



# COUNTY OF TULARE

## BOARD OF RETIREMENT

**Leanne Malison**  
Retirement Administrator

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### AGENDA OF THE BOARD OF RETIREMENT REGULAR RETIREMENT BOARD MEETING **Wednesday, July 12, 2023 at 8:30 a.m.** TCERA Board Room, 136 N. Akers Street, Visalia, CA 93291

#### NOTICE TO THE PUBLIC

Documents related to the items on this agenda are available for public inspection at the Retirement Office, 136 N Akers Street, Visalia, CA, during normal business hours. Such documents are also available on TCERA's website, [www.tcera.org](http://www.tcera.org), subject to staff's ability to post the documents before the meeting.

Persons wishing to listen to the meeting in progress may access a live stream link located on TCERA's website [www.tcera.org](http://www.tcera.org).

#### **PUBLIC COMMENTS:**

Any person addressing the Board will be limited to a maximum of five (5) minutes. A total of 15 minutes will be allotted for the Public Comment period unless otherwise extended by the Board Chair. If you are part of a large group that would like to comment on an agenda item, please consider commenting in writing or sending one spokesperson to speak on behalf of the group. Public comments are limited to any item of interest to the public that is within the subject matter jurisdiction of the Board of Retirement. (Gov't Code Section 54954.3(a).)

**In Person:** Persons who wish to address the Board of Retirement during public comment or regarding an item that is on the agenda may address the Board of Retirement in person at the meeting.

**Email:** Members of the public may also submit public comment via email to [BORPublicComment@tularecounty.ca.gov](mailto:BORPublicComment@tularecounty.ca.gov) any time before the start of the meeting. The comments received via email before the meeting will be read to the Board of Retirement in open session during the meeting provided that the comments meet the requirements for Public Comments as posted in the agenda.

***As a courtesy to those in attendance, all individuals are requested to place cell phones and other electronic devices in the non-audible alert mode.***

## **I. CALL TO ORDER**

## **II. ROLL CALL**

## **III. PLEDGE OF ALLEGIANCE**

## **IV. PUBLIC COMMENT**

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of five (5) minutes. Please state your name for the record.

## **V. X-AGENDA ITEMS**

## **VI. DISABILITIES**

1. Closed session to be held regarding disability matters listed on this agenda.
2. In the matter of the disability application of Monica Caro, consider and take action regarding the application for a disability retirement.
3. In the matter of the disability application of Sandra Burnitzki, consider and take action regarding the application for a disability retirement.
4. In the matter of the disability application of Thomas Marino, consider and take action regarding the application for a disability retirement.
5. In the matter of the disability application of Teresa Godwin, consider and take action regarding the application for a disability retirement.
6. Accept as filed the Disability Status Report Overview.

## **VII. CONSENT CALENDAR**

1. Approve Minutes of the following meetings:
  - a. Retirement Board Minutes of June 28, 2023.
2. Approve payments to:
  - a. Verus – invoice for investment management services in the amount of \$75,000.00 for the quarter ended June 30, 2023.
  - b. Verus – invoice for investment consulting services in the amount of \$22,500.00 for the month ended June 30, 2023.
  - c. County Counsel – invoice for legal services to the Board of Retirement in the amount of \$2,291.80 for the period ending June 30, 2023.
3. Pension Board Reports and Actions
  - a. Ratify Retirement Administrator actions regarding Retirement Application approvals and Option Selections for the month of June 2023.
  - b. Approve Reports regarding Retirement Applications, Option Selections and Deceased Pensioners and 30-Year Members for the month of June 2023.

## **VIII. NEW BUSINESS**

1. Education presentation from Aaron Zaheen regarding disability procedures and applicable case law.
2. Discussion and possible action regarding January 1, 2023, through June 30, 2023, Board of Retirement Continuing Education Report.

3. Discussion and possible action regarding Courtyards Property Owners' Association Notice of Upcoming Election.
4. Discussion and possible action regarding Resolution Ordering Board of Retirement Trustee Special Election – Third Member Position (General Member Representative).
5. Discussion and possible action regarding adoption of Amendment to Resolution Regarding Pay Codes Included as Pensionable Income.

#### **IX. EDUCATION ITEMS**

1. Discussion and possible action regarding available educational events.

#### **X. UPCOMING MEETINGS**

1. Board of Retirement Meeting July 26, 2023, 8:30 a.m.
2. Board of Retirement Meeting, August 9, 2023, 8:30 a.m.
3. Board of Retirement Meeting, August 23, 2023, 8:30 a.m.
4. Administrative Committee Meeting August 23, 2023, 10:00 a.m.
5. Trustee Education/Presentation Calendar – Discussion and possible action.

#### **XI. TRUSTEE/STAFF COMMENTS**

Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time.

#### **XII. ADJOURNMENT**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Secretary of the Board of Retirement at (559) 713-2900. Notification 48 hours prior to the meeting will help enable staff to make reasonable arrangements to ensure meaningful access. Documents related to the items on this Agenda submitted after distribution of the Agenda packet are available for public inspection at TCERA, 136 N. Akers Street, Visalia, CA. during normal business hours.*

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
*(37 Active Disability Applications)*

**02 - Pending Receipt of Medical Records**

**3/10/22 McPhetridge, Amber (Rebecca Cardenas)**

**HHS-HLTH-Tulare Public CCS/General Member**

**Retired**

**Eligible for Service Retirement = Yes**

3/11/22 Disability Application Documents Scanned  
3/11/22 Disability File Folder Created  
3/11/22 Disability Findings Summary Prepared  
3/11/22 Infolinx Setup  
1/30/23 County Department Records Received  
Additional Remarks : Dept Records Received 07/19/22  
1/30/23 HR & D Records Received  
Additional Remarks : HR&D Records received 07/14/22  
1/30/23 Tulare County Health Centers Records Received  
Additional Remarks : Certification of No Records Received 6/16/22  
1/30/23 Employment Records Requested

**7/5/23 Vigario, Joshua (Darcy Nunes)**

**Sher-Dt-Bob Wiley Det. Fac./Safety Member  
Psychiatric/Psychological/Service Connected  
Disability**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = No**

7/5/23 DMS Notified of Disability Application Filing  
7/5/23 Disability Application Packet Received and Reviewed

**03 - Pending Medical Records Review**

**4/3/23 Sierra, George (Rebecca Cardenas)**

**Sher-Dt-Pre-Trial/Safety Member Orthopedic/  
Service Connected Disability**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = No**

4/3/23 DMS Notified of Disability Application Filing

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
(37 Active Disability Applications)

4/3/23 Disability Application Packet Received and Reviewed  
4/4/23 Disability Application Documents Scanned  
4/4/23 Disability File Folder Created  
4/4/23 Disability Findings Summary Prepared  
4/4/23 Employment Records Requested  
4/4/23 Infolinx Setup  
4/4/23 Tulare County Health Centers Records Received  
Additional Remarks : Certification of No Records.  
4/19/23 County Department Records Received  
4/28/23 HR & D Records Received  
6/2/23 Benefit Estimate Sent to DMS  
6/2/23 Risk Management Records Received  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**1/24/23 Tello, Eron (Rebecca Cardenas)**

**Presumptive Indicator: N**  
**Active**

**Prob-Juvenile Detention/Safety Member**  
**Orthopedic/Service Connected Disability**

**Eligible for Service Retirement = No**

1/31/23 Disability Application Documents Scanned  
1/31/23 Disability File Folder Created  
1/31/23 Disability Findings Summary Prepared  
1/31/23 Employment Records Requested  
1/31/23 Infolinx Setup  
2/23/23 HR & D Records Received  
2/23/23 Tulare County Health Centers Records Received  
3/14/23 County Department Records Received  
6/2/23 DMS Notified of Disability Application Filing  
6/2/23 Disability Application Packet Received and Reviewed  
6/2/23 Risk Management Records Received  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**10/21/22 Corazzini, Tracie (Rebecca Cardenas)**  
**Presumptive Indicator: N**

**Tulare County Fire Dept/Safety Member**

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
(37 Active Disability Applications)

**Retired**

**Eligible for Service Retirement = Yes**

10/21/22 Disability Application Documents Scanned  
10/21/22 Disability File Folder Created  
10/21/22 Disability Findings Summary Prepared  
10/21/22 Employment Records Requested  
10/21/22 Infolinx Setup  
11/16/22 HR & D Records Received  
11/17/22 Tulare County Health Centers Records Received  
11/30/22 County Department Records Received  
6/2/23 Benefit Estimate Sent to DMS  
6/2/23 DMS Notified of Disability Application Filing  
6/2/23 Disability Application Packet Received and Reviewed  
6/2/23 Risk Management Records Received

**5/23/23 Patterson, Donald (Rebecca Cardenas)**

**Presumptive Indicator: N  
Active**

**Prob-Juvenile Detention/Safety Member  
Orthopedic/Service Connected Disability**

**Eligible for Service Retirement = No**

5/25/23 DMS Notified of Disability Application Filing  
5/25/23 Disability Application Packet Received and Reviewed  
5/26/23 Disability Application Documents Scanned  
5/26/23 Disability File Folder Created  
5/26/23 Infolinx Setup  
5/26/23 Disability Findings Summary Prepared  
5/26/23 Employment Records Requested  
6/15/23 County Department Records Received  
6/15/23 Risk Management Records Received  
6/15/23 Tulare County Health Centers Records Received  
6/22/23 HR & D Records Received  
6/30/23 Benefit Estimate Sent to DMS  
6/30/23 Record Summarization Requested

**9/2/22 Hileman, Brian (Rebecca Cardenas)**

**Retired**

**RMA-TR-Porterville Rd Yd 1/General Member  
Orthopedic/Service Connected Disability**

**Eligible for Service Retirement = Yes**

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

9/2/22 DMS Notified of Disability Application Filing  
9/2/22 Disability Application Packet Received and Reviewed  
9/7/22 Disability Application Documents Scanned  
9/7/22 Disability File Folder Created  
9/7/22 Disability Findings Summary Prepared  
9/7/22 Employment Records Requested  
9/7/22 Infolinx Setup  
9/9/22 Tulare County Health Centers Records Received  
10/26/22 County Department Records Received  
10/26/22 HR & D Records Received  
11/16/22 Risk Management Records Received  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**1/17/23 Vilhauer, Casey (Darcy Nunes)**

**Sher-CS-Visalia Superior/Safety Member  
Orthopedic/Service Connected Disability**

**Presumptive Indicator: N  
Retired**

**Eligible for Service Retirement = Yes**

1/27/23 DMS Notified of Disability Application Filing  
1/27/23 Disability Application Packet Received and Reviewed  
2/2/23 Disability Application Documents Scanned  
2/2/23 Disability File Folder Created  
2/2/23 Disability Findings Summary Prepared  
2/2/23 Employment Records Requested  
2/2/23 Infolinx Setup  
3/3/23 HR & D Records Received  
3/9/23 County Department Records Received  
3/9/23 Tulare County Health Centers Records Received

**10/6/22 Smith, Ronald (Rebecca Cardenas)**

**Sher-Dt-Main Jail/Safety Member Orthopedic/  
Service Connected Disability**

**Presumptive Indicator: N  
Retired**

**Eligible for Service Retirement = Yes**

10/6/22 Disability Application Packet Received and Reviewed

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

10/6/22 DMS Notified of Disability Application Filing  
10/21/22 Disability Application Documents Scanned  
10/21/22 Disability File Folder Created  
10/21/22 Disability Findings Summary Prepared  
10/21/22 Employment Records Requested  
10/21/22 Infolinx Setup  
11/30/22 HR & D Records Received  
1/17/23 County Department Records Received  
1/17/23 Tulare County Health Centers Records Received  
6/2/23 Risk Management Records Received  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested  
7/5/23 IME Appointment Letter to Member Sent  
7/5/23 IME Appointment Scheduled  
Additional Remarks : IME appt scheduled 8/18/23 @ 10am w/ Dr Donald Pompan in Clovis

**9/7/22 Vera, Raychel (Rebecca Cardenas)**  
**Presumptive Indicator: N**  
**Retired**

**Sher-CS-Visalia Superior/Safety Member**  
**Eligible for Service Retirement = Yes**

12/5/22 Benefit Estimate Sent to DMS  
12/5/22 County Department Records Received  
12/5/22 DMS Notified of Disability Application Filing  
12/5/22 Disability Application Documents Scanned  
12/5/22 Disability Application Packet Received and Reviewed  
12/5/22 Disability File Folder Created  
12/5/22 Employment Records Requested  
12/5/22 HR & D Records Received  
12/5/22 Infolinx Setup  
12/5/22 Risk Management Records Received  
12/5/22 Tulare County Health Centers Records Received  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested  
7/5/23 IME Appointment Letter to Member Sent  
7/5/23 IME Appointment Scheduled



## DISABILITY STATUS REPORT

*Status as of July 5, 2023  
(37 Active Disability Applications)*

Additional Remarks : Appointment scheduled 8/18/2023 @11AM in Clovis w/ Dr. Donald Pompan

**10/20/22 Nix, Brian (Rebecca Cardenas)**      **Sher-Op-Porterville/Safety Member   Cardiac/  
Service Connected Disability**  
**Presumptive Indicator: Y**  
**Retired**      **Eligible for Service Retirement = Yes**

10/20/22 DMS Notified of Disability Application Filing  
10/20/22 Disability Application Packet Received and Reviewed  
10/25/22 Disability Application Documents Scanned  
10/25/22 Disability File Folder Created  
10/25/22 Disability Findings Summary Prepared  
10/25/22 Employment Records Requested  
10/25/22 Infolinx Setup  
11/17/22 Tulare County Health Centers Records Received  
11/29/22 HR & D Records Received  
1/17/23 County Department Records Received  
6/2/23 Medical Records Received from Applicant  
6/2/23 Risk Management Records Received  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**12/21/22 Cantu, Ricardo (Rebecca Cardenas)**      **DA-Visalia Courthouse/Safety Member  
Orthopedic/Service Connected Disability**  
**Presumptive Indicator: N**  
**Retired**      **Eligible for Service Retirement = Yes**

12/21/22 DMS Notified of Disability Application Filing  
12/21/22 Disability Application Packet Received and Reviewed  
12/23/22 Disability Application Documents Scanned  
12/23/22 Disability File Folder Created  
12/23/22 Disability Findings Summary Prepared  
12/23/22 Employment Records Requested  
12/23/22 Infolinx Setup  
12/23/22 Medical Records Received from Applicant  
12/23/22 Tulare County Health Centers Records Received  
1/23/23 County Department Records Received

