

DEPARTMENT: Personnel

BY: Richard J. Benson

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve a Resolution certifying the Industrial Disability Retirement of Deputy Sheriff John Givens effective December 1, 2009.

A determination has been made that Deputy Givens is incapacitated within the meaning of CalPERS law for performance of his duties in the position of Sheriff's Deputy. It has been further determined that the disability arises out of and in the scope of his employment. As a safety employee, CalPERS requires that the governing board, i.e., the Board of Supervisors, adopt a Resolution relative to the approval or denial of a disability or industrial disability retirement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously adopted Resolutions approving industrial disability retirement for safety employees.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Determine that Deputy John Givens is not entitled to an industrial disability retirement, however, this determination would not be supported by the medical evidence.

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Resolution
Source:		
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 09-588 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: MJB

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA**

Government Code Section 21156

RESOLUTION NO. ~~09-588~~

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

WHEREAS, the Public Employee's 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; and

WHEREAS, an application for industrial disability retirement of John Givens employed by the Agency in the position of Sheriff's Deputy 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors find and determine and it does hereby find and determine that John Givens is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Deputy; and

BE IT FURTHER RESOLVED, that the Board of Supervisors find and determines and it does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither said John Givens nor the agency County of Mariposa has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member will be separated from his employment in the position of Sheriff's Deputy, after expiration of his leave rights under Government Code Section 21164, effective November 30, 2009 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status will be November 30, 2009.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is orthopedic.

The effective date of the member's disability retirement is December 1, 2009.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this
1st day of December 2009 by the following vote:

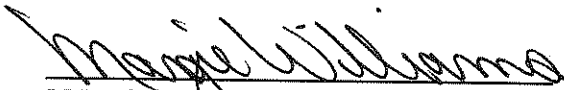
AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



BRAD ABORN, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM



MARGIE WILLIAMS
Clerk of the Board



STEVEN W. DAHLEM
County Counsel

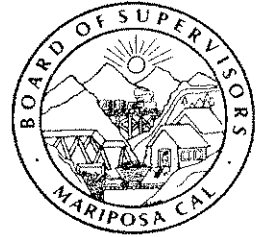


COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Approve a Resolution Certifying the Industrial Disability Retirement of Deputy Sheriff
John Givens Effective December 1, 2009

Res - 09-588

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 1, 2009

ACTION AND VOTE:

Approve a Resolution Certifying the Industrial Disability Retirement of Deputy Sheriff John Givens Effective December 1, 2009 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson initiated discussion, and he advised that Deputy Givens is aware of this agenda item and he does not have any objections. Supervisors Allen and Bibby stated they wish Mr. Givens well and expressed appreciation for his service. Supervisor Aborn asked if someone is on a disability retirement whether they can take another full time job. County Counsel advised that he will review this question. (M)Allen, (S)Turpin, Res. 09-588 was adopted approving the recommendation/Ayes: Unanimous.

Cc: Chris Ebie, Auditor
Sandi Laird, Personnel
Steven W. Dahlem, County Counsel
File