

## CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 7  
Date: February 24, 2010

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Sheryl Bennett, Director of Human Resources  
Cindy Titgen, Benefits and Workers' Compensation Manager

**SUBJECT:** Approval of CalPERS Industrial Disability Retirement for Dana Ray

**RECOMMENDATION:**

It is requested that Council adopt Resolution No. 2010-27 approving the California Public Employees' Retirement Systems (CalPERS) Industrial Disability Retirement for Police Sergeant Dana Ray.

**BACKGROUND:**

Mr. Ray is a 54 year old male Police Sergeant. He has been employed by the City of Escondido for over 28 years. He service retired on December 31, 2009, pending Industrial Disability Retirement. The basis for Mr. Ray's Industrial Disability Retirement application is confirmed by medical reports from Dr. Richard Ostrup and his condition is orthopedic in nature. Accordingly, Mr. Ray is incapacitated within the meaning of the Public Employees' Retirement Law for the performance of his usual and customary duties in the position of Police Sergeant.

Under State Law, the City Council is required to adopt a Resolution determining that competent medical evidence supports the granting of an Industrial Disability Retirement. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2010-27 approving the CalPERS Industrial Disability Retirement for Dana Ray to be effective December 31, 2009.

Respectfully submitted,



Cindy Titgen  
Benefits and Workers' Compensation Manager



Sheryl Bennett  
Human Resources Director

## RESOLUTION NO. 2010-27

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING THE CALPERS INDUSTRIAL  
DISABILITY RETIREMENT FOR DANA RAY

WHEREAS, the City of Escondido (hereinafter referred to as "Agency") is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member 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 Industrial Disability Retirement of Dana Ray employed by the Agency in the position of Police Sergeant has been filed with CalPERS; and

WHEREAS, the City of Escondido has reviewed the medical and other evidence relevant to such alleged disability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, as follows:

1. That the above recitations are true.
2. That the City Council of the City of Escondido does find and determine that Dana Ray is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual duties in the position of Police Sergeant.

3. That the City Council of the City of Escondido does find and determine that such disability is a result of injury or disease arising out of and in the course of employment.

4. That neither Dana Ray nor the agency, the City of Escondido, has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

5. That there is a possibility of third party liability.

6. That the service member did service retire on December 31, 2009, pending approval of Industrial Disability Retirement and no dispute exists with regards to the retirement date. Mr. Ray's last day on pay status was December 30, 2009.

7. That advanced permanent disability payments will not be made.

8. That the City Council of the City of Escondido finds that the primary disability is orthopedic.