## DISABILITY STATUS REPORT

Status as of July 5, 2023  
(37 Active Disability Applications)

1/23/23 HR & D Records Received  
6/30/23 Record Summarization Requested

### **04 - IME Scheduled/Pending Report**

**3/28/23 Uhl, David (Darcy Nunes)**

**Sher-Dt-Pre-Trial/Safety Member Orthopedic/  
Service Connected Disability**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = No**

3/29/23 DMS Notified of Disability Application Filing  
3/29/23 Disability Application Packet Received and Reviewed  
3/29/23 Disability Application Documents Scanned  
3/29/23 Disability File Folder Created  
3/29/23 Disability Findings Summary Prepared  
3/29/23 Employment Records Requested  
3/29/23 Infolinx Setup  
3/31/23 Tulare County Health Centers Records Received  
4/6/23 County Department Records Received  
4/27/23 HR & D Records Received  
6/20/23 Employment Records Reviewed  
6/20/23 IME Requested  
6/20/23 Medical Records Received from Applicant  
6/20/23 Record Summarization Received  
6/20/23 Record Summarization Requested  
6/20/23 Risk Management Records Received  
6/30/23 IME Appointment Letter to Member Sent  
6/30/23 IME Appointment Scheduled  
Additional Remarks : Appt 8/18/23 @ 9AM in Clovis w/ Dr. Donald Pompan

**8/23/22 Negrete, Stephanie (Darcy Nunes)**

**Sher-Dt-Pre-Trial/Safety Member Service  
Connected Disability**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = No**

8/24/22 DMS Notified of Disability Application Filing  
8/24/22 Disability Application Packet Received and Reviewed  
8/24/22 Employment Records Requested

## DISABILITY STATUS REPORT

*Status as of July 5, 2023*  
(37 Active Disability Applications)

9/1/22 Disability Application Documents Scanned  
9/1/22 Disability File Folder Created  
9/1/22 Disability Findings Summary Prepared  
9/1/22 Infolinx Setup  
9/20/22 HR & D Records Received  
10/26/22 County Department Records Received  
1/31/23 Tulare County Health Centers Records Received  
4/5/23 Medical Records Received from Applicant  
4/5/23 Risk Management Records Received  
5/22/23 IME Appointment Letter to Member Sent  
5/22/23 IME Appointment Scheduled  
Additional Remarks : IME scheduled on 6/22/23 at 12PM with Dr. Donald Pompan in Clovis.  
5/22/23 IME Requested

**1/27/23 Chabiel, Dennis (Rebecca Cardenas)**      **Sher-Dt-Pre-Trial/General Member    Orthopedic/**  
**Service Connected Disability**

**Active**

**Eligible for Service Retirement = No**

1/27/23 DMS Notified of Disability Application Filing  
1/27/23 Disability Application Packet Received and Reviewed  
2/1/23 Disability Application Documents Scanned  
2/1/23 Disability File Folder Created  
2/1/23 Disability Findings Summary Prepared  
2/1/23 Employment Records Requested  
2/1/23 Infolinx Setup  
3/3/23 HR & D Records Received  
3/6/23 County Department Records Received  
3/6/23 Tulare County Health Centers Records Received  
5/22/23 IME Appointment Letter to Member Sent  
5/22/23 IME Appointment Scheduled  
Additional Remarks : IME appt w/ Dr. Donald Pompan on 6/22/23 @ 1PM in Clovis  
  
5/22/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

## DISABILITY STATUS REPORT

Status as of July 5, 2023  
(37 Active Disability Applications)

**10/5/21 Flores, Doris (Darcy Nunes)**

**HHS-HS-Visalia District Off/General Member  
Neurological/Non-Service Connected Disability**

**Retired**

**Eligible for Service Retirement = Yes**

10/7/21 Disability Application Documents Scanned

10/7/21 Disability File Folder Created

10/7/21 Infolinx Setup

10/8/21 Disability Application Packet Received and Reviewed

10/8/21 Employment Records Requested

Additional Remarks : Dept recs due 11/8/21, Med recs due 11/16/21; 12/16/21 - second request for dept recs sent to Risk and TCHC, due 1/5/22; 1/19/21 - All County and Med recs rcvd. Summarization ordered today, due 2/8/22

1/4/22 County Department Records Received

Additional Remarks : HHS Dept

1/4/22 HR & D Records Received

1/4/22 Tulare County Health Centers Records Received

1/19/22 Risk Management Records Received

3/9/22 Record Summarization Received

3/9/22 Record Summarization Requested

6/7/22 IME Reports Received

6/7/22 IRC Meeting Scheduled

Additional Remarks : 07/26/23

12/21/22 IME Appointment Letter to Member Sent

12/21/22 IME Appointment Scheduled

Additional Remarks : 05-17-2022 Dr. Schreiber

03/17/2023 Dr. Seymour Levine - Rescheduled for 5/26/23 @ 12PM

12/21/22 IME Requested

**8/12/22 Florez, Diana (Rebecca Cardenas)**

**Prob-Juvenile Detention/Safety Member**

**Presumptive Indicator: N**

**Active**

**Eligible for Service Retirement = Yes**

8/12/22 Disability Application Packet Received and Reviewed

8/30/22 Employment Records Requested

9/1/22 Disability Application Documents Scanned

9/1/22 Disability File Folder Created

9/1/22 Disability Findings Summary Prepared

9/1/22 Infolinx Setup

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

9/7/22 Tulare County Health Centers Records Received  
9/7/22 Medical Records Received from Applicant  
9/27/22 HR & D Records Received  
9/27/22 Risk Management Records Received  
12/13/22 Record Summarization Requested  
12/30/22 County Department Records Received  
6/23/23 IME Appointment Scheduled  
Additional Remarks : Appt on 7/27/23 in Clovis w/ Dr Donald Pompan @10AM  
6/23/23 IME Requested  
6/23/23 IME Appointment Letter to Member Sent  
6/30/23 Record Summarization Received

**1/31/23 Rymer, Nicole (Rebecca Cardenas)** **HHS-MH-Crisis Response Team/General  
Member Disease/Non-Service Connected  
Disability**

### **Deferred Vested**

**Eligible for Service Retirement = No**

2/2/23 DMS Notified of Disability Application Filing  
2/2/23 Disability Application Packet Received and Reviewed  
2/2/23 Disability Application Documents Scanned  
2/2/23 Disability File Folder Created  
2/2/23 Disability Findings Summary Prepared  
2/2/23 Employment Records Requested  
2/2/23 Infolinx Setup  
2/16/23 Tulare County Health Centers Records Received  
3/3/23 HR & D Records Received  
3/3/23 County Department Records Received  
3/3/23 Risk Management Records Received  
Additional Remarks : Certification of No Records received 02/03/23  
5/22/23 IME Appointment Letter to Member Sent  
5/22/23 IME Appointment Scheduled  
Additional Remarks : IME schedule 6/13/23 @ 12:45 w/ Dr Scott Anderson in Clovis.  
5/22/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

## DISABILITY STATUS REPORT

Status as of July 5, 2023  
(37 Active Disability Applications)

**11/17/22 Xiong, Ying (Darcy Nunes)**

**HHS-HS-Visalia District Off/General Member  
Orthopedic/Service Connected Disability**

**Retired**

**Eligible for Service Retirement = Yes**

11/17/22 DMS Notified of Disability Application Filing  
11/17/22 Disability Application Packet Received and Reviewed  
11/18/22 Disability Application Documents Scanned  
11/18/22 Disability File Folder Created  
11/18/22 Disability Findings Summary Prepared  
11/18/22 Employment Records Requested  
11/18/22 Infolinx Setup  
11/28/22 Tulare County Health Centers Records Received  
12/20/22 HR & D Records Received  
1/30/23 County Department Records Received  
2/10/23 Risk Management Records Received  
6/21/23 Employment Records Reviewed  
6/21/23 IME Requested  
6/21/23 Medical Records Received from Applicant  
6/21/23 Record Summarization Received  
6/21/23 Record Summarization Requested  
6/28/23 IME Appointment Letter to Member Sent  
6/28/23 IME Appointment Scheduled  
Additional Remarks : Appt on 8/17/23 @ 1PM in Clovis w/ Dr. Donald Pompan

**7/13/22 Heiden, Lance (Rebecca Cardenas)**

**Sher-Dt-Main Jail/Safety Member**

**Presumptive Indicator: N**

**Retired**

**Eligible for Service Retirement = Yes**

7/5/22 Disability Application Packet Received and Reviewed  
Additional Remarks : Member taking TPS back to doctor for clarification on number 11C  
7/14/22 Disability Application Documents Scanned  
7/14/22 Disability File Folder Created  
7/14/22 Disability Findings Summary Prepared  
7/14/22 Infolinx Setup  
9/27/22 HR & D Records Received  
9/27/22 Risk Management Records Received

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

9/27/22 Tulare County Health Centers Records Received  
12/19/22 County Department Records Received  
1/30/23 Employment Records Requested  
5/11/23 IME Appointment Letter to Member Sent  
5/11/23 IME Appointment Scheduled  
Additional Remarks : IME Scheduled for Thursday June 22, 2023 @ 3:30PM in Clovis with Dr. Anthony Bellomo.  
5/11/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**9/21/22 Garcia, Francis (Rebecca Cardenas)**      **Prob-Admin-Visalia/Safety Member**  
**Presumptive Indicator: N**      **Orthopedic/Service Connected Disability**  
**Retired**      **Eligible for Service Retirement = Yes**

9/21/22 DMS Notified of Disability Application Filing  
9/21/22 Disability Application Packet Received and Reviewed  
9/29/22 Disability Application Documents Scanned  
9/29/22 Disability File Folder Created  
9/29/22 Disability Findings Summary Prepared  
9/29/22 Infolinx Setup  
9/29/22 Employment Records Requested  
10/17/22 Tulare County Health Centers Records Received  
Additional Remarks : Certification of No Records  
11/28/22 HR & D Records Received  
11/28/22 County Department Records Received  
3/13/23 Record Summarization Requested  
3/13/23 Risk Management Records Received  
6/6/23 IME Appointment Letter to Member Sent  
6/6/23 IME Appointment Scheduled  
Additional Remarks : IME schedule for 7/26/23 @ 10AM in Clovis w/ Dr. Donald Pompan.  
6/6/23 IME Requested

**5/6/21 Mahler, Tina (Darcy Nunes)**      **County Counsel/General Member**  
**Retired**      **Eligible for Service Retirement = Yes**  
5/6/21 Supplemental IME Requested

## DISABILITY STATUS REPORT

*Status as of July 5, 2023  
(37 Active Disability Applications)*

5/18/21 Disability Application Documents Scanned

5/18/21 Disability File Folder Created

5/18/21 Infolinx Setup

5/25/21 Employment Records Requested

Additional Remarks : All County records received. 1/19/22 - Mailed 1st reminder re pending med recs, due 3/2/22

7/6/21 HR & D Records Received

7/6/21 Risk Management Records Received

Additional Remarks : Dept records received, pending workers comp records; 7/9/21 Workers Comp recs received

1/19/22 County Department Records Received

Additional Remarks : County Counsel

1/19/22 Tulare County Health Centers Records Received

7/13/22 Employment Records Reviewed

7/13/22 IME Requested

7/13/22 Record Summarization Received

7/13/22 Record Summarization Requested

8/8/22 IME Appointment Letter to Member Sent

Additional Remarks : IME Appt 5/31/23 letter mailed out to applicant 4/17/23.

8/8/22 IME Appointment Scheduled

Additional Remarks : IME schedule 5/31/23 @ 8AM in Clovis with Dr. Aimee Vickers.

12/30/22 Added to Board Meeting Agenda

Additional Remarks : On 01/11/2023 BOR agenda.

6/30/23 IRC Meeting Scheduled

Additional Remarks : 07/26/2023

**1/24/23 Campos, Joseph (Rebecca Cardenas)**

**Sher-Dt-Pre-Trial/Safety Member Orthopedic/  
Service Connected Disability**

**Presumptive Indicator: N**

**Active**

**Eligible for Service Retirement = No**

1/27/23 DMS Notified of Disability Application Filing

1/27/23 Disability Application Packet Received and Reviewed

2/1/23 Disability Application Documents Scanned

2/1/23 Disability File Folder Created

2/1/23 Disability Findings Summary Prepared

2/1/23 Employment Records Requested

2/1/23 Infolinx Setup

2/16/23 County Department Records Received



## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

3/2/23 HR & D Records Received  
3/2/23 Tulare County Health Centers Records Received  
6/30/23 IME Appointment Letter to Member Sent  
6/30/23 IME Appointment Scheduled  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

**1/13/23 Lopez, Maria (Rebecca Cardenas)**

**Prob-Juvenile Detention/General Member  
Orthopedic/Service Connected Disability**

**Active**

**Eligible for Service Retirement = No**

1/13/23 DMS Notified of Disability Application Filing  
1/13/23 Disability Application Packet Received and Reviewed  
1/19/23 Disability Application Documents Scanned  
1/19/23 Disability File Folder Created  
1/19/23 Disability Findings Summary Prepared  
1/19/23 Employment Records Requested  
1/19/23 Infolinx Setup  
1/23/23 Tulare County Health Centers Records Received  
2/16/23 HR & D Records Received  
2/17/23 Risk Management Records Received  
2/21/23 County Department Records Received  
6/30/23 IME Appointment Letter to Member Sent  
6/30/23 IME Appointment Scheduled  
Additional Remarks : IME Appt Schedule 6/16/23 @ 3PM in Clovis W/ Dr Don Williams  
6/30/23 IME Requested  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested

### **06 - Additional Information Pending**

**8/25/22 Woods, Shamika (Rebecca Cardenas) Prob-Admin-Visalia/Safety Member  
Presumptive Indicator: N**

**Active**

**Eligible for Service Retirement = No**

8/25/22 Disability Application Packet Received and Reviewed

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
*(37 Active Disability Applications)*

