



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

<b>Short Name/Subject</b> Industrial Disability Retirement - Tyler Houston	<b>Board Meeting Date</b> June 11, 2019	<b>Agenda Number</b> 14
<b>Dept:</b> Administrative Office <b>Div:</b> Human Resources <b>Contact:</b> Judy Hawkins <b>Phone:</b> 209-754-6772	<b>Supervisory District Number</b>	Consent Agenda
<b>Published Notice Required?</b> No <b>Public Hearing Required?</b> No		<b>Estimated Time:</b> 0
<b>Type of Document?</b> Resolution <b>PowerPoint Presentation Included?</b> No <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Adopt a Resolution authorizing the Industrial Disability Retirement of Corporal Tyler Houston.

**DISCUSSION/SUMMARY:**

The Public Employees' Retirement System has received an application for disability retirement from Sheriff's Department Corporal, Tyler Houston.

Corporal Tyler Houston has been recently certified as being unable to return to his usual job due to his medical condition. Corporal Houston has an ongoing workers' compensation claim.

The Public Employees Retirement System requires the Board of Supervisors approve the attached Resolution. PERS is very specific as to the language that is required and will require a legal opinion for any changes to their required format. Approval of the Resolution authorizes PERS to approve disability retirement status for the member.

**FINANCING:**

There is no impact to the General Fund.

**ALTERNATIVES:**

The Board may choose not to approve the disability retirement but this is not recommended since this will delay the Disability Retirement.

**OTHER AGENCY INVOLVEMENT:**

Board of Supervisors

**APPROVED BY:**

  
Judy Hawkins

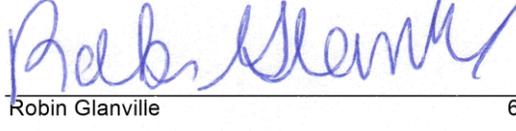
5/26/2019

  
Greg Wayland, Deputy County Counsel

5/30/2019

  
Christa Vol Latta, Deputy CAO

5/31/2019

  
Robin Glanville

6/3/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
June 11, 2019

Resolution  
No. (ID # 4591)

**A RESOLUTION AUTHORIZING THE DISABILITY  
RETIREMENT OF CORPORAL TYLER HOUSTON**

**WHEREAS**, the County of Calaveras, (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" within the meaning of said Law.

**WHEREAS**, an application for industrial disability retirement of Tyler Houston employed by the Agency in the position of Sheriff's Department Corporal has been filed with CalPERS; and

**WHEREAS**, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors find and determine that Tyler Houston is incapacitated within the meaning of the Public Employee's Retirement Law for performance of his duties in the position of Sheriff's Department Corporal; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors find and determine that Tyler Houston is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Corporal and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If the disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to

CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination.

Tyler Houston had filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim(s) was accepted.

**BE IT FURTHER RESOLVED** that the Board of Supervisors does hereby find and determine that such disability is arising out of and in the course of employment. Neither said Tyler Houston nor the agency County of Calaveras has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability industrial.

**BE IT FURTHER RESOLVED** that the member will be separated from his employment in the position of Corporal after expiration of his rights under Government Code section 21164, effective June 22, 2019 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is June 21, 2019. There is no possibility of third party liability. Advanced Disability Pension Payments will not be made. The primary disabling condition is the permanent restriction of lifting, pulling and pushing with the right little finger and right wrist.

---

Chair

**ATTEST**

Rebecca Turner, Ex-Officio Clerk  
of the Board of Supervisors, County of Calaveras

---

Deputy Clerk