

Based on the doctor's report, such a determination can be made and is before the Council in the form of the attached resolution. Staff has been working with Redwood Empire Municipal Insurance Fund (REMIF) workers' compensation administrator to review the report submitted by Sergeant Nielsen's physician. Our claim administrator has already accepted the case as work related and agrees that a disability exists and will continue to exist.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution determining that Michael Nielsen is incapacitated pursuant to the reports of his doctor and our workers' compensation administrators agreeing that a disability exists.

Attachment:

Resolution

RESOLUTION NO. _____

A RESOLUTION DETERMINING THAT MICHAEL NIELSEN IS INCAPACITATED
WITHIN THE MEANING OF THE PUBLIC EMPLOYEES' RETIREMENT LAW

WHEREAS, the City of Sebastopol (herein referred to as Agency) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' 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 Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for the industrial disability retirement of Michael Nielsen employed by the Agency in the position of Police Sergeant has been filed with the Public Employees' Retirement System; and

WHEREAS, the City of Sebastopol has reviewed the medical and other evidence relevant to such disability;

NOW, THEREFORE IT IS RESOLVED that the City Council of the City of Sebastopol does hereby find and determine that Michael Nielsen is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Sergeant; and

BE IT FURTHER RESOLVED THAT the City Council of the City of Sebastopol does hereby find and determine that such disability is a result of injury(ies) arising out of and in the course of employment.

BE IT FURTHER RESOLVED THAT the member will be separated from his employment in the position of Police Sergeant after expiration of his rights under Section 21164, Government Code, effective such date that CalPERS determines that he is qualified for the industrial disability retirement and that no dispute as to the expiration of such leave rights is pending. His last day on regular pay status will be March 31st, 2017.

BE IT FURTHER RESOLVED THAT the City Council does hereby find and determine that there is not a possibility of third party liability.

IN COUNCIL DULY PASSED this 17th day of January, 2017.

VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Mayor Una Glass

ATTEST: _____
Mary Gourley, MMC, Assistant City Manager / City Clerk