8/30/22 Employment Records Requested  
8/31/22 Disability Application Documents Scanned  
8/31/22 Disability File Folder Created  
8/31/22 Infolinx Setup  
8/31/22 Disability Findings Summary Prepared  
9/7/22 Tulare County Health Centers Records Received  
9/20/22 HR & D Records Received  
10/26/22 County Department Records Received  
10/26/22 DMS Notified of Disability Application Filing  
10/26/22 Risk Management Records Received  
4/6/23 IME Appointment Letter to Member Sent  
4/6/23 IME Appointment Scheduled  
4/6/23 IME Requested  
6/1/23 Employment Records Reviewed  
6/1/23 IME Reports Received  
6/1/23 Record Summarization Received  
6/1/23 Record Summarization Requested  
6/30/23 IRC Meeting Scheduled

**11/14/22 Arroyo, Veronica (Darcy Nunes) HHS-HS-Dinuba District Off/General Member**

**Deferred Vested** **Eligible for Service Retirement = No**

- 11/14/22 Disability Application Packet Received and Reviewed
- 11/18/22 Disability Application Documents Scanned
- 11/18/22 Disability File Folder Created
- 11/18/22 Disability Findings Summary Prepared
- 11/18/22 Employment Records Requested
- 11/18/22 Infolinx Setup
- 11/28/22 Tulare County Health Centers Records Received
- 12/20/22 HR & D Records Received
- 12/30/22 County Department Records Received
- 4/27/23 IME Appointment Letter to Member Sent
- 4/27/23 IME Appointment Scheduled
- 4/27/23 IME Reports Received
- 4/27/23 IME Requested

## DISABILITY STATUS REPORT

*Status as of July 5, 2023*  
(37 Active Disability Applications)

**6/9/22 Wheeler, Joshua (Rebecca Cardenas)**      **Sher-Dt-Main Jail/Safety Member    Service**  
**Presumptive Indicator: N**      **Connected Disability**  
**Retired**      **Eligible for Service Retirement = Yes**

6/9/22 DMS Notified of Disability Application Filing  
6/9/22 Disability Application Documents Scanned  
6/9/22 Disability Application Packet Received and Reviewed  
6/9/22 Employment Records Requested  
6/30/22 Disability File Folder Created  
6/30/22 Disability Findings Summary Prepared  
6/30/22 Infolinx Setup  
10/25/22 County Department Records Received  
10/25/22 HR & D Records Received  
10/25/22 Medical Records Received from Applicant  
10/25/22 Record Summarization Requested  
10/25/22 Tulare County Health Centers Records Received  
4/27/23 IME Appointment Letter to Member Sent  
4/27/23 IME Appointment Scheduled  
    Additional Remarks : Appt on 5/15/23 in Visalia @ 2PM w/ Dr. Michael Klassen  
4/27/23 IME Requested  
6/1/23 Employment Records Reviewed  
6/1/23 IME Reports Received  
6/1/23 Record Summarization Received  
6/1/23 Risk Management Records Received  
6/30/23 Accommodation Memo Sent  
6/30/23 Accommodation Response Received  
6/30/23 IRC Meeting Scheduled

### **08 - Board Agenda/Pending Decision**

**4/29/19 Hoogeveen, Sonja (Darcy Nunes)**      **Library-Visalia/General Member    Disease/**  
**Retired**      **Service Connected Disability**  
**Eligible for Service Retirement = Yes**

4/30/19 Disability Application Documents Scanned  
4/30/19 Disability File Folder Created

## DISABILITY STATUS REPORT

*Status as of July 5, 2023  
(37 Active Disability Applications)*

4/30/19 Infolinx Setup

5/15/19 Disability Application Packet Received and Reviewed

5/15/19 Employment Records Requested

Additional Remarks : due 6/14/19; reminder sent to TCHC, records due 7/25/19; 7/12/19 All dept records received, pending medical records from appl; 7/24/19 mailed 1st reminder to appl for pending med recs; 7/6/21 mailed 2nd reminder for medical records, due 8/17/21; 10/29/21 Summarization ordered, due 11/19/21

5/30/19 Risk Management Records Received

7/10/19 County Department Records Received

Additional Remarks : Library Dept

7/10/19 HR & D Records Received

10/29/21 Tulare County Health Centers Records Received

12/30/21 IME Appointment Scheduled

Additional Remarks : 12/21/21 IME ordered; 12/30/21 - Appt scheduled on 2/25/22 in Clovis - Member cancelled. Rescheduled for 05/20/2022 in clovis  
2/13/23: New IME Schedule for 04/12/23 In Clovis at 1PM.

1/4/22 IME Appointment Letter to Member Sent

Additional Remarks : Sent new letter for appt on 5/20/22 on March 3, 2022. Also emailed member appt. letter.

4/27/23 IME Reports Received

6/21/23 Added to Board Meeting Agenda

Additional Remarks : 06/28/2023

6/21/23 Board Meeting Notification Letter Sent

6/21/23 Disability Findings Summary Prepared

6/21/23 IRC Meeting Scheduled

6/21/23 Medical Records Received from Applicant

6/21/23 Record Summarization Received

6/21/23 Record Summarization Requested

6/30/23 Board Decision Letter Sent to Applicant

6/30/23 DMS Notified of Disability Application Filing

6/30/23 Disability Packet Sent to Board Members

6/30/23 Employment Records Reviewed

6/30/23 IME Requested

**6/9/22 Marino, Thomas (Rebecca Cardenas)**

**Tulare County Fire Dept/Safety Member  
Orthopedic**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = Yes**

6/9/22 DMS Notified of Disability Application Filing

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
*(37 Active Disability Applications)*

6/9/22 Disability Application Documents Scanned  
6/9/22 Disability Application Packet Received and Reviewed  
6/9/22 Employment Records Requested  
6/30/22 Disability File Folder Created  
6/30/22 Disability Findings Summary Prepared  
6/30/22 Infolinx Setup  
7/20/22 County Department Records Received  
7/20/22 Tulare County Health Centers Records Received  
10/17/22 HR & D Records Received  
10/17/22 Medical Records Received from Applicant  
10/17/22 Record Summarization Requested  
10/17/22 Risk Management Records Received  
10/25/22 Employment Records Reviewed  
11/10/22 Record Summarization Received  
2/24/23 Benefit Estimate Sent to DMS  
2/24/23 IME Requested  
2/27/23 IME Appointment Letter to Member Sent  
2/27/23 IME Appointment Scheduled  
7/5/23 Accommodation Memo Sent  
7/5/23 Accommodation Response Received  
7/5/23 Added to Board Meeting Agenda  
Additional Remarks : On 7/12/23 BOR agenda  
7/5/23 Board Meeting Notification Letter Sent  
7/5/23 IME Reports Received  
7/5/23 IRC Meeting Scheduled

**1/31/23 Bertoldo, Jesse (Darcy Nunes)**

**TCSO-Boating Safety Enforcemen/Safety  
Member Neurological/Service Connected  
Disability**

**Presumptive Indicator: N  
Retired**

**Eligible for Service Retirement = Yes**

2/3/23 DMS Notified of Disability Application Filing  
2/3/23 Disability Application Packet Received and Reviewed  
2/8/23 Disability Application Documents Scanned  
2/8/23 Disability File Folder Created  
2/8/23 Disability Findings Summary Prepared

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
(37 Active Disability Applications)

2/8/23 Infolinx Setup  
2/8/23 Employment Records Requested  
2/16/23 Tulare County Health Centers Records Received  
3/3/23 HR & D Records Received  
3/9/23 County Department Records Received  
4/10/23 IME Appointment Letter to Member Sent  
4/10/23 IME Appointment Scheduled  
4/10/23 IME Requested  
6/30/23 Added to Board Meeting Agenda  
6/30/23 Board Meeting Notification Letter Sent  
6/30/23 IRC Meeting Scheduled  
Additional Remarks : 06/28/23

**8/9/22 Arroyo, Rosemary (Darcy Nunes)**  
**Presumptive Indicator: N**  
**Active**

**Prob-Juvenile Detention/Safety Member**  
**Eligible for Service Retirement = No**

8/17/22 Disability Application Packet Received and Reviewed  
9/1/22 Disability Application Documents Scanned  
9/1/22 Disability File Folder Created  
9/1/22 Disability Findings Summary Prepared  
9/1/22 Employment Records Requested  
9/1/22 Infolinx Setup  
9/7/22 County Department Records Received  
9/7/22 HR & D Records Received  
9/7/22 Tulare County Health Centers Records Received  
2/14/23 Benefit Estimate Sent to DMS  
2/14/23 DMS Notified of Disability Application Filing  
2/14/23 Medical Records Received from Applicant  
2/14/23 Record Summarization Requested  
3/6/23 IME Appointment Letter to Member Sent  
3/6/23 IME Appointment Scheduled  
3/6/23 IME Requested  
4/27/23 IME Reports Received  
6/21/23 Accommodation Memo Sent  
6/21/23 Accommodation Response Received  
6/21/23 Added to Board Meeting Agenda

**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
(37 Active Disability Applications)

6/21/23 Employment Records Reviewed  
6/21/23 IRC Meeting Scheduled  
6/21/23 Record Summarization Received  
6/21/23 Risk Management Records Received  
6/21/23 Supplemental IME Requested

**3/8/19 Caro, Monica (Darcy Nunes)**

**Sher-Dt-Main Jail/Safety Member Orthopedic/  
Service Connected Disability**

**Presumptive Indicator: N**  
**Retired**

**Eligible for Service Retirement = Yes**

9/21/22 DMS Notified of Disability Application Filing  
9/21/22 Disability Application Packet Received and Reviewed  
9/29/22 Disability Application Documents Scanned  
9/29/22 Disability File Folder Created  
9/29/22 Disability Findings Summary Prepared  
9/29/22 Medical Records Received from Applicant  
9/29/22 Employment Records Requested  
9/29/22 Infolinx Setup  
10/17/22 Tulare County Health Centers Records Received  
Additional Remarks : Certification of No Records  
11/29/22 HR & D Records Received  
12/12/22 Record Summarization Requested  
12/30/22 County Department Records Received  
2/9/23 IME Appointment Scheduled  
2/9/23 IME Requested  
2/9/23 IME Appointment Letter to Member Sent  
4/27/23 IME Reports Received  
6/23/23 Added to Board Meeting Agenda  
Additional Remarks : DIS to BOR 07/12/23  
6/23/23 Board Meeting Notification Letter Sent  
6/23/23 IRC Meeting Scheduled

**10/12/22 Godwin, Teresa (Darcy Nunes)**

**Prob-Juvenile Detention/Safety Member**

**Presumptive Indicator: N**  
**Active**

**Eligible for Service Retirement = Yes**

10/24/22 Disability Application Documents Scanned

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

10/24/22 Disability File Folder Created  
10/24/22 Disability Findings Summary Prepared  
10/24/22 Employment Records Requested  
10/24/22 Infolinx Setup  
10/24/22 Medical Records Received from Applicant  
10/24/22 Tulare County Health Centers Records Received  
11/29/22 County Department Records Received  
11/29/22 HR & D Records Received  
3/29/23 IME Appointment Letter to Member Sent  
3/29/23 IME Appointment Scheduled  
Additional Remarks : IME scheduled 04/12/23 @ 1PM with Dr. Michael Klassen in Visalia, CA  
3/29/23 IME Requested  
4/27/23 IME Reports Received  
6/30/23 Employment Records Reviewed  
6/30/23 IRC Meeting Scheduled  
Additional Remarks : 06/28/23  
6/30/23 Record Summarization Received  
6/30/23 Record Summarization Requested  
6/30/23 Added to Board Meeting Agenda  
Additional Remarks : 07/12/2023  
6/30/23 Board Meeting Notification Letter Sent

**3/18/22 Rodriguez, Rosa (Darcy Nunes)**

**HHS-HLTH-Visalia Hlth Ctr/General Member**

**Retired**

**Eligible for Service Retirement = Yes**

3/31/22 Disability Application Documents Scanned  
3/31/22 Disability File Folder Created  
3/31/22 Disability Findings Summary Prepared  
3/31/22 Infolinx Setup  
8/26/22 County Department Records Received  
8/26/22 DMS Notified of Disability Application Filing  
8/26/22 Disability Application Packet Received and Reviewed  
8/26/22 Employment Records Requested  
8/26/22 HR & D Records Received  
8/26/22 Risk Management Records Received  
8/26/22 Tulare County Health Centers Records Received



**DISABILITY STATUS REPORT**  
*Status as of July 5, 2023*  
*(37 Active Disability Applications)*

10/26/22 Medical Records Received from Applicant  
10/26/22 Record Summarization Requested  
11/10/22 Record Summarization Received

**4/25/22 Burnitzki, Sandra (Darcy Nunes)**

**HHS-Admin Human Resources/General Member  
Orthopedic/Service Connected Disability**

**Retired**

**Eligible for Service Retirement = Yes**

6/9/22 DMS Notified of Disability Application Filing  
6/9/22 Disability Application Documents Scanned  
6/9/22 Disability Application Packet Received and Reviewed  
6/9/22 Employment Records Requested  
6/30/22 Disability File Folder Created  
6/30/22 Disability Findings Summary Prepared  
6/30/22 Infolinx Setup  
10/25/22 County Department Records Received  
10/25/22 HR & D Records Received  
10/25/22 Medical Records Received from Applicant  
10/25/22 Record Summarization Requested  
10/25/22 Risk Management Records Received  
10/25/22 Tulare County Health Centers Records Received  
1/19/23 IME Appointment Letter to Member Sent  
1/19/23 IME Appointment Scheduled  
1/19/23 IME Requested  
4/27/23 IME Reports Received  
6/23/23 Added to Board Meeting Agenda  
Additional Remarks : DIS to BOR 07/12/2023  
6/23/23 IRC Meeting Scheduled  
6/23/23 Board Meeting Notification Letter Sent

**11/12/19 Milton, Sheryl (Rebecca Cardenas)**

**HHS-Admin Human Resources/General Member  
Multiple/Service Connected Disability**

**Active**

**Eligible for Service Retirement = No**

11/13/19 Supplemental IME Requested

## **DISABILITY STATUS REPORT**

*Status as of July 5, 2023  
(37 Active Disability Applications)*

Additional Remarks : received by mail 11/12/19

11/14/19 Disability Application Documents Scanned

11/14/19 Disability File Folder Created

11/14/19 Infolinx Setup

11/15/19 Disability Application Packet Received and Reviewed

11/15/19 Employment Records Requested  
Additional Remarks : Due 12/16/19; 1/6/20 - All dept records received, pending medical recs from member; 3/12/2020 all records received, medical record summary ordered, due 4/2/2020

1/6/20 County Department Records Received  
Additional Remarks : HHSA

1/6/20 HR & D Records Received

1/6/20 Risk Management Records Received

5/15/20 IME Appointment Scheduled  
Additional Remarks : Ortho appt scheduled 5/28/20 in Clovis, CA, IME Cancelled because of high cost, added to 6/24/20 Board agenda for approval; Cost approved, IME rescheduled on 7/21/20 in Clovis

5/15/20 IME Appointment Letter to Member Sent

9/9/20 IRC Meeting Scheduled  
Additional Remarks : On 2/26/20 IRC agenda; On 9/9/2020 IRC agenda

11/5/20 Added to Board Meeting Agenda  
Additional Remarks : Added to 12/9/20 Board agenda; 12/7/20 Case removed from Board agenda and placed on 12/16/20 IRC agenda; Added to 1/13/21 Board agenda

12/29/20 Board Meeting Notification Letter Sent

1/15/21 Board Decision Letter Sent to Applicant  
Additional Remarks : hearing request due 1/25/21

1/27/21 Hearing Request Form Received  
Additional Remarks : Formal Hearing Request

1/27/21 County Counsel Client Request Form Sent  
Additional Remarks : Parties have been assigned, Hearing Officer Assignment notice mailed on 2/26/21. Deadline for distribution of exhibits is 4/12/21.

