



BOARD OF ADMINISTRATION

Meeting Minutes - Final Police and Fire Disability Committee

Tuesday, September 8, 2020

10:00 AM

MEETING TO BE HELD BY ZOOM CONFERENCE IN LIEU OF PHYSICAL LOCATION

zoom.us

Dial In: +1 (669) 900- 9128 US (San Jose)

Meeting ID: 941 1745 5574

Password: 991500

DISABILITY COMMITTEE MEMBERS ADVISORY PANEL

Richard Santos, Chair

Russell Richeda, Counsel

Andrew Lanza, Trustee

Susan Tierman, MD

Kathryn Schaefer, Benefits Div Manager

ALTERNATES

Nick Muyo, Trustee

Vincent Sunzeri, Trustee

2nd ALTERNATES

Franco Vado, Trustee

Howard Lee, Trustee

The Police & Fire Disability Committee met on Tuesday, September 8, 2020 by Zoom meeting. Trustee Santos called the meeting to order at 10:01 a.m.

Staff Present by Zoom: Roberto Peña, Barbara Hayman, Kathryn Schaefer, Linda Alexander, Stacey Fischer, Michelle San Miguel and Marti Zarate.

Others Present by Zoom: Disability Counsel Russ Richeda, Dr. Susan Tierman, Attorney Tom Boyle, Attorney Sam Swift, Attorney Don Novey, Ray Storms, Roger Hurtado, Gina Tibaldi, Sandra Dennis, Robert Pasquale, Adam Plares, Elliott Sagan and Raymond Nibbi.

CEO Peña departed at 12:00 p.m.

1. NEW BUSINESS

- a. Approval of the Minutes from the August 10, 2020 Police and Fire Disability Committee meeting.

A motion was made to approve the Minutes from the August 10, 2020 Police and Fire Disability Committee meeting.

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

2. Application for a Service Connected Disability Retirement

- a. **Robert Pasquale**, Police Officer, Police Department, Request for a Service-Connected Disability Retirement, effective October 1, 2020; 20.90* years of service.

Item 2a was heard after Item 2c.

Stacey Fischer, Benefits Analyst, read the case information into the record. The applicant was present and represented by Attorney Don Novey. Dr. Tierman reported this was a difficult case and more information is needed. Counsel Richeda agreed the case needs more work. Attorney Novey disagreed and spoke to the case presenting evidence in support of his client's request. Mr. Pasquale discussed his past work history to support his case.

A motion was made to recommend approval to the Board for a Non Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the October 1, 2020 Police and Fire Board agenda. This item will return to the Disability Committee for a Change of Status to a Service-Connected Disability Retirement at a later time.

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

- b.** Adam Plares, Police Officer, Police Department, Request for a Service-Connected Disability Retirement, effective October 1, 2020; 12.98* years of service.

Item 2b was heard before Item 2a.

Ms. Fischer read the case information into the record. The applicant was present and represented by Attorney Novey. Dr. Tierman reviewed her findings and answered questions from the Committee. Dr. Tierman and Counsel Richeda were in agreement the evidence clearly indicated there was connected contribution which caused impairment. Attorney Novey had nothing to add. Mr. Plares thanked the Committee.

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 October 1, 2020 Police and Fire Board agenda.

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

- c.** Elliott Sagan, Police Officer, Police Department, Request for a Service-Connected Disability Retirement, effective October 1, 2020; 13.19* years of service.

Ms. Fischer read the case information into the record. The applicant was present and represented by Attorney Novey. Dr. Tierman reported this was a difficult case and more information is needed to show work causation. Counsel Richeda agreed. Attorney Novey disagreed and spoke to the case referring to several doctors reports. He stated there was a significant amount of evidence in support of his client's request. Mr. Sagan thanked the Committee and discussed his past injuries/pain management/work history and answered questions from the Committee. Extensive discussion continued. A motion was made to recommend approval to the Board for a Service-Connected Disability Retirement and failed to pass.

A motion was made to recommend approval to the Board for a Non Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the October 1, 2020 Police and Fire Board agenda. This item will return to the Disability Committee for a Change of Status to a Service-Connected Disability Retirement at a later time.

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

3. Change of Status to Service Connected Disability Retirement

- a. **Raymond Nibbi**, Fire Captain, Fire Department, Request for a Change of Status to a Service-Connected Disability, effective January 27, 2018; 26.96* years of service.

Attorney Sam Swift requested a deferral. This item will be heard at the **October 5, 2020** Police and Fire Disability Committee meeting.

Next Police & Fire Board Meeting: October 1, 2020

Next Police & Fire Disability Committee Meeting: October 5, 2020

ADJOURNMENT

The meeting adjourned at 12:48 p.m.

Minutes Recorded, Prepared and Respectfully submitted by,

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