



CITY OF SACRAMENTO

SACRAMENTO CITY EMPLOYEES' RETIREMENT SYSTEM

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RICHARD E. SNYDER
RETIREMENT SYSTEM MANAGER
SECRETARY TO THE BOARD

August 5, 1985

Personnel and Public Employees' Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Retirement Hearing Commission Proposed Amendment to City Code
Section 34.1404(c)

Summary.

During its June 3, 1985 Special Meeting, the Retirement Hearing Commission voted to instruct the Secretary to the Commission to take all necessary steps to bring a proposed amendment to City Code Section 34.1404(c) to the City Council for determination. The attached ordinance contains the proposed amendment (Attachment 1). This item is being referred to the Personnel and Public Employees' Committee because it involves procedures related to the Sacramento City Employees' Retirement System. The item is also being referred to the Law and Legislation Committee because it involves a proposed change to the City Code.

Background.

Recently, the Retirement Hearing Commission considered the appeal of the Retirement System Manager's denial of a member's application for industrial disability retirement. The Commission reasoned that it could not reach a decision in this case until a specific medical condition was examined and reported on by a physician. Since the Commission does not presently have the authority to direct such medical investigation, the Commission directed its counsel to prepare an amendment to City Code Section 34.1404(c) which would provide the necessary authority.

William Carnazzo, Deputy City Attorney and Counsel to the Commission, prepared a proposed amendment to City Code Section 34.1404(c) which provided that in the event that the Commission determines that further medical investigation is required in order to reach a decision, the matter shall be referred to the Retirement System Manager who will arrange for a medical examination with a physician, to obtain such medical information.

During its Special Meeting on June 3, 1985, the Commission modified the draft proposed amendment to City Code Section 34.1404(c), as follows:

" . . . In referring the matter to the retirement system manager, the commission's resolution shall, to the extent possible, specifically designate the medical issues to be submitted to a physician or physicians to be selected by the retirement hearing commission . . ." (emphasis added).

In a June 4, 1985 memorandum to Steve Lakich, Director of Employee Relations, William Carnazzo describes the new procedures which relate to the proposed change. This information was subsequently provided employee group representatives for comment and no adverse comment has been received (See Attachment 2).

The Retirement Hearing Commission requests that the Personnel and Public Employees' Committee support the attached proposed ordinance during consideration by the full City Council.

Respectfully Submitted,



Richard E. Snyder
Secretary to the Retirement Hearing Commission

APPROVED FOR TRANSMITTAL:



Donna L. Giles, Director of Personnel

APPROVED FOR TRANSMITTAL:



Walter J. Slive, City Manager

Attachments:

1. Proposed Amendment to City Code Section 34.1404(c)
2. June 4, 1985 Memorandum, William Carnazzo to Steve Lakich

RES:jk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SACRAMENTO CITY CODE §34.1404(c), RELATING TO THE RETIREMENT HEARING COMMISSION

BE IT ENACTED BY THE CITY COUNCIL OF SACRAMENTO AS FOLLOWS:

SECTION 1

Sacramento City Code §34.1404(c) is amended to read as follows:

(c) The commission shall base its decision to adopt, modify or reject the proposed findings of fact and proposed decision of the hearing officer solely upon the record before it and any additional evidence which may be admitted by said commission. In the event that the commission, after its review of the record and any additional evidence it has admitted, determines by vote in accordance with Section 34.1414 that further medical investigation on a specific medical issue or issues is required in order to reach a decision, the matter shall by written resolution be referred to the retirement system manager for the purpose of obtaining the required medical information. In referring the matter to the retirement system manager, the commission's resolution shall, to the extent possible, specifically designate the medical issue or issues to be submitted to a physician or physicians to be selected by the retirement hearing commission. If resolution of the medical issue or issues requires a medical physical examination, the commission's resolution shall so specify and shall order the applicant to submit to the examination. If the applicant refuses to submit to the examination, the commission shall decide the matter in accordance with Section 34.1409(b). When the necessary medical information has been obtained by the retirement system manager, it shall become part of the record of proceedings, and it shall promptly be provided to each party. The matter shall then be calendared for the next

regular commission meeting or, where appropriate, for a special meeting. At such meeting, the commission shall decide the matter in accordance with Section 34.1409(b).

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

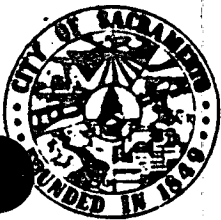
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

CITY OF SACRAMENTO



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June 4, 1985

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MEMORANDUM

TO: Steve Lakich, Director of Employee Relations

FROM: William P. Carnazzo, Deputy City Attorney

RE: Retirement Hearing Commission Proposed
Amendment to City Code Section 34.1404(c)

Attached please find a copy of the proposed amendment to City Code Section 34.1404(c), as proposed by the Retirement Hearing Commission itself. At its special meeting on June 3, 1985, the Commission voted, on a 4-3 vote, to instruct the Commission secretary to take all necessary steps, including review by employee groups, to bring the ordinance amendment to the City Council for its determination.

The purpose of the amendment is to allow the Commission to generate the medical evidence it determines is lacking in the record, but is necessary to a decision of the case. The Commission does not currently have that authority under the City Code.

While the added language (underlined) is mostly self-explanatory, there are several salient points worth emphasizing. First, where further medical evidence is necessary, the Commission is to refer the case back to the retirement system manager with instructions as to the nature of the evidence required, and as to the physician selected to conduct the necessary inquiry. The Commission will adopt policy guidelines for the selection of the physicians, although that provision is not set forth in the ordinance. Secondly, the Commission is given the power to order the applicant to undergo an examination, if appropriate, and the consequences of refusal are specified.

Please take the necessary steps to acquaint the various employee groups with the Commission's proposed change, and solicit their comments and concerns. If you have any questions, please call.



WILLIAM P. CARNAZZO
Deputy City Attorney

WPC/jmv
Attachment

cc: Richard Snyder

Underlined language to be added to §34.1404(c):

(c) The commission shall base its decision to adopt, modify or reject the proposed findings of fact and proposed decision of the hearing officer solely upon the record before it and any additional evidence which may be admitted by said commission. In the event that the commission, after its review of the record and any additional evidence it has admitted, determines by vote in accordance with Section 34.1414 that further medical investigation on a specific medical issue or issues is required in order to reach a decision, the matter shall by written resolution be referred to the retirement system manager for the purpose of obtaining the required medical information. In referring the matter to the retirement system manager, the commission's resolution shall, to the extent possible, specifically designate the medical issue or issues to be submitted to a physician or physicians to be selected by the retirement hearing commission. If resolution of the medical issue or issues requires a medical physical examination, the commission's resolution shall so specify and shall order the applicant to submit to the examination. If the applicant refuses to submit to the examination, the commission shall decide the matter in accordance with Section 34.1409(b). When the necessary medical information has been obtained by the retirement system manager, it shall become part of the record of proceedings, and it shall promptly be provided to each party. The matter shall then be calendared for the next regular commission meeting or, where appropriate, for a special meeting. At such meeting the commission shall decide the matter in accordance with Section 34.1409(b).