4/8/21 Exhibits Prepared and Sent  
Additional Remarks : Designation of records due 5/10/21; Atty notice received from applicant; 5/7/21 amended letter re initial exhibits sent to parties with notice of hearing (9/17/21); Received list of designated, physical records due on 7/7/21

7/21/21 Augmented Exhibits Prepared and Sent, if applicable  
Additional Remarks : 7/21/21 - 1st set of augmented exhibits sent (still pending more designated records), also sent new Notice of Hearing (hearing rescheduled on 10/19/21); 9/14/21 Notice re: witnesses sent, also sent final augmented exhibits (phase for augmented recs complete); Hearing rescheduled on 6/14/22 and 6/15/22

3/6/23 Added to Board Meeting Agenda  
Additional Remarks : 3/8/23

## DISABILITY STATUS REPORT

*Status as of July 5, 2023  
(37 Active Disability Applications)*

**12/16/22 Clark, John (Darcy Nunes)**

**DA-Visalia Courthouse/Safety Member  
Orthopedic/Service Connected Disability**

**Presumptive Indicator: N  
Active**

**Eligible for Service Retirement = Yes**

12/19/22 DMS Notified of Disability Application Filing

12/19/22 Disability Application Packet Received and Reviewed

12/21/22 Disability Application Documents Scanned

12/21/22 Disability File Folder Created

12/21/22 Infolinx Setup

12/21/22 Benefit Estimate Sent to DMS

12/22/22 Employment Records Requested

12/22/22 Medical Records Received from Applicant

12/23/22 Disability Findings Summary Prepared

12/23/22 Tulare County Health Centers Records Received

1/23/23 County Department Records Received

1/23/23 HR & D Records Received

4/27/23 IME Appointment Letter to Member Sent

4/27/23 IME Appointment Scheduled

Additional Remarks : IME Schedule 04/12/23 @ 1:45 PM with Dr. Michael Klassen in Visalia, CA.

4/27/23 IME Reports Received

4/27/23 IME Requested

6/30/23 Added to Board Meeting Agenda

6/30/23 Board Meeting Notification Letter Sent

6/30/23 IRC Meeting Scheduled

Additional Remarks : 06/28/2023



# COUNTY OF TULARE BOARD OF RETIREMENT

**Leanne Malison**  
Retirement Administrator

136 N AKERS STREET  
VISALIA, CALIFORNIA 93291

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## **MINUTES OF THE BOARD OF RETIREMENT** **REGULAR RETIREMENT BOARD MEETING** **Wednesday, June 28, 2023, at 8:30 a.m.** TCERA Board Room, 136 N. Akers Street, Visalia, CA 93291

### **I. CALL TO ORDER**

The meeting was called to order at 8:30 a.m. by Pete Vander Poel, Chair

### **II. ROLL CALL**

Voting Trustees Present:	Cass Cook, Pete Vander Poel, Jim Young, Ty Inman, Roland Hill, Gary Reed, Nathan Polk, Laura Hernandez (Arrived at 8:49 a.m.)
Voting Alternates Present:	David Vasquez (Voting for Hernandez until 8:49 a.m.)
Alternate Trustees Absent:	George Finney, Jorge Garcia
Staff Members Present:	Leanne Malison, Retirement Administrator, Melanie Tyler, Secretary II
Board Counsel Present:	Aaron Zaheen, Deputy County Counsel
Consultants Present:	Mike Kamell, Verus, Jeff MacLean, Verus (remote participation)

### **III. PLEDGE OF ALLEGIANCE**

### **IV. PUBLIC COMMENT**

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of five (5) minutes. Please state your name for the record.

None

### **V. X-AGENDA ITEMS**

None

#### **I. DISABILITIES**

1. Closed session to be held regarding disability matters listed on this agenda.  
Time for closed session was 8:32 a.m. – 8:44 a.m.
2. In the matter of the disability application of Rosa Rodriguez, consider and take action regarding the application for a disability retirement.

Motion to grant a non-service connected disability retirement. Based on the medical evidence submitted, the applicant has met the burden of proof on the question of permanent disability.

Motion: Hill  
Second: Vasquez  
Motion passed unanimously.

3. In the matter of the disability application of Sonja Hooegeveen, consider and take action regarding the application for a disability retirement.

Motion to deny a disability retirement by determining that, based on the medical evidence submitted, the applicant has not met the burden of proof on the question of permanent disability and has not met the burden of proof on the question of job causation. In addition, the application is considered untimely, and the applicant has not met the additional burden of proof of continuous disability.

Motion: Young  
Second: Cook  
Motion passed unanimously.

4. In the matter of the disability application of Rosemary Arroyo, consider and take action regarding the application for a disability retirement.

Motion to grant a service-connected disability retirement. Based on the medical evidence submitted, the applicant has met the burden of proof on the question of permanent disability and the question of job causation.

Motion: Polk  
Second: Vasquez  
Motion passed unanimously.

5. Accept as filed the Disability Status Report Overview.

## **II. CONSENT CALENDAR**

1. Approve Minutes of the following meetings:
  - a. Retirement Board Minutes of June 14, 2023.
2. Approve payments to:
  - a. BlackRock – invoice for investment management services in the amount of \$114,338.49 for the quarter ended March 31, 2023.
  - b. BNY Mellon – invoice for master trust custodial services in the amount of \$72,444.98 for the quarter ended March 31, 2023.

Motion to approve Consent Calendar as presented.

Motion: Young  
Second: Cook  
Motion passed unanimously.

## **II. INVESTMENTS**

1. Discussion and possible action regarding change in the Verus consulting team.

Mr. Kamell introduced Mr. MacLean as his replacement on the primary service team for general consulting. Mr. MacLean indicated that he expects the transition to be seamless and that TCERA will experience the same level of customer service from Verus.

2. Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments. Discussion and possible action.

Mr. Ed Hoffman, Ms. Valerie Ruddick and Mr. Adam Belkairous of Pathway Capital Management. presented information regarding the firm, its process, and performance.

3. Discussion and possible action regarding TCERA's strategic investment allocation and investment managers, including performance, contracts, and fees.
  - a. Asset Allocation Report
  - b. Verus Flash Report

Mr. Kamell of Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report with the Board.

The chair authorized 55 minutes for education.

### **III. EDUCATION ITEMS**

1. Discussion and possible action regarding available educational events.

No Action

### **IV. UPCOMING MEETINGS**

1. Board of Retirement Meeting July 12, 2023, 8:30 a.m.
2. Board of Retirement Meeting July 26, 2023, 8:30 a.m.
3. Trustee Education/Presentation Calendar – Discussion and possible action.
  - a. Strategic Planning Session – August 9, 2023

Ms. Malison requested direction from the Board regarding their input for topics to review during the strategic planning session on August 9, 2023. Ms. Malison will draft an agenda based on the requests from the Board.

No Action

### **V. TRUSTEE/STAFF COMMENTS**

Ms. Hernandez informed the Board that she is turning in her resignation effective July 1, 2023, due to increased job duties that will not allow her to fully commit the time needed to best serve the members of TCERA.

Mr. Vander Poel wished Mr. Kamel of Verus well with his new job opportunity on behalf of the Board.

### **XII. ADJOURNMENT**

The meeting was adjourned at 9:55 a.m.

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Pete Vander Poel, Chair



800 Fifth Avenue, Suite 3900  
Seattle, WA 98104  
(206) 622-3700 www.verusinvestments.com

# Invoice

Date	Invoice#
6/30/2023	INV034758
Due Date	Terms
7/30/2023	Net 30

## Bill To

Accounts Payable  
Tulare County Employees' Retirement Association  
136 N. Akers Street  
Visalia, CA 93291

Services Provided to: Tulare County Employees' Retirement Association

Service Dates: June Quarter 2023

Services Rendered	Amount
Quarterly Billing - Private Markets	\$75,000.00

SubTotal \$75,000.00  
Past Due Balance \$0.00

Total \$75,000.00

*We accept wire and EFT payments. Call us to learn more.*

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Tax ID Number: 91-1320111



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# Invoice

Date	Invoice#
6/30/2023	INV034608
Due Date	Terms
7/30/2023	Net 30

## Bill To

Accounts Payable  
Tulare County Employees' Retirement Association  
136 N. Akers Street  
Visalia, CA 93291

Services Provided to: Tulare County Employees' Retirement Association

Service Dates: June 2023

Services Rendered	Amount
Monthly Billing	\$22,500.00

SubTotal \$22,500.00  
Past Due Balance \$0.00

Total \$22,500.00

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Tax ID Number: 91-1320111



**TULARE COUNTY COUNSEL**

*Meeting the legal and risk management challenges facing the County  
of Tulare in partnership with you*

Invoice No. RET0623

**INVOICE****Customer**

Name Board of Retirement  
Address 136 North Akers Street  
City Visalia State CA ZIP 93291  
Phone (559) 713-2900

**Misc**

Date 7/5/2023  
Exp Cat. \_\_\_\_\_

Statement Number	Matter ID	Description	TOTAL
153713	RETBD-General	6/1/23-6/30/23 Legal Services	\$ 815.90
153228	RETBD-General2	6/1/23-6/30/23 Legal Services	\$ 1,375.00
153631	RETDIS-General	6/1/23-6/30/23 Legal Services	\$ 100.90
Other Expenses:			
		<u>Mail payment to:</u>	
		County Counsel	
		Attn: Billing Clerk	
		2900 W. Burrel Ave.	
		Visalia, CA 93291	

SubTotal \$ 2,291.80

Shipping \$ -

Tax Rate(s) 0.00% \$ -

**TOTAL \$ 2,291.80****Payment**OtherJournal VoucherComments Call or e-mail if questionsName Kim RojasPhone 559-636-4959E-mail KRojas1@tularecounty.ca.govDeposit to: 001-080-2150-5415

Office Use Only

**TULARE COUNTY EMPLOYEES'**  
**APPLICATIONS AND DEATHS**  
**June 30, 2023**  
**RETIREMENT APPLICATIONS**

Name Department Status - Tier	Option Type Govt. Code	Date of Retirement Age at Retirement	Length of Service Continuance From
ACOSTA JUDE Tulare County Fire Dept General - Tier III	Option 2 Service §31762	04/28/2023 53	4.3462 years N/A
AUTRY WAYNE Public Defender General - Tier III	Unmodified Option Service §31760.1	05/31/2023 58	11.1052 years N/A
CHAPMAN CAROLYN HHS-HS-IMAGING UNIT General - Tier III	Unmodified Option Service §31760.1	05/31/2023 66	28.3090 years N/A
CHAVEZ MIRIAM G 9550 General - Tier I	Option 2 §31762	04/25/2023 83	26.8056 years CHAVEZ RAY
CLIFTON CINDY HHS-HLTH-Hillman Hlth Ctr General - Tier I	Option 2 §31762	05/03/2023 50	32.7250 years CLIFTON RUBY
CORAZZINI TRACIE Tulare County Fire Dept Safety - Tier III	Unmodified Option Service §31760.1	05/05/2023 50	13.6238 years N/A
GILBERT ERIN Ag Commissioner/Sealer General - Tier IV	Unmodified Option Service §31760.1	05/06/2023 60	5.0385 years N/A
GURROLA SHERRY Family Court Services General - Tier III	Unmodified Option Service §31760.1	04/29/2023 60	11.0781 years N/A
HEGNER DOLOROS 9550 General - Tier I	Unmodified Option §31760.1	11/03/2022 82	3.2389 years HEGNER QUINTON
HESTERLEE KEVIN Tulare County Fire Dept Safety - Tier IV	Unmodified Option Service §31760.1	05/16/2023 58	10.2208 years N/A
HULSEY BETTY S  General - Tier I	Unmodified Option §31760.1	04/28/2023 90	14.4944 years HULSEY JIMMIE
LOPEZ REBECCA HHS-HS-Visalia District Off General - Tier II	Unmodified Option Service §31760.1	05/20/2023 59	38.1942 years N/A
MIZE DANNY RMA-TR-Porterville Rd Yd 1 General - Tier III	Unmodified Option Service §31760.1	05/01/2023 66	0.7692 years N/A
PARKER KATHLEEN HHS-Admin Mental Health Svcs General - Tier III	Unmodified Option Service §31760.1	05/05/2023 65	8.3846 years N/A

RIBEIRO SHERYL Court Reporters General - Tier III	Unmodified Option Service §31760.1	05/31/2023 60	15.0804 years N/A
RIOS DEBORAH DPSS General - Tier I	Unmodified Option §31760.1	04/10/2023 69	15.4917 years RIOS ARTHUR
SALMON TINA HHS-HS-Ben Elg Sup Team General - Tier II	Unmodified Option Service §31760.1	05/12/2023 61	31.9621 years N/A
SORENSEN STACEY Public Defender General - Tier II	Unmodified Option Service §31760.1	05/01/2023 64	11.8846 years N/A
SORENSEN JEFFRY DA-Porterville Courthouse General - Tier III	Unmodified Option Service §31760.1	04/22/2023 57	2.6923 years N/A
WILLMORE TIM DA-Criminal Investigations Safety - Tier III	Unmodified Option Service §31760.1	05/02/2023 53	20.0385 years N/A

