

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA 92701**

**DISABILITY COMMITTEE MEETING
November 15, 2021
8:30 a.m.**

Members of the Committee

Adele Tagaloa, Chair
Chuck Packard
Jeremy Vallone

Pursuant to Assembly Bill 361, signed into law on September 16, 2021 as urgency legislation, and Governor Newsom’s Proclamation of a State of Emergency on March 4, 2020, which Proclamation is still in effect, this meeting will be conducted by video/teleconference only, in compliance with Government Code § 54953 as amended by Assembly Bill 361. None of the locations from which the Committee members will participate will be open to the public.

Members of the public who wish to observe and/or participate in the meeting may do so via the Zoom app or via telephone. Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad.

OCERS Zoom Video/Teleconference information	
<p>Topic: Disability Committee Meeting Time: Nov 15, 2021 08:30 AM Pacific Time (US and Canada) Join Zoom Meeting https://ocers.zoom.us/j/89641738693 Meeting ID: 896 4173 8693 Passcode: 509135 One tap mobile +16699006833,,89641738693#,,,,*509135# US (San Jose) +13462487799,,89641738693#,,,,*509135# US (Houston)</p>	<p>Dial by your location</p> <ul style="list-style-type: none"> +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US (Tacoma) +1 929 436 2866 US (New York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) <p>Meeting ID: 896 4173 8693 Passcode: 509135 Find your local number: https://ocers.zoom.us/j/kwiB7hZ9Y</p>

AGENDA

This agenda contains a brief general description of each item to be considered. The Committee may take action on any item listed on this Agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the Agenda. The Committee may consider matters included on the agenda in any order, and not necessarily in the order listed.

OPEN SESSION

CALL MEETING TO ORDER AND ROLL CALL

PUBLIC COMMENT

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Committee; and (2) any matter appearing on the Consent Agenda. Members of the public who wish to provide comment at this time may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

CONSENT ITEMS

All matters on the Consent Agenda are to be approved by one action unless a Committee member requests separate action on a specific item.

DC-1: ROBERT DAVIDSON

Firefighter, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice due to the member’s failure to cooperate.

DC-2: GARY KING

Service Worker, Orange County Transportation Authority (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice due to the member’s failure to cooperate.

DC-3: ERIKA OCHOA

Office Specialist, Orange County Social Services Agency (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

DC-4: MICHAEL SCHROEDER

Battalion Chief, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as March 26, 2021.

DC-5: STEVE TEAL

Firefighter/Paramedic, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as August 13, 2021.

CLOSED SESSION

Government Code section 54957

Adjourn to Closed Session under Government Code section 54957 to consider disability applications and to discuss member medical records submitted in connection therewith. The member may waive confidentiality and request his or her disability application to be considered in Open Session.

ACTION ITEMS:

DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

DA-2: JEREMY DOTY

Automotive Technician II, Orange County Public Works (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement due to insufficient evidence of permanent incapacity.

DA-3: ROBERT PETERSON

Undersheriff, Orange County sheriff's Department (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity.

DA-4: RESCIND MOTION AND ACTION OF THE DISABILITY COMMITTEE ON AUGUST 1, 2019 WHEREIN THE COMMITTEE RECOMMENDED THAT THE BOARD GRANT NON-SERVICE CONNECTED DISABILITY RETIREMENT TO MICHELLE WACHTER

Recommendation: Staff recommends that the Disability Committee rescind its motion and action on August 1, 2019 wherein the Disability Committee recommended that the Board of Retirement grant non-service connected disability to Michelle Wachter.

DA-5: MICHELLE WACHTER

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement due to insufficient evidence of permanent incapacity.

OPEN SESSION

A. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

B. [MINUTES FROM THE OCTOBER 18, 2021 DISABILITY COMMITTEE MEETING](#)

Recommendation: Approve the Minutes.

COMMITTEE MEMBER COMMENTS

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

NOTICE OF NEXT MEETINGS

**REGULAR BOARD MEETING
November 15, 2021
9:30 A.M.**

DISABILITY COMMITTEE MEETING

December 13, 2021

8:30 A.M.

INVESTMENT COMMITTEE MEETING

November 17, 2021

9:30 A.M.

AVAILABILITY OF AGENDA MATERIALS - Documents and other materials that are non-exempt public records distributed to all or a majority of the members of the OCERS Board or Committee of the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board or Committee of the Board are available at the OCERS' website: <https://www.ocers.org/board-committee-meetings>. If such materials are distributed to members of the Board or Committee of the Board less than 72 hours prior to the meeting, they will be made available on the OCERS' website at the same time as they are distributed to the Board or Committee members. Non-exempt materials distributed during an open meeting of the Board or Committee of the Board will be made available on the OCERS' website as soon as practicable and will be available promptly upon request.

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at adminsupport@ocers.org or call 714-558-6200 as soon as possible prior to the meeting to tell us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours' notice, if possible.

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DISABILITY COMMITTEE MEETING

October 18, 2021

8:30 a.m.

MINUTES

OPEN

SESSION

The Chair called the meeting to order at 8:34 a.m.

Attendance was as follows:

Present via Zoom Video conference pursuant to Government Code § 54953, as amended by AB 361:

Adele Tagaloa, Chair; Charles Packard; Jeremy Vallone

Also Present via Zoom:

Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Suzanne Jenike, Assistant CEO, External Operations; Megan Cortez, Disability Manager; Isabel Linares, Disability Investigator; Cammy Torres, Recording Secretary; Anthony Beltran, Audio Visual Technician

COMMITTEE FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361

Presentation by Gina Ratto, General Counsel, OCERS

Recommendation: The Committee is asked to make the following findings (a majority vote is required):

- (1) The Committee has reconsidered the circumstances of the state of emergency; and
- (2) The Committee has determined that one or both of the following circumstances exist:
 - a. The state of emergency continues to directly impact the ability of the members of the Committee to meet safely in person; and/or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Ms. Ratto presented the findings as amended by AB 361.

MOTION by Packard, **seconded** by Vallone, to approve staff's recommendation on the committee findings pursuant to Government Code § 54953, as amended by AB 361.

The motion passed **unanimously**.

PUBLIC COMMENT

None.

CONSENT ITEMS

MOTION by Vallone, **seconded** by Packard, to approve staff's recommendation on all of the following items on the Consent Agenda:

The motion passed **unanimously**.

DC-1: MANUEL DeBACA

Firefighter, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as March 26, 2021.

DC-2: TIMOTHY DUFFY

Emergency Transport Technician, Orange County Fire Authority (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as February 2, 2018.

DC-3: JOHN LAMB

Fire Captain, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as November 6, 2020.

DC-4: CHARLES LEGG

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as January 15, 2021.

DC-5: WILLIAM MATTERN

Battalion Chief, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as March 26, 2021.

DC-6: CHRISTINA WATSON

Deputy Sheriff II, Orange County Sheriff's Department (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as January 15, 2021.

The Committee recessed into Closed Session at 8:42 a.m.

The Committee resumed into Open Session at 8:47 a.m.

OPEN SESSION

ACTION ITEMS

DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

N/A

A. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

DA-2: LIDIA CARMONA

Social Worker II, Orange County Social Services Agency (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant non-service connected disability retirement.
- Set the effective as October 22, 2010.
- Deny service connected disability retirement due to insufficient evidence of job causation.

MOTION by Vallone, **seconded** by Packard to approve staff recommendation.

The motion passed **unanimously.**

DA-3: KELLY LUPRO

Administrative Manager II, Orange County Health Care Agency (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant non-service connected disability retirement.
- Set the effective as March 29, 2019.

- Deny service connected disability retirement due to insufficient evidence of job causation.

MOTION by Packard, **seconded** by Vallone to approve staff recommendation.

The motion passed **unanimously**.

B. MINUTES FROM THE SEPTEMBER 20, 2021 DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

MOTION by Packard, **seconded** by Vallone to approve September 20, 2021 Disability Committee meeting minutes.

The motion passed **unanimously**.

COMMITTEE MEMBER COMMENTS

N/A

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

N/A

COUNSEL COMMENTS

N/A

ADJOURNMENT

The meeting adjourned at 8:49 a.m.

Submitted by:

Approved by:

Steve Delaney

Adele Tagaloa