

RESOLUTION NO. 2025-01

RESOLUTION OF THE BOARD OF DIRECTORS

Central Fire District of Santa Cruz County (Government Code Section 21156)

WHEREAS, the Central Fire District of Santa Cruz County (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 back, neck, right shoulder from Scott Harway employed by the Agency in the position of Captain has been filed with 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 Scott Harway is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his/her duties in the position of Captain for orthopedic injury to back, neck, right shoulder 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 any of the following 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

*Disciplinary process was underway prior to the member's separation from employment.

*Terminated for cause.

*Resigned in lieu of termination.

*The member signed an agreement to waive their reinstatement rights as part of a legal settlement (i.e., Employment Reinstatement Waiver).

*Convicted of or is being investigated for a work-related felony.

Scott Harway 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 hereby find and determine that such disability is a disease arising out of and in the course of employment with the agency.

Neither said Scott Harway nor the agency Central Fire District of Santa Cruz County has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability industrial. AND

BE IT FURTHER RESOLVED that the last date paid in the position of Captain after expiration of his/her rights under Gov. Code (job title) sections 21163 and 21164, is effective January 15, 2024 and that no dispute as to the expiration of such leave rights is pending. The member has exhausted unused sick leave, compensating time off or Labor Code 4850 until the last date paid. There is not a possibility of third-party liability. Advanced Disability Pension Payments will not be made. The primary disabling condition is orthopedic, back, neck, right shoulder. The duration of the disabling condition is expected to be permanent which is certified by competent medical opinion.

PASSED AND ADOPTED BY THE BOARD of Directors of the Central Fire District of Santa Cruz County, County of Santa Cruz, State of California, this 9th day of January 2025 by the following called vote:

^{JN}
AYES: 5 4 Hess, Hushaw, Littlefield, Lucchesi
NOES: 0 0
ABSTAIN: 0 1 Faulkner
ABSENT: 0 0

John P. Lucchesi
Board Chair John Lucchesi

Jan 9 2025
Date

ATTEST: [Signature]

Secretary of Board
Jason Nee Fire Chief