

**ROSS VALLEY FIRE DEPARTMENT
STAFF REPORT**

For the meeting of: November 13, 2019

To: Board of Directors

From: Kevin Yeager, Deputy Director

Subject: Resolution 19-10, Delegation of authority to make a disability determination of Mark M. Weston for CALPERS

RECOMMENDATION:

That the Board adopt Resolution 19-10, a Resolution of the Board of Directors of the Ross Valley Fire Department to delegate authority to make a disability determination of Mark M. Weston for CALPERS to the Executive Officer.

DISCUSSION:

Since November 13, 2018, Captain Mark Weston has been off work as a result of injuries sustained while working as a Fire Captain. Captain Weston has filed, with the Public Employee Retirement System (PERS), an application for disability retirement. The Public Employee's Retirement Law requires that the contracting agency determine whether the employee is disabled for the purposes of the Public Employees' Retirement Law and whether such disability is industrial within the meaning of the law.

The treating physician has determined that he is permanently precluded from performing his usual and customary job duties as a Fire Captain. In addition, there is supporting medical documentation from the Department's worker's compensation administrator to support this determination.

In consultation with our legal council, it was determined that the Ross Valley Fire Department entity should not make certifications under penalty of perjury but rather should delegate this to the appropriate person.

By adopting the resolution, the Board delegates authority to make a disability determination for Mark M. Weston to the Executive Officer, Garrett Toy.

FISCAL IMPACT:

There is no direct fiscal impact resulting from determination an industrial disability retirement of Captain Weston.

CONCLUSION:

Staff recommends that the Board delegate authority to make a disability determination of Mark M. Weston for CALPERS to the Ross Valley Fire Department Executive Officer, Garrett Toy.

Attachment: Resolution 19-10, A Resolution of the Board of Directors of Ross Valley Fire Department delegating authority to make a disability determination of Mark M. Weston for CALPERS