**TULARE COUNTY EMPLOYEES'**  
**APPLICATIONS AND DEATHS**  
**June 30, 2023**  
**DECEASED ACTIVE EMPLOYEES**

Name	Type	Date of Death	Length of Service
Department		Age at Death	Paid Continuance
Status - Tier			Death Benefit

**TULARE COUNTY EMPLOYEES'**  
**APPLICATIONS AND DEATHS**  
**June 30, 2023**  
**DECEASED PENSIONERS**

Name Department Status - Tier	Option Type Govt. Code	Date of Retirement Date of Death Age at Death	Length of Service Paid Continuance to Age at Retirement
CHAVEZ RAY 9550 General - Tier I	Option 2 Service §31762	03/27/1993 04/24/2023 81	26.8056 years CHAVEZ MIRIAM G 51
CLIFTON RUBY HHS-HLTH-Hillman Hlth Ctr General - Tier I	Option 2 Service §31762	04/15/2000 05/02/2023 84	32.7250 years CLIFTON CINDY 61
HEGNER QUINTON 9550 General - Tier I	Unmodified Option Service §31760.1	11/04/1996 11/02/2022 86	3.2389 years HEGNER DOLOROS 60
HULSEY JIMMIE General - Tier I	Unmodified Option Service §31760.1	08/23/1978 04/27/2023 88	14.4944 years HULSEY BETTY S 44
IVINS BRILLIANT HHS-Admin Health Services General - Tier III	Unmodified Option Service §31760.1	07/31/2010 10/29/2022 70	17.5381 years  58
RIOS ARTHUR DPSS General - Tier I	Unmodified Option Service §31760.1	10/15/2005 04/09/2023 74	15.4917 years RIOS DEBORAH 56

Report: 30-Year Board Report As of June 30, 2023

Created on: 6/28/2023

First Name	Last Name	Effective Date	Department	New 30-Year Member?
Craig	Anderson	2/14/2021	RMA-MG#2-Design,Const,Develop	No
Karen	Baldwin	7/5/2020	HHS-FISCAL-ACCT/REC	No
Nora	Barrera	11/27/2005	Assessor-Clerk/Recorder	No
Mike	Betzinger	10/15/2017	Solid Waste Teapot Dome	No
Bruce	Bigham	10/11/2020	Ag Commissioner/Sealer	No
Steffany	Bischel	3/4/2018	HHS-HS-MCal Proc Center	No
Anita	Bivian	9/11/2022	HHS-MH-Pville Adult Clinic	No
Anthony	Boland	12/10/2017	RMA-TR-Operations	No
Michael	Boudreaux	5/28/2017	Sher-Op-Sheriff's Office	No
Steven	Brown	6/20/2021	Ag Commissioner/Sealer	No
Linda	Cantu	3/29/2020	Assessor-Clerk/Recorder	No
Lori	Catuto	6/24/2018	HHS-Admin-Project Management	No
Rachel	Cazares	10/11/2020	HHS-HS-Dinuba District Off	No
Nancy	Chavira	3/28/2021	County Counsel	No
Ana	Cruz	10/23/2022	HHS-HLTH-Tulare Public CCS	No
MARTINA	DELGADO	11/10/2019	Ab 1058 Commissioner	No
SUSAN	EMBREY	9/3/2017	Collections Division	No
Carlene	Estes	7/18/2021	WID-Administration	No
Samantha	Franks	9/29/2019	RMA-LP-Geographic Info Systems	No
Judith	Garcia	7/18/2021	HHS-HLTH-Visalia Hlth Ctr	No
Rebecca	Garcia	11/8/2020	HHS-HS-Ben Elg Sup Team	No
Helen	Gonzalez	2/4/2018	HHS-HLTH-Fville WIC	No
Eric	Grant	4/16/2017	DA-Visalia Courthouse	No
Maria	Gutierrez	12/22/2019	HHS-MH-MENTAL HEALTH SVS	No
Robert	Haines	10/12/2008	Ag Commissioner/Sealer	No
Kimberly	Hernandez	9/27/2020	Child Support Services Dept	No
Laurel	Hernandez	10/9/2022	WID-Administration	No
Lourdes	Hernandez	1/29/2023	HHS-HS-Ben Elg Sup Team	No
CINDY	HOLWAY	10/25/2020	Court Reporters	No
Ursula	Ihl	9/29/2019	DA-Visalia Courthouse	No
Keith	Jahnke	4/28/2019	HHS-HLTH-Environmental Health	No
Jay	Jones	1/19/2020	Information Technology	No
Cleopatra	Juarez	12/9/2007	Child Support Services Dept	No
Rodger	Keller	4/10/2022	Prob-Admin-Visalia	No
Phillip	Kelly	3/1/2020	Prob-Admin-Visalia	No
Melodee	Krenk	5/10/2020	Prob-Admin-Visalia	No
Sandra	Maldonado	2/2/2020	HHS-HLTH-Farmersville Hlth Ctr	No
PATRICIA	MARTENS	10/27/2019	Visalia Division	No
AMBER	MATTHEWS	2/18/2018	Pre Trial Facility	No
John	Mauro	4/17/2016	HHS-HS-HUMAN SERVICES	No
Thomas	McCoy	5/22/2022	Solid Waste Woodville	No
Patricia	McCurry	10/11/2020	HHS-Admin Human Resources	No
David	McMunn	3/27/2022	WID-Administration	No
William	Meek	6/4/2023	Sher-Op-Detectives-Crime Lab	Yes
Sandra	Mendoza	12/18/2022	Child Support Services Dept	No

First Name	Last Name	Effective Date	Department	New 30-Year Member?
LESIA	MERVIN	5/3/2015	Court Reporters	No
Socorro	Munoz	4/26/2020	HHS-MH-Visalia Adult Clinic	No
Patricia	Myers	5/8/2022	Child Support Services Dept	No
Martina	Navarro	10/11/2020	HHS-MH-Trans Liv Ctr	No
LOUISE	NELSON	11/12/2017	Family Court Services	No
Steven	Noland	4/1/2018	RMA-TR-Fleet Central Shop	No
Scott	O'Neill	6/11/2017	Sher-Op-Porterville	No
Andrew	Pacheco	7/28/2013	RMA-Project Processing	No
Rhonda	Pack	10/12/2022	Sher-Op-Civil	No
Rodney	Parker	4/16/2017	Sher-Op-Action Grant	No
Maria	Pasillas	1/31/2021	HHS-MH-Training Svs	No
Eric	Petersen	3/14/2021	Information Technology	No
Andy	Phetsada	7/8/2018	HHS-MH-Visalia Adult Clinic	No
Julie	Poochigian	6/22/2008	Assessor-Clerk/Recorder	No
Vickie	Rabago	1/15/2012	DA-Visalia Courthouse	No
Katherine	Reim	10/13/2019	Prob-Admin-Visalia	No
Lupe	Renteria	6/19/2022	HHS-HS-PDO	No
Sharon	Rowton	11/18/2012	RMA-TR-Fleet Central Shop	No
John	Rozum	3/31/2019	County Counsel	No
Judith	Sanchez-Duran	3/1/2020	HHS-HLTH-Hillman Lab	No
Nelda	Sell	8/19/2007	RMA-TR-Visalia Rd Yd 2	No
Veronica	Silva Stalis	12/5/2021	HHS-MH-Visalia Adult Clinic	No
Bernice	Soto	8/2/2020	HHS-HS-IMAGING UNIT	No
Angelina	Stanfill	5/28/2017	HHS-HS-Dinuba District Off	No
Karen	Trevino	5/26/2019	HHS-HS-Hyde Adopt/Special	No
Brenda	Tyler	6/20/2021	HHS-HLTH-Tulare Public CCS	No
Jesusita	Vasquez	1/31/2021	HHS-HLTH-Environmental Health	No
Stella	Velasquez	2/9/2014	Sher-Op-Communications	No
Kelly	Vernon	4/23/2023	Prob-Admin-Visalia	No
Rob	Villegas	1/29/2023	Assessor-Clerk/Recorder	No
Johnny	Wong	6/10/2018	RMA-TR-Operations	No
DAVID	WOOTEN	10/14/2018	Judicial Officers	No

# TCERA DISABILITY RETIREMENT LAW OVERVIEW

---

BY: AARON ZAHEEN, DEPUTY COUNTY COUNSEL





## DISCLAIMER:

This Disability Retirement Law Resource is intended to be an aid to those who are involved in the process of determining rights and obligations under the disability retirement provisions of the County Employees Retirement Law of 1937. Its purpose is to provide information as to what the law provides and, where the law is in dispute, what arguments may be made on how the law should be interpreted. However, the information provided in the Resource may not be sufficient in dealing with a particular legal problem. Neither TCERA nor any of the authors of and contributors to the Resource warrant or represent its suitability for such a purpose. The Resource should not be relied on as a substitute for independent legal research.

Members of boards, the public, and board staff who have questions about the applicability or validity of information contained in this resource should direct their questions to their board's attorney.



# STATUTORY AUTHORITY FOR DISABILITY RETIREMENT PENSION

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- The County Employees Retirement Law of 1937 is contained in the Government Code, Title 3, Division 4, Part 3, Articles 1 through 18. The disability retirement provisions of the County Employees Retirement Law of 1937 are contained in Article 10, Government Code sections 31720-31752. Section 31720 provides as follows:
- Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:
  - (a) His incapacity is a result of injury or disease arising out of and in the course of his employment and such employment contributes substantially to such incapacity, or
  - (b) The member has completed five years of service, and
  - (c) The member has not waived retirement in respect to the particular incapacity or aggravation thereof as provided by Section 31009.
- The amendments to this section enacted during the 1979-1980 Regular Session of the Legislature shall be applicable to all applicants for disability retirement on or after the effective date of such amendments.

# TIME TO FILE AN APPLICATION

---

- Government Code section 31722 provides,
- The application shall be made while the member is in service, within four months after his or her discontinuance of service, within four months after the expiration of any period during which a presumption is extended beyond his or her discontinuance of service, or while from the date of discontinuance of service to the time of the application, he or she is continuously physically or mentally incapacitated to perform his or her duties.
- See *Piscioneri v. City of Ontario, et al.* (2002) 95 Cal.App.4th 1037 [116 Cal.Rptr.2d 38]. The case involved, among other things, the application of Government Code section 21154, a statute of limitations applicable to employees in the Public Employees Retirement System that is similar to Government Code section 31722. The Court of Appeal held that the city could not deny a hearing in reliance on the fact that the application was not filed while the applicant was in service or within four months of discontinuance of service and ignore the fact that the application would be timely if the applicant was, from the date of discontinuance of service, continuously physically or mentally incapacitated to perform his or her duties. An administrative hearing was required to develop the facts underlying the delay in filing the application.
- **IMPORTANT:** The applicant must still be a member of the association when the application is filed. (*Dodosh v. County of Orange* (1981) 127 Cal.App.3d 936 [179 Cal.Rptr. 804] )



# WHO CAN FILE?

---

- A “member” of TCERA
- Section 31470 defines “member” as “... any person included in the membership of the retirement association ... or any person who has elected in writing to come within the provisions of Article 9.” Article 9 (§§31700-31706) sets forth provisions wherein an employee who leaves county service and elects to leave accumulated contributions on deposit may receive a deferred retirement allowance and thereby remain a member of the retirement system. [A member]'s voluntary resignation and withdrawal of retirement contributions thus precluded [them] from being a “member” when [they] appl[y] for a disability retirement allowance. (*Dodosh v. County of Orange, supra*, 127 Cal.App.3d, 938.)
- The Legislature has defined ‘discontinuance of service’ to refer to the period of time during which “a member who has ceased to work for a salary from which deductions were made.” (Weissman at p. 46.) It is this legislative definition we must apply. *Cameron v. Sacramento County Employees’ Retirement System, supra*, 4 Cal.App.5th, 1281.

# AUTHORITY FOR THE BOARDS' DETERMINATION OF DISABILITY AND SERVICE-CONNECTION

---

- California Constitution, article XVI, section 17, provides in part as follows:
- Notwithstanding any other provisions of law or this Constitution to the contrary, the retirement board of a public pension or retirement system shall have plenary authority and fiduciary responsibility for . . . administration of the system, subject to all of the following:
- (a) The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system.
- (b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering the system. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty.

# AUTHORITY FOR THE BOARDS' DETERMINATION OF DISABILITY AND SERVICE-CONNECTION (CONT'D)

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- Government Code section 31723 provides,
- The board may require such proof, including a medical examination at the expense of the member, as it deems necessary or the board upon its own motion may order a medical examination to determine the existence of the disability.
- The Court of Appeal in *McIntyre v. Santa Barbara County Employees' Retirement System, Board of Retirement* (2001) 91 Cal.App.4th 730, at 736-737 [110 Cal.Rptr.2d 565] rejected an applicant's argument that the Board of Retirement was limited to either requiring an applicant to submit records or requiring the applicant to submit to a medical examination.
- Government Code sections 31724 and 31725 also provide for authority for the Board to determine disability status

# THE THREE MAIN ISSUES IN DISABILITY RETIREMENT HEARINGS

---

- 1. Is the member permanently incapacitated?
- 2. If the member is incapacitated, is the incapacity service-connected?
- 3. Should the application be deemed to have been filed on the date following the day for which the applicant last received regular compensation?



# IS THE MEMBER PERMANENTLY INCAPACITATED?

---

- Distinctions in the meaning of the word “Disability”:
  - The ADA definition, very expansive, impairment does not have to be permanent or even presently incapacitating.
  - Worker’s Compensation’s definition, disability defined as an individual’s inability to perform certain activities of daily living, such as work.
  - CERL provides “Permanent incapacity” for the performance of duty is the substantial inability of a member to perform his or her usual duties. (*Harmon v. Board of Retirement, supra*, (1976) 62 Cal.App.3d 689, 694-696 [133 Cal.Rptr. 154].)



# IS THE MEMBER PERMANENTLY INCAPACITATED? (CONT'D)

---

- What is a “usual duty?”
  - The Court of Appeal in *Mansperger* did not define "substantial inability" or "usual duty." The closest the Court came to providing a definition was stating what was not a usual duty. The court held that a duty that is a "remote occurrence" or "not a common occurrence" is not a "usual duty." It follows that an inability to perform a duty that is a remote or uncommon occurrence is not a substantial inability to perform the usual duties of the job. (*Mansperger v. Public Employees' Retirement System*, supra, 6 Cal.App.3d, 877.)
  - Duties listed in a job classification are not the measure of a member's usual duties if the duties listed are not actually performed.
  - A member need not be physically or mentally incapable of performing each and every duty that may arise within the job classification in order to qualify for a disability retirement.

# IS THE MEMBER PERMANENTLY INCAPACITATED? (CONT'D)

---

- “Permanent”:
- Unfortunately, no appellate court decisions exist pertaining to CERL in regard to the word “permanent” so we have to look to outside authority for guidance. However, ultimate it is the **BOARD’S DETERMINATION** of what is permanent that matters.
- A disability is considered permanent when the employee has reached maximal medical improvement, meaning his or her condition is well stabilized, and unlikely to change substantially in the next year with or without medical treatment. (Worker’s compensation)
- Since the physicians who render opinions in disability retirement cases often use the terminology of the workers' compensation system, it is important to consider the difference between the nature of permanent disability for workers' compensation purposes and the nature of permanent disability, or incapacity, for disability retirement purposes.
- Conceivably, one can be temporarily disabled for workers' compensation purposes, but permanently incapacitated for purposes of disability retirement. On the other hand, an employee may have a very high permanent disability rating for workers' compensation purposes, yet still be capable of substantially performing the usual duties of the job.

# IS THE MEMBER PERMANENTLY INCAPACITATED? (CONT'D)

---

- If what would otherwise be a permanent disability is treatable via medical care, or procedures, the incapacity may not be permanent:
- *Reynolds v. City of San Carlos* (1981) 126 Cal.App.3d 208, 216-217 [178 Cal.Rptr. 636]:  
**Incapacity was found not to be permanent where the member's refusal of knee surgery was not reasonable.**
- *Montgomery v. Board of Retirement* (1973) 33 Cal.App.3d 447 [109 Cal.Rptr. 181] :  
**An incapacity will be found to be permanent even if a refusal of surgery is otherwise unreasonable when the ground for refusal is a sincerely held religious belief.**

# IS THE MEMBER PERMANENTLY INCAPACITATED? (CONT'D)

---

- An employee who is permanently incapacitated for the usual duties of his or her assignment may not be entitled to a disability retirement pension if the employer can accommodate the employee's incapacity
- **Risk of further injury as a basis for a disability:** A physician-imposed work restriction may be incapacitating to a member, if it prevents them from doing their normal duties.
- Additionally, unacceptable risk of injury with continued usual duties may also be considered permanent incapacity, if the unacceptability of that risk is determined by a physician.



# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED?

---

- Government Code section 31720, provides in pertinent part as follows:
- Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:
- (a) The member's incapacity is a result of injury or disease arising out of and in the course of the member's employment, and such employment contributes substantially to such incapacity . . .

# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

---

- **Distinguishing “service-connected disability pension” from the similar sounding “service pension.”**
- “Service pension” refers to the regular pension a member of the retirement association earns based on his or her years of service and age at the time of retirement. “Service pension” and “regular retirement” are synonymous with “regular pension,” “retirement,” or “pension for years of service and age.” These terms distinguish the basis of the pension from a disability retirement pension.
- “Service-connected disability retirement” or “service-connected disability retirement pension” refer to a retirement or pension for incapacity caused by a work-related injury or illness. It is sometimes referred to by its acronyms “SCDR” or “SCD” just as its nonservice-connected cousin for a permanent incapacity caused by an injury or illness that is not work-related is sometimes referred to as a “NSCDR” or the shorter “NSCD.”

# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

---

- In order to be considered “service-connected,” the injury must both arise out of and occur in the course of employment – it must be “AOE-COE” – and the employment must contribute substantially to the incapacity.
- Both the workers’ compensation law and the CERL of 1937 provide that injuries will be considered to be caused by the employment when they arise out of (“AOE”) and in the course of employment (“COE”).
- The elements of “arise out of employment” and “occur in the course of employment” are separate elements and both must be satisfied in order for the job to be considered the legal cause of an injury. (*Associated Oil Co. v. Industrial Acc. Comm.* (1923) 191 Cal. 557, 562 [217 P. 744].) Experience instructs that, as a general rule, if an injury occurs in the course of employment, it also arises out of employment. Of course, there are exceptions.

# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

---

- “AOE” refers to a requirement that the injury have its source in a RISK or HAZARD of employment, as opposed to a risk or hazard that is personal to the employee or to which members of the general community (“the commonalty”) are exposed. It includes risks that, while also risks of the commonalty, are greater or special for the employee by virtue of some aspect of his or her employment.
- “COE” on the other hand, refers to the requirement that the incapacitating injury or illness occur in the TIME, PLACE, and CIRCUMSTANCES of employment.



# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

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- “AOE”

- Infectious Disease – The risk of contracting the disease on the job must be greater than the risk to which members of the general community are exposed.
- Doctrine of Position Risk -- If the employment brings the employee to the particular place where injury occurs, the injury arises from a risk of employment.
- Misc Examples: Altercations with coworkers, Horseplay, Natural Calamities, Assault by a third party, Injuries from normal bodily movements, Self inflicted injury

# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

---

- “COE”
  - Primary Circumstance: employee must have been performing service to the employer. Service includes performance of reasonable activities, expressly or impliedly authorized, directed towards fulfillment of employment duties, for the employers benefit.
  - Paid activities.
  - Going and coming rule: the employee is not in the course of employment during the normal commute from home to work and back or lunch breaks (except if employer requires the employee to have an automobile for use on the job)
  - However, Arrival and departure (access/egress) are within the course of employment. The employee is in the course of employment when the employee reaches the entrance to their workplace, including parking lots.
  - Work-at-Home obfuscates this line, but course of employment judicially does continue if it is employer approved (*Bramall v. Workers' Comp. Appeals Bd.* (1978) 78 Cal.App.3d 151 [144 Cal.Rptr. 105].)

# IF THE MEMBER IS INCAPACITATED, IS THE INCAPACITY SERVICE-CONNECTED? (CONT'D)

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- The employment must contribute substantially to the incapacity.
- In *Heaton v. Marin County Employees Retirement Bd.* (1976) 63 Cal.App.3d 421 [133 Cal.Rptr. 809] the Court of Appeal interpreted the provisions of Government Code section 31720 before the 1979 amendment which added the "contributes substantially" language.
- Many presumptions that incapacities are service connected, some of them are: duty belt related injuries, heart trouble, cancer, blood borne infectious disease, and illness caused by exposure to biochemical substances are ALL service connected presumptions.

## SHOULD THE APPLICATION BE DEEMED TO HAVE BEEN FILED ON THE DATE FOLLOWING THE DAY FOR WHICH THE APPLICANT LAST RECEIVED REGULAR COMPENSATION?

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- Government Code section 31722 provides,
- The application shall be made while the member is in service, within four months after his or her discontinuance of service, within four months after the expiration of any period during which a presumption is extended beyond his or her discontinuance of service, or while from the date of discontinuance of service to the time of the application, he or she is continuously physically or mentally incapacitated to perform his or her duties.
- When it has been demonstrated to the satisfaction of the board that the filing of the member's application was delayed by administrative oversight or by inability to ascertain the permanency of the member's incapacity until after the date following the day for which the member last received regular compensation, such date will be deemed to be the date the application was filed.



## SHOULD THE APPLICATION BE DEEMED TO HAVE BEEN FILED ON THE DATE FOLLOWING THE DAY FOR WHICH THE APPLICANT LAST RECEIVED REGULAR COMPENSATION?

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- The pension allowance commencement is delayed beyond the date of the application because the applicant continues to receive “regular compensation.” *Astorga v. Retirement Bd. of Santa Barbara County Employees Retirement System* (2016) 245 Cal.App.4th 386
- When the member is granted or is entitled to compensated time off for illness, the pension commencement date may be delayed to a date after the application is actually filed.
- The pension commencement date may be set earlier than the actual date the application was filed if the delay in filing is excused.

# QUESTIONS?

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**BOARD OF RETIREMENT  
CONTINUING EDUCATION**  
January 1, 2023 – June 30, 2023

Member Name	Education Hours Obtained
Cass Cook	16.83
Laura Hernandez	5.00
Ty Inman	17.33
Roland Hill	7.83
Gary Reed	5.83
Jim Young	13.33
Nathan Polk	1.75
Pete Vander Poel	7.83
David Vasquez	18.83
Jorge Garcia-Perez	4.83
George Finney	24.16
Leanne Malison	42.83
Paul Sampietro	19.41

**BOARD OF RETIREMENT**  
**HOURS OF CONTINUING EDUCATION**  
January 1, 2023 – June 30, 2023

<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Cass Cook</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	SACRS Spring Conference	5/9/23-5/12/23	9
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 16.83</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Laura Hernandez</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75



	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 5.00</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Ty Inman</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	CALAPRS General Assembly	3/4/23-3/7/23	9.5
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 17.33</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Roland Hill</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment	2/22/23	1.25

	Performance Report		
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			Total: 7.83
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Gary Reed</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset	6/28/23	.17

	Allocation Report and the Verus Flash Report		
			<b>Total: 5.83</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Jim Young</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	CALAPRS General Assembly	3/4/23-3/7/23	7.5
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 13.33</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Nathan Polk</i></b>			
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 1.75</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Pete Vander Poel</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Educational Presentation from Verus	3/22/23	.5

	regarding Silicon Valley Bank and related financial issues		
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 7.83</b>
Member Name	Name of Event	Date(s) of Event	Education Hours Obtained
<b>David Vasquez</b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	SACRS Spring Conference	5/8/23-5/12/23	13
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash	6/28/23	.17

	Report		
			<b>Total: 18.83</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>Jorge Garcia-Perez</i></b>			
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
			<b>Total: 4.83</b>
<b>Member Name</b>	<b>Name of Event</b>	<b>Date(s) of Event</b>	<b>Education Hours Obtained</b>
<b><i>George Finney</i></b>			
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Educational Presentation from Verus	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	CALAPRS General Assembly	3/5/23-3/7/23	8.5
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	SACRS Spring Conference	5/9/23-5/12/23	8.75

	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
			<b>Total: 24.16</b>
Member Name	Name of Event	Date(s) of Event	Education Hours Obtained
<b>Leanne Malison</b>			
	CALAPRS Administrators Round Table-Virtual Event	2/9/23	4.00
	Hanson Bridgett Human Resources Issues	2/7/23	1.5
	Verus First Quarter 2023 Landscape Webinar	1/31/23	1.00
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	DWS Market And Political Update-Webinar	3/15/23	1
	CALAPRS Administrators Institute	3/4/23-3/7/23	12
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Verus Second Quarter 2023 Investment	4/25/23	1
	Presentation from IFM Global Infrastructure (US) LLC regarding TCERA's allocation to infrastructure investments.	4/26/23	.75
	Presentation from INVESCO regarding TCERA's allocation to real estate debt investments.	4/26/23	.75
	Educational presentation from Verus regarding Manager Ratings and Bank Exposure.	4/26/23	.5
	SACRS Spring Conference	5/8/23-5/12/23	14.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
	Presentation from Pathway Capital Mgmt. regarding TCERA's allocation to private equity investments	6/28/23	.75
	Verus Investments reviewed the Asset Allocation Report and the Verus Flash Report	6/28/23	.17
			<b>Total: 42.83</b>

Member Name	Name of Event	Date(s) of Event	Education Hours Obtained
<b><i>Paul Sampietro</i></b>			
	Black Rock: A New Approach: Asset allocation for the market regime	1/12/23	1.00
	Verus Quarterly Investment Landscape	1/31/23	1.00
	Parliamentary Procedures Education-County Counsel	2/8/23	.83
	Presentation from Verus regarding TCERA's December 31, 2022, Investment Performance Report	2/22/23	1.25
	Educational Presentation from Verus regarding Silicon Valley Bank and related financial issues	3/22/23	.5
	Presentation from Sustainable Growth Advisors regarding TCERA's allocation to international equity investments.	3/22/23	.75
	Presentation from PIMCO regarding TCERA's allocation to international equity investments.	3/22/23	.75
	SACRS Spring Conference	5/9/23-5/12/23	12.5
	Verus: TCERA's March 31, 2023, Investment Performance Report.	5/24/23	.5
	Verus: TCERA's Strategic Asset Allocation Review	5/24/23	.33
			<b>Total: 19.41</b>

Retbd: Continuing Education Reports/Continuing Education with Totals 01/01/23 – 06/30/23

# THE COURTYARD PROPERTY OWNERS' ASSOCIATION

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## NOTICE OF UPCOMING ELECTION

June 19, 2023

Below you will find a timeline with specific deadlines for your Association Board Election:

	<u>Date(s)</u>
<b>Notice of Upcoming Election &amp; Call for Nominations form Mailed</b>	<b>June 19, 2023</b>
<b>Call for Nominations deadline</b>	<b>July 21, 2023</b>
<b>Nomination acceptance deadline</b>	<b>July 31, 2023</b>
<b>Last date owners must be on title to vote</b>	<b>July 21, 2023</b>
<b>Ballot materials mailed to owners</b>	<b>August 18, 2023</b>
<b>Ballot return date</b>	<b>September 19, 2023</b>
<b>Annual Meeting date / Ballot Tabulation</b>	<b>September 19, 2023</b>

There are four Board vacancies to be filled. The term will be for one year.

<u>Current Board/Officers</u>	<u>Term Expires</u>
Scott Schuil, President	9/2023
Shine Saran, Vice President	9/2023
Marsha Proctor, Secretary/Treasurer	9/2023
Lou Khachigian, Officer	9/2023

Attached you will find a Call for Nominations form. If you would like to nominate yourself or another owner, please return the form as indicated.

Thank you,

*Armstrong Community Management*  
On behalf of the Courtyard Property Owners Board of Directors



**THE COURTYARDS  
PROPERTY OWNERS' ASSOCIATION  
NOMINATION FORM  
JUNE 19, 2023**

Please fill out this form if you would like to nominate another owner or yourself for the Courtyard Property Owners Board of Directors. The term is for one year and the nomination will be subject to acceptance of nomination by the nominee. Please be sure to include their telephone number.

