



ALEJANDRINA R. BASQUEZ
DIRECTOR

June 14, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution reaffirming authority granted to the City Manager in 1982 to make applications for disability retirements on behalf of employees to the California Public Employees Retirement System (CalPERS), and delegating authority to the City Manager to make determinations on industrial disability retirement for safety employees once an application is submitted to CalPERS.
(Citywide)

DISCUSSION

City Council action is requested to delegate authority to the City Manager to continue to make safety officer industrial disability retirement (IDR) determinations on behalf of the City.

Currently, the City Manager makes the industrial disability determination required by CalPERS based on City Council Resolution C-23413, which was adopted in 1982. At the request of CalPERS, the proposed Resolution will reaffirm the City Council's original intent to delegate its authority to make safety officer IDR determinations to the City Manager in accordance with Government Code section 21152.

Background

The City is a contracting agency with CalPERS for local safety and non-safety members. As part of the contract, CalPERS administers a disability retirement program for local safety members. Disability retirement applications may be initiated by either the CalPERS member (i.e. the employee), the governing body of the contracting agency (City Council), or by an official designated by the governing body. The City Council previously, by Resolution No. C-23413 adopted August 10, 1982, delegated the authority for making disability retirement applications to the City Manager in compliance with the former Government Code section 21023. This Government Code section has been renumbered and is now Government Code section 21152.

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Once CalPERS receives an application for disability retirement filed by, or on behalf of, a CalPERS safety member, the contracting agency is required to determine whether the employee is incapacitated or "disabled" from performing his/her job duties and, if so, whether his/her disability is an "industrial" disability. In making this determination, the contracting agency is required by CalPERS to make certain specified findings, determinations and statements. The contracting agency must then certify its determination to the CalPERS Board, which will approve or disapprove the application for disability retirement based on the contracting agency's determination.

This matter was reviewed by Principal City Attorney Gary J. Anderson on May 19, 2016 and by Budget Analysis Officer Rhutu Amin Gharib on May 24, 2016.

TIMING CONSIDERATIONS

City Council action is requested on June 14, 2016, to ensure the City Manager can continue processing the pending industrial disability retirement cases.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ALEJANDRINA R. BASQUEZ, DIRECTOR
DEPARTMENT OF HUMAN RESOURCES

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R:\Administration\CITY COUNCIL LETTERS\2016\06-14-16 ccl - CalPERS Industrial Disability Retirement v2.docx

ATTACHMENT – RESOLUTION

APPROVED:



PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH DELEGATING AUTHORITY TO THE
CITY MANAGER TO MAKE DETERMINATIONS ON
INDUSTRIAL DISABILITY RETIREMENTS

WHEREAS, the City of Long Beach (hereinafter referred to as Agency) is a contracting agency of the Public Employee's 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/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" with the meaning of such Law;

WHEREAS, the Long Beach City Council has determined upon legal advice that it may delegate authority under Section 21152(c) of the Government Code to make such determinations to the incumbent of the office/position of City Manager.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. That the Long Beach City Council delegates to the City Manager under California Government Code Section 21152(c) the authority to make determinations on behalf of the Agency of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employee's Retirement System;

Section 2. The City Manager is authorized to make applications on behalf of the Agency for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk