COUNTY OF SANTA CRUZ

PERSONNEL DEPARTMENT
RISK MANAGEMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073
(831) 454-2600 FAX: (831) 454-2245 TDD: (831) 454-2123
JANET MCKINLEY, RISK MANAGER

April 7, 2005

AGENDA: April 12,2005

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

DETERMINATION OF DISABILITY RETIREMENT STATUS OF SAFETY MEMBER

Dear Members of the Board:

The County of Santa Cruz, as required by PERS, filed a precautionary disability retirement application on behalf of Joseph A. Hemingway when he became incapacitated as the result of a non-industrial illness. The illness resulted in his death on January 1, 2005. PERS has now requested a resolution of determination for safety member surviving spouse disability retirement benefits.

The attached resolution RECOMMENDED for your approval states that Mr. Hemingway is disabled under the Public Employees' Retirement law.

Very truly yours,

Dania Torres Wong
Personnel Director

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

DTW:JM/jm

Attachment

cc: County Counsel; Auditor; Sheriff

25.1

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO._____

On the motion of Supervisor
Duly seconded by Supervisor
The following Resolution is adopted:

RESOLUTION DETERMINING DISABILITY RETIREMENT OF
JOSEPH A. HEMINGWAY, SHERIFF'S LIEUTENANT

WHEREAS, the County of Santa Cruz (hereinafter referred to as County) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement law requires that a contracting agency determine whether a local safety member, employee of such agency, is disabled for purposes of the Public Employees' Retirement law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for disability retirement of Joseph A. Hemingway formerly employed by the County of Santa Cruz in the position of Sheriffs Lieutenant has been filed with the Public Employees' Retirement System; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors find and determine and it does hereby find and determine that Joseph A. Hemingway is incapacitated within the meaning of the Public Employees' Retirement law for performance of his duties in the position of Sheriffs Lieutenant; and

BE IT FURTHER RESOLVED that pursuant to Labor Code Section 3600, such disability is not within the course of employment with the County of Santa Cruz and the disability is not industrial;

BE IT FURTHER RESOLVED that the disability was a cerebral hemorrhage which resulted in death;

BE IT FURTHER RESOLVED that the member be separated from his employment in the position of Sheriffs Lieutenant effective January 2,2005.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2005, by the following vote.

25.1

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Tony Campos, Chairperson
Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED **AS** TO FORM:

County Counsel

Distribution: County Counsel
Sheriff
Risk Management

25.1