Nominees are welcome to request a copy of the membership directory free of charge so they may distribute candidate statements to owners.

You may nominate more than one person:

<b>Name</b>	<b>Phone Number</b>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Your Address

**Armstrong Community Management  
PO Box 871  
Visalia, CA 93279  
559-733-1322**

**PLEASE RETURN PRIOR TO JULY 21, 2023**

2. TCERA will reimburse the County for the actual cost incurred by the County Elections Official in conducting the election upon receipt of a bill stating the amount due as determined by the Elections Official.

3. Each candidate shall pay \$25 toward the cost of his or her Candidate's Statement.
4. All other specifications for the election are addressed in the attached Trustee Election Procedures.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, at a regular meeting on this 12<sup>th</sup> day of July, 2023, by the following vote:

AYES :

NOES :

ABSENT:

ABSTAIN:

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Leanne Malison  
Retirement Administrator



# COUNTY OF TULARE BOARD OF RETIREMENT

**Leanne Malison**  
Retirement Administrator

136 N AKERS STREET  
VISALIA, CALIFORNIA 93291

TELEPHONE (559) 713-2900  
FAX (559) 730-2631  
www.tcera.org

## Tulare County Employees' Retirement Association

### Amendment to Resolution Regarding Pay Codes Included as Pensionable Income

In accordance with the provisions of the California Public Employees' Pension Reform Act of 2012 (AB340), the Board of Retirement for the Tulare County Employees' Retirement Association (TCERA) determined on November 7, 2012 those Tulare County pay codes that are to be included in or excluded from "compensation earnable" for the calculation of retirement benefits paid by TCERA.

The TCERA Board of Retirement has been notified that a new pay code(s) has been approved by the County of Tulare. The TCERA Board of Retirement takes this action to amend the list of pay codes included in the original resolution and the previous amendments adopted October 14, 2015, July 11, 2018, September 12, 2018, April 10, 2019, June 12, 2019, August 14, 2019, September 25, 2019, October 23, 2019, November 6, 2019, January 8, 2020, March 25, 2020, May 13, 2020, January 27, 2021, February 10, 2021, April 14, 2021, July 14, 2021, September 8, 2021, October 13, 2021, December 8, 2021, January 12, 2022, May 25, 2022, and February 22, 2023. The eligibility for compensation earnable is identified below for the purpose of calculation of pension benefits for all tiers pursuant to Government Code §31461 and Government Code §7522.34:

Pay Code	Effective Date	Status	Description	Compensation Earnable
CS1	7/2/23	A	Cell Stipend	No
17A	7/2/23	A	Bilingual Pay	Yes
17B	7/2/23	A	Bilingual Pay NT	Yes

This action is intended to amend but not replace the original Retirement Board resolution dated November 7, 2012. The above listed determinations by the Board of what is included or not included in compensation earnable, as well as the action taken by the TCERA Board in the resolution dated November 7, 2012 and in the amendments to the resolution dated October 14, 2015, July 11, 2018, September 12, 2018, April 10, 2019, June 12, 2019, August 14, 2019, September 25, 2019, October 23, 2019, November 6, 2019, January 8, 2020, March 25, 2020, May 13, 2020, January 27, 2021, February 10, 2021, April 14, 2021, July 14, 2021, September 8, 2021, October 13, 2021, December 8, 2021, January 12, 2022, May 25, 2022, and February 22, 2023 shall be in effect until such time as action taken by the Board or action by the Legislature or the Courts as a matter of law requires a different determination.

The foregoing action was adopted by the Board of Retirement upon a motion by Board member \_\_\_\_\_, seconded by Board member \_\_\_\_\_, at a regular meeting of the Board of Retirement held on July 12, 2023 by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent:



# County of Tulare

Cass Cook · Auditor-Controller  
Justin Avila · Assistant Auditor-Controller

221 S. Mooney Blvd. Room 101-E  
Visalia, CA 93291

Telephone: (559)636-5200  
Fax: (559)730-2547

## TCERA Pensionable Approval

New Earnings Code	Description (Name)
CS1	CellStipend
17A	BilingualPay
17B	NTBilingual

**Bargaining Unit(s) impacted:** 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 15, 19, 20, and 21 (17A & 17B)  
9, 10, 11, 19, 20, and 21 (CS1)

**Pay Group:** LNG

**Effective Date of Action:** PP 15 / 2023, Pay date 7/25/2023

**Request:** Determine if new earnings codes are compensable.

**Comments:** Mini Packet is provided to approve salary increases for Unrepresented employees. CS1 pertains to Administrative Regulation.50, and 17A/B relate to pre/post-tax earnings to distinguish the amount from other bilingual pay coding.

Authorized Signature: Michael Schuyler

TCERA Approval for pay code to be pensionable: Yes \_\_\_\_ No \_\_\_\_

TCERA Authorized Signature: \_\_\_\_\_

Date approved by TCERA Board: \_\_\_\_\_

35. Request from the Human Resources and Development Department to approve salary increases for Unrepresented Employees in Specified Bargaining Units and other benefits and compensation changes in accordance with the following: For Unrepresented employees in Bargaining Units 10, 11, 19, 20, and 21 a 4% salary increase effective July 2, 2023, and a 3% salary increase effective June 30, 2024. (This does not apply to County Elected Officials and the Board of Supervisors.) For Unrepresented employees in Bargaining Unit 9 (Probation Institution Supervisor and Probation Officer-Supervisor), a 4% salary increase, a 3% equity increase effective July 2, 2023, and a 4% salary increase effective June 30, 2024. For Unrepresented Attorneys in Bargaining Units 11 and 20, as included in the attached Exhibit A, a 2% equity increase effective June 30, 2024. For Unrepresented Fire Battalion Chiefs in Bargaining Unit 19, a 5% equity increase effective July 2, 2023. Increase in Bilingual Pay from \$0.50 per hour to \$0.63 per hour. Continuation of the County's matching contribution (\$1.00 County dollar contributed for every \$4.00 employee dollars contributed, up to a maximum of \$2,000 in a calendar year) in the Deferred Compensation program. The County will increase the maximum contribution from \$2,000 to \$2,250 in a calendar year effective January 1, 2024. Continuation of the funding for the Minimum Benefit Amount for Health Plan Years 2024 and 2025 for employees participating in the County health plan whose Benefit Amount may be less than the premium amount for Anthem PPO \$750 deductible employee-only plan. For employees enrolled in an SJVIA health plan, Employee+Family tier level, the County shall contribute an additional \$25 per pay period (24 pay periods) effective with the 2024 health plan year and \$25 for the 2025 health plan year. Approve a new Administrative Regulation No. 50 establishing policies and procedures regarding a cell phone stipend for unrepresented, Fair Labor Standards Act (FLSA) exempt county employees, to be effective July 1, 2023.



# Human Resources & Development

## COUNTY OF TULARE AGENDA ITEM

### BOARD OF SUPERVISORS

LARRY MICARI  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** June 13, 2023 REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	N/A

CONTACT PERSON: Lupe Garza PHONE: 559-636-4900

**SUBJECT:** Approve Salary Increases for Unrepresented Employees in Bargaining Units 9, 10, 11, 19, 20, and 21 and Other Compensation and Benefit Changes

**REQUEST(S):**

That the Board of Supervisors:

Approve salary increases for Unrepresented Employees in Specified Bargaining Units and other benefits and compensation changes in accordance with the following:

1. For Unrepresented employees in Bargaining Units 10, 11, 19, 20, and 21 a 4% salary increase effective July 2, 2023, and a 3% salary increase effective June 30, 2024. (This does not apply to County Elected Officials and the Board of Supervisors.)
2. For Unrepresented employees in Bargaining Unit 9 (Probation Institution Supervisor and Probation Officer-Supervisor), a 4% salary increase, a 3% equity increase effective July 2, 2023, and a 4% salary increase effective June 30, 2024.
3. For Unrepresented Attorneys in Bargaining Units 11 and 20, as included in the attached Exhibit A, a 2% equity increase effective June 30, 2024.
4. For Unrepresented Fire Battalion Chiefs in Bargaining Unit 19, a 5% equity increase effective July 2, 2023.
5. Increase in Bilingual Pay from \$0.50 per hour to \$0.63 per hour.
6. Continuation of the County's matching contribution (\$1.00 County dollar contributed for every \$4.00 employee dollars contributed, up to a maximum of \$2,000 in a calendar year) in the Deferred Compensation program. The County will increase the maximum contribution from \$2,000 to \$2,250 in a calendar year effective January 1, 2024.
7. Continuation of the funding for the Minimum Benefit Amount for Health Plan Years 2024 and 2025 for employees participating in the County health plan whose

**SUBJECT:** Approve Salary Increases for Unrepresented Employees in Bargaining Units 9, 10, 11, 19, 20, and 21 and Other Compensation and Benefit Changes  
**DATE:** June 13, 2023

Benefit Amount may be less than the premium amount for Anthem PPO \$750 deductible employee-only plan. For employees enrolled in an SJVIA health plan, Employee+Family tier level, the County shall contribute an additional \$25 per pay period (24 pay periods) effective with the 2024 health plan year and \$25 for the 2025 health plan year.

8. Approve a new Administrative Regulation No. 50 establishing policies and procedures regarding a cell phone stipend for unrepresented, Fair Labor Standards Act (FLSA) exempt county employees, to be effective July 1, 2023.

**SUMMARY:**

The County Administrative Office has determined that the County is in a position to grant salary increases and other compensation changes for Fiscal Years 2023/24 and 2024/25. There are 835 full-time allocated positions in Bargaining Units 9, 10, 11, 19, 20, and 21. This includes local agency executives as defined in California Government Code § 3511.1 but excludes other County elected officials and the Board of Supervisors. A 3% equity increase is recommended for Unit 9 (Probation Institution Supervisors and Probation Officer-Supervisors), and 5% for Fire Battalion Chiefs in Unit 19 due to salary compaction within levels. Due to retention and recruitment challenges, a 2% equity increase is also being recommended for unrepresented Attorneys in Units 11 and 20 (Exhibit A) effective June 30, 2024.

The County recognizes the need for translation services in order to conduct efficient services to our community. It has been approximately 20 years since the current rate of bilingual pay was established. We are recommending an increase for this important skill from \$0.50 per hour to \$0.63 per hour.

The County's match contribution to the Deferred Compensation program encourages more employees to participate in the program and to save for retirement. The match for Unrepresented employees will increase by \$250 from \$2,000 to \$2,250 effective January 1, 2024.

The Minimum Benefit Amount for the Health Plan is to ensure that employees will have a benefit amount that is sufficient to pay for the premium charged for the Anthem PPO \$750 deductible employee-only medical, dental, vision, and life insurance coverage. Effective with the 2024 and 2025 Health Plan Years, the County will contribute an additional \$25 per pay period (24 pay periods) toward insurance premiums for those enrolled in the SJVIA health plans, employee plus family tier level.

**Administrative Regulation No. 50**

According to a 2022 study conducted by Oxford Economics and Samsung, 85% of businesses have adopted some form of cell phone stipend program and are finding that these programs facilitate remote work, provide work-life integration for employees, assist in the consolidation of devices, boost productivity, and in some cases reduce costs. To realize similar benefits for the County workforce, the proposed Administrative Regulation



**SUBJECT:** Approve Salary Increases for Unrepresented Employees in Bargaining Units 9, 10, 11, 19, 20, and 21 and Other Compensation and Benefit Changes

**DATE:** June 13, 2023

No. 50 (AR 50) establishes a \$55 per month cell phone stipend program for unrepresented County employees who are classified as exempt under the Fair Labor Standards Act, effective July 2, 2023.

Participation in the proposed program would be voluntary, subject to Department Head approval, and subject to the employee entering and complying with the requirements of a Maintenance and Security Agreement (Agreement), to ensure that personal cell phones meet uniform security standards for conducting County business in accordance with the County Mobile Device Policy. The proposed monthly stipend of \$55 would be prorated and paid to eligible employees over 26 pay periods, starting in the first full pay period after the Agreement is fully signed.

**FISCAL IMPACT/FINANCING:**

If approved, this action will result in increased salary costs of approximately \$9,799,669 increased benefit costs of \$58,871, and a maximum cellphone stipend cost of \$825,116 (assuming the participation of every unrepresented, FLSA exempt employee) for Fiscal Years 2023/24 and 2024/25.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Strategic initiative 4 – Organizational Performance calls for the County to promote an organization that continuously demonstrates the value of its employees and provides a qualified, productive, and competitively compensated County workforce.

**ADMINISTRATIVE SIGN-OFF:**

/s/Lupe Garza

Lupe Garza

Human Resources Director

Cc: County Administrative Office

Attachments:

Exhibit A - Unrepresented Attorneys

Exhibit B - AR 50 – Cell Phone Stipend Program

Exhibit C - Sample Maintenance and Security Agreement

# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF Approve Salary )  
Increases for Unrepresented Employees ) Resolution No. 2023-0527  
in Bargaining Units 9, 10, 11, 19, 20, and )  
21 and Other Compensation and Benefit )  
Changes )

UPON MOTION OF SUPERVISOR VANDER POEL, SECONDED BY  
SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF  
SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 13, 2023, BY THE  
FOLLOWING VOTE:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND  
TOWNSEND  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY:

  
Deputy Clerk

\* \* \* \* \*

1. For Unrepresented employees in Bargaining Units 10, 11, 19, 20, and 21 a 4% salary increase effective July 2, 2023, and a 3% salary increase effective June 30, 2024. (This does not apply to County Elected Officials and the Board of Supervisors.)
2. For Unrepresented employees in Bargaining Unit 9 (Probation Institution Supervisor and Probation Officer-Supervisor), a 4% salary increase, a 3% equity increase effective July 2, 2023, and a 4% salary increase effective June 30, 2024.
3. For Unrepresented Attorneys in Bargaining Units 11 and 20, as included in the attached Exhibit A, a 2% equity increase effective June 30, 2024.
4. For Unrepresented Fire Battalion Chiefs in Bargaining Unit 19, a 5% equity increase effective July 2, 2023.

