



## **CITY OF MENIFEE**

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SUBJECT: Delegation of Authority for CalPERS Industrial Disability Retirement Determinations

MEETING DATE: May 1, 2024

TO: Mayor and City Council

PREPARED BY: Bryan Melton, Human Resource Analyst

REVIEWED BY: Jonathan Nicks, Deputy City Manager

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Adopt a resolution delegating authority to the City Manager, or their designee, to apply for and certify CalPERS determinations regarding local safety members' eligibility for disability retirement.

### **DISCUSSION**

An industrial disability retirement (IDR) is retirement resulting from an employee's mental or physical incapacity to perform their usual job duties as the result of a job-related injury or illness. For local safety employees (e.g. sworn Police Officers) enrolled in the California Public Employees' Retirement System (CalPERS), state law requires the employer to determine an employee's eligibility for an IDR.

From the City's perspective, there are two key steps required to process an IDR: 1) the employee's disability retirement application must be submitted to CalPERS (by the employee or by the City on the employee's behalf) and 2) the City must determine the employee is "disabled" within the meaning of the Public Employees' Retirement Law (PERL). By default, both of these actions must be taken by the City Council, however pursuant to Government Code sections 21152 and 21173, the City Council may delegate authority to staff to handle either or both of these functions. There are stringent guidelines in place for IDR review and approval, including extensive legal and medical requirements. Consistent with other municipalities in our region, it is recommended that final IDR determinations be handled administratively following thorough review and approval by the City Manager.

An application for IDR may be initiated by the employee or the employer. If the employee has not already filed an application, Government Code section 21153 obligates the employer to file on behalf of the employee if the employer has reason to believe the employee is disabled as defined

in the PERL. An employee is considered to be disabled if they are substantially incapacitated from performing the usual and customary duties of their position with the City, the disability is permanent or of an extended and uncertain duration, and the disability has been determined to be work-related. In many cases, the employee initiates the disability retirement application themselves; however, there are times where it becomes necessary for the City to submit the application in order to move the process forward in a timely manner.

### **STRATEGIC PLAN OBJECTIVE**

Regular City Business

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

### **ATTACHMENTS**

1. Resolution