

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

NOVEMBER 5, 2018

MINUTES

**TRUSTEES
PRESENT:**

William W. Wilson, Vice-Chair, Public Member
Steven Hintz, Treasurer-Tax Collector
Mike Sedell, Public Member
Robert Bianchi, Public Member
Ed McCombs, Alternate Public Member
Craig Winter, General Employee Member
Maeve Fox, General Employee Member
Arthur E. Goulet, Retiree Member
Will Hoag, Alternate Retiree Member
Chris Johnston, Safety Employee Member

**TRUSTEES
ABSENT:**

Peter C. Foy, Public Member

**STAFF
PRESENT:**

Linda Webb, Retirement Administrator
Lori Nemiroff, General Counsel
Henry Solis, Chief Financial Officer
Julie Stallings, Chief Operations Officer
Shalini Nunna, Retirement Benefits Manager
Vickie Williams, Retirement Benefits Manager
Karen Scanlan, Accounting Manager
Leah Oliver, Chief Technology Officer
Josiah Vencel, Communications Officer
Donna Edwards, Retirement Benefits Specialist
Nancy Jensen, Retirement Benefits Specialist
Chris Ayala, Program Assistant
Sierra Walsh, Office Assistant III-C

PLACE:

Ventura County Employees' Retirement Association
Second Floor Boardroom
1190 South Victoria Avenue
Ventura, CA 93003

TIME:

9:00 a.m.

ITEM:

I. CALL TO ORDER

Vice-Chair Wilson called the Disability Meeting of November 5, 2018, to order at 9:01 a.m.

II. APPROVAL OF AGENDA

MOTION: Approve.

Moved by Bianchi, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

III. APPROVAL OF MINUTES

A. Disability Meeting of October 8, 2018.

Trustee Bianchi offered a correction to the minutes for the Disability Meeting of October 8, 2018. He said on agenda item II, in the 2nd sentence, after the word "She," the word "said" was missing.

After discussion by the Board, the following motion was made:

MOTION: Approve the Minutes of the Disability Meeting of October 8, 2018, with Corrections.

Moved by Bianchi, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

B. Business Meeting of October 22, 2018.

Trustee Goulet said he had a few corrections to the minutes of the Business Meeting of October 22, 2018. On Master Page 13, the presenter from State Street should be recorded as "Veronica" instead of "Ronnie"; on Master Page 14, in the 4th sentence, the word "Hexavest" was misspelled; and on Master Page 15, in the 1st paragraph, 2nd sentence, the word "would" was missing after the word "staff."

After discussion by the Board, the following motion was made:

MOTION: Approve the Minutes of the Business Meeting of October 22, 2018, with Corrections.

Moved by Goulet, seconded by Winter.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Wilson, Winter

No: -

Absent: Foy

Abstain: Sedell

Trustee Sedell abstained because he was not present at the October 22, 2018 Business Meeting.

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Receive and File.

Moved by Hintz, seconded by Bianchi.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Service-Connected Disability Retirement - Wade, Stephen H.; Case No. 18-001.

1. Application for Service-Connected Disability Retirement, filed January 11, 2018.
2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura, Risk Management, in support of the Application for Service-Connected Disability Retirement, dated October 29, 2018.
3. Hearing Notice, dated October 30, 2018.

Catherine Laveau was present on behalf of County of Ventura Risk Management. David G. Schumaker, Attorney at Law, was present on behalf of the applicant. The applicant, Stephen H. Wade, was also present.

Mr. Schumaker declined to make a statement.

Ms. Laveau declined to make a statement.

Trustee Goulet referenced the medical report which stated, "Additionally, even if the applicant were to proceed with the total knee replacement at this time, there is no indication from any of the orthopedic surgeons that his improvement would be substantial enough to allow him to return to work." Trustee Goulet then asked if there was an explicit question asked of the orthopedic surgeons as to whether the improvement would be substantial enough.

Ms. Laveau replied that she was not aware if the orthopedic surgeons received that specific question. She said, however, that physicians typically address whether the improvement could

be significant; in this particular case, whether improvement could have been significant or not, the physician did not feel that surgery was appropriate at the time.

Trustee Goulet commented that, based on his experience, he believed the applicant was making a poor choice in not undergoing the surgery now but waiting until he was older.

After discussion by the Board, the following motion was made:

MOTION: Approve the Service-Connected Disability Retirement Application.