5. Increased in Bilingual Pay from \$0.50 per hour to \$0.63 per hour.
6. Continuation of the County's matching contribution (\$1.00 County dollar contributed for every \$4.00 employee dollars contributed, up to a maximum of \$2,000 in a calendar year) in the Deferred Compensation program. The County will increase the maximum contribution from \$2,000 to \$2,250 in a calendar year effective January 1, 2024.
7. Continuation of the funding for the Minimum Benefit Amount for Health Plan Years 2024 and 2025 for employees participating in the County health plan whose Benefit Amount may be less than the premium amount for Anthem PPO \$750 deductible employee-only plan. For employees enrolled in an SJVIA health plan, Employee+Family tier level, the County shall contribute an additional \$25 per pay period (24 pay periods) effective with the 2024 health plan year and \$25 for the 2025 health plan year.
8. Approved a new Administrative Regulation No. 50 establishing policies and procedures regarding a cell phone stipend for unrepresented, Fair Labor Standards Act (FLSA) exempt county employees, to be effective July 1, 2023.

HRD  
6/13/2023  
JJB

## EXHIBIT A

### Unrepresented Attorneys

Unrepresented Attorneys in Bargaining Units 11 and 20, a 2% Equity Salary Increase effective June 30, 2024.

<u>Job Code</u>	<u>Job Classification</u>
081452	Attorney - Supv Child Suport
018502	Attorney, Chief Child Support
045502	Attorney - Supv-N
045500	Attorney - Supv
003402	Assistant District Attorney
033402	Chief Deputy District Attorney
004202	Assistant Public Defender
015200	Chief Deputy Public Defender
004812	Attorney - Civil I
004822	Attorney - Civil II
004832	Attorney - Civil III
004842	Attorney - Civil IV
004852	Attorney - Civil V
007422	Chief Deputy Co Cnsl-CPS
007472	Chief Deputy Co Cnsl-Hearing
007432	Chief Deputy Co Cnsl-Land/Jus
007462	Chief Deputy Co Cnsl-Litigate
007442	Chief Deputy Co Cnsl-Pers



# COUNTY OF TULARE

## ADMINISTRATIVE REGULATION

Cell Phone Stipend Program  
AR 50  
Page 1 of 3

<b>Policy Type</b>	Personnel Practices
<b>Policy Name</b>	AR 50 – Cell Phone Stipend Program
<b>Resolution Number</b>	2023-
<b>Effective Date</b>	July 1, 2023

### PURPOSE

The purpose of this policy is to implement a Cell Phone Stipend Program (“Program”) that facilitates the use of technology to conduct County business, promote work-life integration, assist in the consolidation of devices, boost productivity, increase security, and in certain cases, reduce the costs associated with providing cell phones to County employees.

### SCOPE

All unrepresented County employees who are classified as exempt under the Fair Labor Standards Act (“FLSA exempt”) and meet the eligibility criteria of this policy may elect to receive a monthly cell phone stipend.

### POLICY GUIDELINES

Effective July 1, 2023, the County will implement the Program for unrepresented FLSA exempt employees who, at the discretion of their Department Head or designee, may benefit from using a cell phone to conduct County business.

Participation in the Program is voluntary, and subject to the employee entering into and complying with the requirements of a Maintenance and Security Agreement (“Agreement”). Employees are neither required nor entitled to receive a monthly cell phone stipend pursuant to this Program, but those who do must enter into the Agreement and comply with its requirements. The Employee or the Department Head may terminate the Agreement, and as a result, the employee’s monthly cell phone stipend at any time and for any reason.

#### 1. POLICY ADMINISTRATOR

County Department Heads, the Human Resources Director, and the Information Technology Director, or their designees, shall be responsible for administering this policy.

Department Heads shall:

- a. Determine employee eligibility to participate in the Program in accordance with Section 2 of this policy.

The Human Resources Director shall:

- a. Issue the stipend in accordance with Section 3 of this policy.
- b. Maintain an active record of employees participating in the Program.

The Information Technology Director shall:

- a. Define the maintenance and security requirements for personal devices in accordance with Section 5 of this policy.
- b. Provide regular maintenance and security compliance reports to the Human Resources Director.



# COUNTY OF TULARE

## ADMINISTRATIVE REGULATION

### 2. ELIGIBILITY CRITERIA

All Unrepresented FLSA exempt employees are eligible to participate in the Program, subject to the approval of their Department Head or designee, entering into an Agreement with their Department Head, and complying with its requirements (**Attachment A**). Compliance with maintenance and security standards will be monitored by the Information and Communications Technology Department (TCICT).

#### a. County-Issued Cell Phones

Unrepresented FLSA exempt employees who have a County-issued cell phone as of July 1, 2023 may participate in the Program instead of utilizing a County-issued cell phone or may opt to keep a County-issued cell phone instead of receiving the stipend. Employees may not receive both a stipend and a County-issued cell phone.

Unrepresented FLSA exempt employees who do not have a County-issued cell phone as of July 1, 2023 only have the option of receiving the monthly stipend in accordance with this Program. If employees do not wish to receive the stipend, this Program does not provide the option of receiving a County-issued cell phone instead. County cell phones shall continue to be issued solely at the discretion of the Department Head or designee.

### 3. STIPEND

The cell phone stipend of \$55 per month will be prorated and paid to eligible employees over 26 pay-periods. The stipend will be applied to the first full pay period after the Agreement is fully signed. The monthly stipend will be taxable. The Tulare County Employees Retirement Association ("TCERA") will determine for which members, if any, the stipend is pensionable.

The payment of a monthly cell phone stipend does not create an obligation for the County to ensure employees have access to a cell phone and/or continued cell service. For example, employees are solely responsible for replacing a lost or stolen cell phone. Employees are also solely responsible for any additional charges, e.g., access to a Hotspot, international fees, etc.

Employees on paid leave will continue to receive the stipend but are not to conduct County business while on leave, including using their cell phone to conduct County business. Employees on unpaid leave will no longer be eligible to receive the stipend effective the first day of their unpaid leave. Employees no longer employed by the County will only be eligible to receive their stipend through the last date of their employment. Employees who begin their unpaid leave or leave County employment in the middle of a pay period will receive their prorated stipend for the full pay period.

### 4. AVAILABILITY & RESPONSIVENESS

Participating employees are expected to provide their cell phone numbers to County staff and be available by cell phone during regularly scheduled working hours. Participation in the Program does not create a new obligation for employees to perform work outside of their regularly scheduled working hours, nor is it expected.



## COUNTY OF TULARE

### ADMINISTRATIVE REGULATION

Cell Phone Stipend Program

AR 50

Page 3 of 3

#### 5. MAINTENANCE & SECURITY

Program maintenance and security standards will be established by the TCiCT Department and reviewed regularly in accordance with the TCiCT Mobile Device Policy. Material changes to these standards, as determined by the Information Technology Director, may require employees to sign a revised Agreement with their Department Head agreeing to the changes.

By entering into the Agreement, employees agree to install and maintain certain County management software and to comply with County security standards including but not limited to password length and complexity, password expiration, data encryption, minimum operating system level, etc.

The County respects employees' rights to privacy. County management software will only access enterprise collaboration software related to County email, County instant messaging and video conferencing software, County collaboration and productivity tools, and County WiFi. It will not access personal data such as call and web browsing history, personal emails and text messages, contacts, calendar, passwords, photos, files, and other apps in the employee's personal profile.

#### 6. COMPLAINTS

This policy, including, but not limited to, determinations of which employees are eligible to receive the cell phone stipend and termination of a stipend, are not grievable under Personnel Rule 13.

#### 7. ATTACHMENTS

A – Sample Maintenance and Security Agreement

EXHIBIT C



## MAINTENANCE & SECURITY AGREEMENT

### Cell Phone Stipend Program

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_

Position: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

I wish to participate in the County of Tulare's Cell Phone Stipend Program ("Program") to facilitate the use of my personal cell phone to conduct County business in exchange for a monthly Cell Phone Stipend of \$55.00 ("Stipend"). I understand that my participation in the Program is subject to the approval of my Department Head or designee and I will not be entitled to receive the Stipend unless and until my Department Head or designee approves my participation by also signing this Maintenance & Security Agreement ("Agreement"). The Department Head or designee has the sole discretion in determining whether I am permitted to participate in the Program. This Agreement will have no effect unless signed by my Department Head or designee.

I understand my participation in the Program is completely voluntary and by participating, I acknowledge and agree to all of the following:

1. I may terminate this Agreement, and therefore, my participation in the Program at any time. I understand in that event, I will no longer receive my Stipend effective the first full pay period after I terminate the Agreement. Further, I will no longer have access to County data on my personal cell phone effective immediately.
2. My Department Head or designee may suspend or terminate this Agreement, and therefore, my participation in the Program at any time and for any reason. I acknowledge that I may simply be notified that my Stipend and access to County data on my cell phone will terminate on a specific date. I understand that my suspension or termination of the Program is not grievable, appealable, or contestable in any way.
3. I will possess and maintain a cell phone that will have voice and text messaging capabilities, and access to Internet. It is entirely my responsibility to ensure that my cell phone is functional and I am able to use it to effectively conduct County business.
4. I will be available by cell phone during my regularly scheduled working hours at the number I specified above. If my cell phone number changes, I will notify my supervisor as soon as possible.
5. I agree to allow the County's Information and Communications Technology Department (TCiCT) access to my cell phone for the sole purpose of installing, updating, and troubleshooting the County's management software which will allow me to access enterprise collaboration software related to County email, County instant messaging and video conferencing software, County collaboration and productivity tools, and County WiFi. I understand the management software will not have access to my personal data such as call and web browsing history, personal emails and text messages, contacts, calendar, passwords, pictures, files, and other applications in my personal profile. Further, location tracking will not be enabled.
6. I agree to use my cell phone to conduct County business appropriately, responsibly, and ethically. I agree to comply with all maintenance and security standards set forth by TCiCT, including those in TCiCT's most



## EXHIBIT C

current Mobile Device Policy, as it may be revised from time to time. If at any time my cell phone does not comply with these maintenance and security standards, I agree to timely work with TCiCT to bring my cell phone into compliance. I understand that if I fail to do so, my Stipend may be suspended or terminated.

7. If my cell phone is lost or stolen, I will notify my Department and TCiCT as soon as possible. The County is under no obligation to replace my lost or stolen cell phone. I understand the payment of my Stipend may be suspended until I replace my cell phone.
8. The County is not liable for any additional costs associated with my use of a cell phone, including, but not limited to, access to a Personal Hotspot, international usage, insurance and device protection, or late fees. The County will only pay me the Stipend subject to this Agreement, any and all other costs associated with my cell phone are my sole responsibility.
9. Although I will continue to receive the Stipend during any paid leave, I agree not to use my cell phone to conduct County business. If I go on an unpaid leave, I understand I will no longer receive the Stipend effective the first day of my unpaid leave.
10. If I receive the Stipend, it will be prorated and paid over 26 pay periods. The Stipend is taxable. The Tulare County Employees' Retirement Association ("TCERA") will determine for which members, if any, the stipend is pensionable. The County of Tulare makes no representations regarding whether the Stipend is pensionable for any member of TCERA.
11. The County has the sole discretion to revise the requirements of this Agreement at any time. I may be asked to review and sign a revised Agreement and my failure to do so may result in my termination from the Program.

My Signature below represents that I acknowledge and agree to all of the above. I understand that my participation in the Program may be suspended or terminated for failing to comply with any of the requirements set forth above, or for any other reason.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### DEPARTMENT USE ONLY

- ☐ Approved to Participate in Program and receive Stipend effective with Pay Period \_\_\_\_.
- ☐ Employee did not have a County-issued cell phone.
  - ☐ Employee had a County-issued cell phone which was returned on \_\_\_\_\_.
- ☐ Not Approved to Participate in Program.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## EDUCATIONAL EVENTS - Board of Retirement

### **2023**

1. **SACRS**, Public Pension Management Program 2023, July 16-19, 2023, UC Berkeley Haas School of Business Executive Education. Preliminary Agenda in binder.
2. **CALAPRS**, Principles of Pension Governance for Trustees 2023, August 28-31, 2023, Villa Graziadio Executive Center, Pepperdine University, Malibu, CA. Agenda in binder.
3. **PIMCO**, Fall PIMCO Institute, October 23-26, 2023, 650 Newport Center Dr, Newport Beach. Agenda in Binder.
4. **CALAPRS**, Virtual Trustees Roundtable, October 27, 2023. Agenda Pending.
5. **SACRS**, Fall Conference. November 7-10, 2023, Omni Rancho Las Palmas Resort & Spa, Rancho Mirage, CA. Agenda Pending.
6. **Invesco**, Real Estate Global Client Conference, November 14-16, 2023, The Lodge at Torrey Pines, San Diego, CA. Agenda Pending.

# TCERA Board of Retirement 2023 Trustee Education/Presentation Calendar

Month	Meeting Date	Education/Presentation Topics
January	January 11 January 25	
February	February 8 February 22	Parliamentary Procedures Education – Counsel 12/31/22 Investment Report – Verus
March	March 8 March 22	PIMCO RAE SGA
April	April 12 April 26	Invesco IFM
May	SACRS – May 9-12 May 24	3/31/23 Investment Report – Verus Strategic Asset Allocation Review - Verus
June	June 14 June 28	Pathway
July	July 12 July 26	Disability Education – Counsel BlackRock (Fixed Income) DoubleLine
August	August 9 August 23	Strategic Planning Session 6/30/23 Investment Report – Verus Investment Manager Fee Review Cryptocurrency and Blockchain Education

September	September 13  September 27	Boston Partners Leeward
October	October 11  October 25	Preliminary Actuarial Analysis and Presentation of Three-Year Experience Study – Cheiron Joint Meeting with Board of Supervisors  Private Markets Review - Verus Actuarial Discussion – Part 2
November	November 1 - due to SACRS  SACRS Nov 7-10  November 15 - due to Thanksgiving Holiday	Final Actuarial Valuation Report and Three-Year Experience Study - Cheiron   9/30/23 Investment Report Final Actuarial Valuation Report and Three-Year Experience Study – Part 2 (if needed) - Cheiron
December	December 13	Brown Armstrong – Audit Results

Expected 2024 Investment Manager Regular Biennial Presentations:

QMA (PGIM)  
Sixth Street  
RREEF  
Ocean Avenue  
William Blair  
KBI  
PGIM (EM Debt)  
American Realty  
MacKay Shields