

RESOLUTION NO. 07-19

RESOLUTION OF The Board of Directors

Aptos/La Selva Fire Protection District

WHEREAS, the Aptos/La Selva Fire Protection District (hereinafter referred to as Agency) is a contracting agency of the California Public Employees' Retirement System (CalPERS).

WHEREAS, the California 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 purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law:

WHEREAS, an application for Industrial Disability Retirement of the right shoulder from Todd Korver employed by the Agency in the position of Firefighter Captain has been filed CalPERS; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Directors find and determine and it does hereby find and determine that Todd Korver is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his/her duties in the position of Firefighter Captain 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.

Todd Korver had filed a Workers' Compensation claim(s) for his/her disabling condition(s). The Workers' Compensation claim(s) was accepted.

BE IT FURTHER RESOLVED THAT THE Board of Directors find and determine and it does hereby find and determine that such disability is an injury arising out of and in the course of employment.

Neither said Todd Korver nor the agency Aptos/La Selva Fire Protection District 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 was separated from his employment in the position of Firefighter Captain after expiration of his/her rights under Government Code section 21164, effective February 25, 2019 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status January 11, 2019.

There is not a possibility of third party liability.

Advanced Disability Pension Payments will not be made.

The primary disabling condition is Orthopedic, right shoulder.

The duration of the disabling condition is expected to be permanent, which is certified by competent medical opinion, as determined on the basis of competent medical opinion.

PASSED AND ADOPTED BY THE BOARD of Directors of the Aptos/La Selva Fire Protection District, County of Santa Cruz, State of California, this 9th day of May, 2019 by the following called vote:

AYES: Darbro, Foster, Lucchesi, Scantou, Spisak

NOES:

ABSTAIN:

ABSENT:



Board President

5/9/19

Date



ATTEST:
Secretary of Board