



BOARD OF ADMINISTRATION

Meeting Minutes - Final Federated Disability Committee

Monday, October 2, 2023

12:00 PM

1737 North First Street, 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: +1 669 900 9128 US (San Jose)

Meeting ID: 992 8030 5663

Pass Code: 911222

DISABILITY COMMITTEE MEMBERS

Mark Linder, Chair

Julie Jennings, Trustee -- 855 E. Hilton Dr., Boulder Creek, CA 95006

Matthew Faulkner, Trustee

Roberto L. Peña, CEO, Office of Retirement Services

Sandra Castellano, Benefits Division Manager

Russ Richeda, Disability Counsel

Harvey Leiderman & Maytak Chin, General and Fiduciary Counsel

Present 3 - Mark Linder, Julie Jennings, and Matthew Faulkner

The Federated Disability Committee met in person at 1737 N. First St., Ste 580 and via Zoom on Monday, October 2, 2023 at 12:00 p.m. The meeting was called to order at 12:01 p.m. by Chair Linder followed by roll call.

Board Members Present: Mark Linder and Matthew Faulkner.

Board Members Present via Zoom utilizing the Traditional Brown Act rules: Julie Jennings.

Retirement Staff Present: Barbara Hayman, Sandra Castellano, Amy Dickinson, Veronica Solorio, Sherrell Aledo, Edith Aldama, Cynthia Ayala and Chris Ha.

Retirement Staff Present via Zoom: Roberto L. Peña and Linda Alexander.

Also Present: Russ Richeda, Disability Counsel; Sarah Steele, OER; and Ellen Mendelson, Attorney.

Also Present via Zoom: Katherine Estrada, ESD; Amarjeet Rai, Applicant; Jennifer Standing-Elk, Applicant; Lupe Rodarte-Velasquez, Public Attendee; and Lorenzo Ledesma, Public Attendee.

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

I. 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 AND ROLL CALL**

• **ORDERS OF THE DAY**

Chair Linder read the following into the record:

A FEW GROUND RULES FOR THIS MEETING

- All votes will be roll call votes.
- 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.
- The public will have an opportunity to speak on each item after trustees.

ORDERS OF THE DAY:

- The October 30th Federated Disability Committee meeting was cancelled. The next meeting is scheduled on November 7, 2023.

A motion was made to approve the Orders of the Day.

Approved. (M.S.C. Jennings/Faulkner 3-0-0). The motion passed by roll call vote.

1. CONSENT CALENDAR

- a. Approval of the Minutes of the Federated Disability Committee meeting from August 11, 2023.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Faulkner/Jennings 3-0-0). The motion passed by roll call vote.

2. Application for a Service Connected Disability Retirement

- a. **Amarjeet Rai**, Staff Specialist, Environmental Services Department, Request for Service-Connected Disability Retirement, active; 22.29* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Ms. Amarjeet Rai, applicant, was present via Zoom and her attorney, Ellen Mendelson, was present in-person. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. Sarah Steele from OER explained the City work from home accommodation and it is not a restriction, but the accommodation is a case by case basis. Mr. Richeda, Ms. Steele and Ms. Rai answered questions from the Committee.

After a lengthy discussion, a motion was made to add further review of the applicant medical files and to determine if additional permanent work restrictions is appropriate including if working from home is the only permanent work restriction.

Approved. (M.S.C. Faulkner/Jennings 3-0-0). The motion passed by roll call vote.

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

- a. **Jennifer Standing-Elk**, Office Specialist II, Department of Transportation, Request for Change of Status to Service-Connected Disability Retirement effective March 16, 2013; 22.01* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Ms. Jennifer Standing-Elk, applicant, was present via Zoom and spoke on her own behalf. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. The committee requested for additional medical documents and the applicant must provide them within 30 days of this meeting. Mr. Richeda and Ms. Standing-Elk answered questions from the Committee.

A motion was made to defer the applicant's Change of Status to Service-Disability Retirement to the next appropriate meeting date.

Approved. (M.S.C. Faulkner/Jennings 3-0-0). The motion passed by roll call vote.

4. NEW BUSINESS

- a. Discussion and action on meeting dates in the coming months and year 2024 schedules for Federated Disability Committee Meetings.

The Committee decided to meet on the first Tuesday of each month with the exception of January 2024.

• PROPOSED AGENDA ITEMS

None.

• PUBLIC COMMENTS

None.

• ADJOURNMENT

The meeting was adjourned at 2:08 p.m.

Minutes Recorded, Prepared and Respectfully submitted by,

Roberto L. Peña, CEO, Office of Retirement Services