



BOARD OF ADMINISTRATION

Meeting Minutes - Final Federated Disability Committee

Monday, September 9, 2024

1:00 PM

1737 N. First St. Suite 580, San Jose, CA
95112

HYBRID MEETING

PHYSICAL LOCATION:

1737 North First Street, Suite 580
San Jose, CA 95112

ZOOM INFORMATION:

zoom.us
Dial In: +1 669-219-2599 US (San Jose)
Meeting ID: 934 8193 4386
Passcode: 854649

DISABILITY COMMITTEE MEMBERS

Mark Linder, Chair (Term Expires 11/30/24)
Julie Jennings, Trustee (Term Expires 11/30/27)
Matthew Faulkner, Trustee (Term Expires 11/30/27)

John Flynn, CEO, Office of Retirement Services
Sandra Castellano, Benefits Division Manager

Russ Richeda, Disability Counsel
Maytak Chin, General and Fiduciary Counsel

Present 2 - Mark Linder, and Matthew Faulkner

Absent 1 - Julie Jennings

The Federated Disability Committee met in person at 1737 N. First St., Ste 580, San Jose, CA 95112 and via Zoom on Monday, September 9, 2024 at 1:00 p.m. The meeting was called to order at 1:00 p.m. by Chair Linder followed by roll call.

Board Members Present: Mark Linder and Matthew Faulkner.

Trustee Julie Jennings was absent.

Retirement Staff Present: John Flynn, Roberto Peña, Sandra Castellano, Amy Dickinson, Cynthia Ayala, Sherrell Aledo, Chris Ha, and Veronica Solorio.

Retirement Staff Present via Zoom: Barbara Hayman and Linda Alexander.

Also Present: Rosemary Barnes, Applicant.

Also Present via Zoom: Russ Richeda, Disability Counsel; Sarah Steele, OER; Matthew Shelton, Airport HR Director; and J. Como, Public Attendee.

ADA ALERT

In accordance with the requirements of AB 2449, the Board of Administration (“Board”) will generally, upon request, provide appropriate aids and services leading to effective communication for individuals with disabilities so they can participate equally in the Board’s meetings, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, vision or other disabilities.

Anyone who requires an auxiliary aid or service for effective communication to participate in a Board meeting should contact the designated contact in Office of Retirement Services as far in advance of the scheduled meeting as possible. The Board strongly encourages individuals with disabilities to endeavor to submit requests for reasonable accommodation no later than five (5) business days before the scheduled meeting, as the Board may not be able to grant requests for reasonable accommodations without sufficient advance notice. The Board strongly encourages individuals with disabilities to submit their written requests via email or regular mail to facilitate tracking and response; however, if the submission of a written request constitutes a hardship, individuals may call the Office of Retirement Services to submit an oral request.

The designated contact in the Office of Retirement Services will endeavor to respond to each request within three (3) business days of receipt of the request. Depending on the request, the designated contact in the Office of Retirement Services may ask to schedule a time to discuss the request (which may occur virtually) to determine the most appropriate auxiliary aid or service, before the request is resolved.

ADA Designated Contact Information

Attention: Deputy Director/Chief Operations Officer, Office of Retirement Services

Address: 1737 N First St #600, San Jose, CA 95112

Email: #Retire_Admin@sanjoseca.gov

Phone: 408-794-1000 (ORS Main Line)

THE LEVINE ACT

Senate Bill 1439 (“Levine Act”) amended Government Code Section 84308 and requires disclosure and recusal by a local elected official and some members of boards and commissions if they receive campaign contributions over \$250 from a party, a participant with a financial interest in a proceeding, or their respective agents. The Levine Act was an anti-corruption law intended to curb “pay-to-play” and enhance public trust so that decision-makers can maintain their independence from the influence of donations for political campaigns. SB 1439 expanded the scope from state agency appointees or appointed local officials to include local elected officials. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

**** AB 2449 REMOTE APPEARANCE(S)**

a. Just Cause Circumstance(s) (Gov’t Code § 54953)

- i. The following Trustee(s) have notified the Board of a “Just Cause” to attend this meeting via teleconference.

