



BOARD OF ADMINISTRATION

1737 N. First St, Ste 580
Floor Board Room, San
Jose, CA 95112

Meeting Minutes - Final Police and Fire Disability Committee

Monday, October 7, 2019

10:00 AM

1737 N. First Street, Ste 580
5th Floor Board Room,
San Jose, CA 95112

DISABILITY COMMITTEE MEMBERS	ADVISORY PANEL
<i>Richard Santos, Chair</i>	<i>Russell Richeda, Counsel</i>
<i>Andrew Lanza, Trustee</i>	<i>Susan Tierman, MD</i>
	<i>Kathryn Schaefer, Benefits Div Manager</i>

ALTERNATES
Nick Muyo, Trustee
Vincent Sunzeri, Trustee

2nd ALTERNATES
Franco Vado, Trustee
Vikas Oswal, Trustee

The Police & Fire Disability Committee met on Monday, October 7, 2019 at the Office of Retirement Services at 1737 N. First St., Suite 580, San Jose, CA. Trustee Santos called the meeting to order at 10:00 a.m.

Staff Present: Roberto Peña, Kathryn Schaefer, Linda Alexander, Michelle San Miguel and Stacey Fischer.

Others Present: Counsel Russ Richeda, Dr. Susan Tierman, Attorney Thomas Boyle, Attorney Sam Swift, Richard Toledo, Marcello Oliveri, Walter Bugna, Manuel Sarrento, Tommy Troy, Sandra Dennis and Roger Hurtado

Present 2 - Richard Santos, and Andrew Lanza

1. NEW BUSINESS

- a. Approval of the Minutes from the August 5, 2019 Police and Fire Disability Committee meeting.

A motion was made to approve the Minutes from the August 5, 2019 Police and Fire Disability Committee meeting.

Approved. (M.S.C. Lanza/Santos 2-0-0)

2. Application for a Service Connected Disability Retirement

- a. **Marcello Oliveri**, Police Officer, Police Department, Request for a Service Connected Disability Retirement, effective November 7, 2019; 11.60* years of service.

Stacey Fischer, Disability Staff Technician read the case information into the record. The applicant was present and not represented by an attorney. Dr. Tierman determined there was work connection and impairment. Counsel Richeda discussed the changing work restrictions which caused the department to update their accommodation memo to state they were not able to accommodate Mr. Oliveri's work restrictions. Captain Tommy Troy, Police

Department spoke to the item stating the original memo lacked the line regarding accommodation. Sandra Dennis, Workers' Compensation Liaison for the Police Department clarified the line in the original memo was missing, indicating no response to the question regarding accommodation. Mr. Peña spoke to the issue regarding accommodation. Counsel Richeda answered questions from the Committee. Mr. Oliveri thanked the Committee and Captain Troy.

A motion was made to recommend approval to the Board for a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the November 7, 2019 Police and Fire Board Agenda.

Approved. (M.S.C. Santos/Lanza 2-0-0)

3. Change of Status to Service Connected Disability Retirement

- a. **Richard Toledo**, Fire Division Chief, Fire Department, Request for a Change in Status to a Service-Connected Disability Retirement, effective January 14, 2017; 28.50* years of service.

Ms. Fischer read the case information into the record. The applicant was present and was represented by Attorney Sam Swift. Dr. Tierman reported there was not much documentation in the medical record and she could not determine there was work causation. Attorney Swift referenced an article on shoulder disorders in occupation and a document he asked the applicant to prepare regarding the work he performed on a regular bases. Mr. Toledo answered questions from the Committee and Attorney Swift. CEO Peña asked Dr. Tierman to provide an addendum to the Board.

A motion was made to recommend approval to the Board for a Change of Status to a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the November 7, 2019 Police and Fire Board Agenda.

Approved. (M.S.C. Lanza/Santos 2-0-0)

Next Police and Fire Board Meeting: November 7, 2019

Next Police and Fire Disability Committee Meeting: TUESDAY, November 12, 2019

ADJOURNMENT

The meeting adjourned at 10:57 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

_____/S/_____
Roberto L. Peña, CEO, Office of Retirement Services