETY MEMBER  
DISABILITY RETIREMENT AND REINSTATEMENT DETERMINATIONS

WHEREAS, the County of Riverside is a contracting agency of the Public Employees' Retirement System;

WHEREAS, the Public Employees' Retirement Law required that a contracting agency determine whether an employee of such agency 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;

WHEREAS, the Board of Supervisors of the County of Riverside has determined upon legal advice that it may delegate authority to make such determinations to "a subordinate officer subject to conditions it may impose";

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on \_\_\_\_\_, that said Board of Supervisors does hereby delegate to the incumbent of the position of Human Resources Director, who may, at his/her option, consult with medical and/or occupational experts, the authority to make determinations under Government Code Section §21173, on behalf of the County of Riverside, of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System;

BE IT FURTHER RESOLVED that the incumbent of the position of Human Resources Director be authorized to make determinations on behalf of the County of Riverside for disability retirement of employees classified as local safety members and to initiate requests for reinstatement of local safety members previously retired for disability; and

BE IT FURTHER RESOLVED that the incumbent of the position of Human Resources Director be authorized to make determinations on behalf of the County of Riverside for disability retirement of employees classified as local safety members and to initiate requests for reinstatement of local safety members previously retired for disability; and

BE IT FURTHER RESOLVED that this Resolution hereby supersedes Resolution No. 74-108.

ATTEST:

Kecia Harper-Ihem  
Clerk of the Board

\_\_\_\_\_  
Chairman, Board of Supervisors  
County of Riverside

By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_

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1 Board of Supervisors

County of Riverside

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RESOLUTION NO. 74-108

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OF BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE  
DELEGATING AUTHORITY FOR DISABILITY DETERMINATIONS

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(Section 21023.6, Government Code)

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WHEREAS, the County of Riverside, hereinafter referred to as Agency, is a contracting agency of the Public Employees' Retirement System;

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WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he 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;

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WHEREAS, the Board of Supervisors of said County has determined upon legal advice that it may delegate authority to make such determinations to the incumbent of the position of Personnel Director of said County; now, therefore,

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BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on MAR 19 1974 that said Board of Supervisors does hereby delegate to the incumbent of the position of Personnel Director of said County the authority to make determinations under Section 21023.6, Government Code, on behalf of the Agency, of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System; and,

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BE IT FURTHER RESOLVED that such incumbent be and he is authorized to make applications on behalf of the Agency for disability retirement of employees in employments in which they are local safety members and to initiate requests for reinstatement of such employees who are retired for disability.

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ATTEST:

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DONALD D. SULLIVAN, Clerk

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By E. H. [Signature]  
Deputy

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(Seal)

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[Signature]  
Chairman, Board of Supervisors  
County of Riverside

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

NANCY ROMERO Clerk of said Board

[Signature] Deputy

RTS:elr  
3/14