NONE

- ii. Call for Trustee(s) who wish to notify the Board of a “Just Cause” to attend this meeting via teleconference.

b. Emergency Circumstance(s) (Gov’t Code § 54953)

- i. The following Trustee(s) have requested the Board approve their attendance of this meeting via teleconference due to an "Emergency Circumstance".

NONE

- ii. Call for Trustee(s) requesting the Board approve their attendance of this meeting via teleconference due to an "Emergency Circumstance".
- iii. Take action on request(s) for remote appearance.

• **CALL TO ORDER**

• **ORDERS OF THE DAY**

Chair Linder read the following into the record:

A FEW GROUND RULES FOR THIS MEETING

• We are holding this meeting as a hybrid meeting, and so those who are attending virtually, please mute yourself unless you are speaking and if you wish to speak, please raise your hand and staff will alert the Chair.

Orders of the Day:

• None.

WAIVE SUNSHINE:

• None

1. CONSENT CALENDAR

- a. Approval of the Minutes of the Federated Disability Committee meeting from August 6, 2024.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Faulkner/Linder 2-0-0).

Trustee Jennings was absent.

2. Application for a Change of Status to Service-Connected Disability Retirement

- a. **Rosemary Barnes**, Public Information Manager, Airport Department, Request for Change of Status to Service-Connected Disability Retirement, effective March 31, 2020; 28.03* years of service. *(With Reciprocity - 16.16 CSJ + 11.87 PERS = 28.03 YOS)*

Chair Linder introduced this item, with Ms. Barnes present in person. Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Russ Richeda, Disability Counsel, clarified the specific details he focused on for the Committee. Counsel Richeda also addressed the applicant's injuries and concluded that the department had identified and could accommodate the applicant's permanent work restriction. He

recommended that the Committee deny the applicant's request for a Change of Status to Service-Connected Disability Retirement. After a lengthy discussion, the Committee denied the request. Ms. Barnes provided a few comments.

A motion was made to deny the applicant's request for a Change of Status to Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the October 17, 2024 Federated Board Meeting.

Approved. (M.S.C. Faulkner/Linder 2-0-0).

Trustee Jennings was absent.

- b. Theresa Lannigan**, Senior Analyst, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective February 22, 2020; 11.24* years of service.
(CLOSED SESSION)

The Committee entered into Closed Session at 1:30 p.m.

There was a reportable action for this item from the Closed Session. The application was denied.

The Committee came out of Closed Session at 2:04 p.m.

Open Session re-convened at 2:05 p.m.

3. OLD BUSINESS

- a.** Feedback on Federated Disability Retirement Application Rules and Procedures.

Sandra Castellano, Benefits Division Manager, spoke to the item and answered questions from the Committee. Russ Richeda, Disability Counsel, CEO Flynn, and Barbara Hayman, Deputy Director, assisted in answering questions from the Committee. Amy Dickinson, Senior Disability Analyst made a few comments.

After a lengthy discussion, a motion was made to recommend that the Board accept this policy as amended, with the removal of Deferred Application sections #14 and #15.

Approved. (M.S.C. Faulkner/Linder 2-0-0).

Trustee Jennings was absent.

• PROPOSED AGENDA ITEMS

Chair Linder proposed that the next Federated Committee meeting be rescheduled for November 20, 2024.

• PUBLIC COMMENTS

None.

• ADJOURNMENT

The meeting was adjourned at 2:38 p.m.

- [Next FCERS Board Meeting: September 19, 2024](#)
- [Next FCERS Disability Committee Meeting: November 5, 2024](#)

Minutes Recorded, Prepared and Respectfully submitted by,

John Flynn, CEO, Office of Retirement Services