Moved by Sedell, seconded by Johnston.

Vote: Motion carried

Yes: Bianchi, Fox, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: Goulet

Absent: Foy

Abstain: -

B. Application for Service-Connected Disability Retirement – Bittmann, Janeen R.; Case No. 17-014.

1. Risk Management's Request for an Extension - Amended to Submit Medical Analysis through September 2019.
2. Hearing Notice, dated November 1, 2018.

Trustee Goulet asked what would happen if the applicant's surgery was not approved in her Worker's Compensation case.

Ms. Laveau replied that it would become a decision for the applicant to make regarding her retirement.

Trustee Goulet said that it seemed to him that situation was indicative of the close link between Worker's Compensation processing and retirement processing.

Ms. Laveau said there is nothing that prohibits the applicant from seeking the approval of care under the Worker's Compensation claim. Whether or not the surgery was approved in her Worker's Compensation case was not tied to her disability retirement.

Ms. Nemiroff asked, if the applicant were to be denied under her Worker's Compensation case, if she would still be able to seek medical care to have the surgery and then proceed with the disability retirement application.

Ms. Laveau replied that the applicant could, but clarified that Worker's Compensation in California utilizes evidence-based medicine. Thus, treatment requests made under Worker's Compensation in California would be required to comply with the evidence-based medicine standard.

Ms. Nemiroff said that although the Worker's Compensation physician had recommended the surgery, the Worker's Compensation system had not approved it.

Ms. Laveau said there was an ongoing discussion in Worker's Compensation as to whether or not it met the standard, which was not uncommon because the system requires that such decisions be supported by evidence.

Ms. Nemiroff said that from the Board of Retirement's perspective, the applicant was not yet considered permanently incapacitated because she was still exploring medical procedures. Therefore, because the applicant was not yet permanent, Risk Management had asked for the extension.

Ms. Laveau replied yes and said that the physician had indicated that if the applicant proceeded with the procedure, there would be a very good chance of substantial improvement.

After discussion by the Board, the following motion was made:

MOTION: Approve Risk Management's Request for an Extension - Amended to Submit Medical Analysis through September 2019.

Moved by Bianchi, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Recommendation to Approve 2nd Contract Amendment with Brentwood IT.
RECOMMENDED ACTION: Approve.

1. Staff Letter.
2. Draft Contract.

Ms. Webb said that staff requested the Board table the item until the next Business Meeting, so they could gather additional information.

After discussion by the Board, the following motion was made:

MOTION: Approve Staff's Request to Table the Item Until the Business Meeting of November 19, 2018.

Moved by Winter, seconded by Wilson.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

- B. Recommendation for Authorization for Accounting Manager, Karen Scanlan, and Sr. Accountant, Nida Williams, to Attend the CALAPRS Advanced Course in Retirement Plan Administration in Glendale, CA, on December 5 - 7, 2018.

RECOMMENDED ACTION: Approve.

1. Staff Letter.
2. CALAPRS Advanced Course in Retirement Plan Administration Agenda.

Ms. Webb requested that the Board approve the Accounting Manager and Sr. Accountant to attend the CALAPRS Advanced Course in Retirement Plan Administration, as they had already attended the first course in the three-part series.

Trustee Goulet remarked that the Advanced Course was excellent.

After discussion by the Board, the following motion was made:

MOTION: Approve.

Moved by Goulet, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy

Abstain: -

VIII. INFORMATIONAL

None.

IX. PUBLIC COMMENT

The Board received public comment from Catherine Laveau of Risk Management regarding investigation and causation related to disability application cases. She requested suggestions on what other information Risk Management could provide to the Board to improve future disability retirement reports.

X. STAFF COMMENT

Ms. Webb introduced VCERA's new Chief Technology Officer, Leah Oliver, to the Board. Ms. Webb also said that Segal Consulting had provided the draft actuarial valuation to staff and that once staff received the final report, it would be provided to the Board and stakeholders for review. Segal was scheduled to present the actuarial valuation to the Board in December.

XI. BOARD MEMBER COMMENT

Trustee Goulet asked if the Board might want to pursue legislation to have the Chief Technology Officer position included with the executive staff under VCERA's Management Employees Resolution. Trustee Goulet offered to draft legislative language and provide it to the County of Ventura for comment.

Ms. Webb offered to inform the County about the Board's interest and to bring the legislation issue back for future discussion.

Vice-Chair Wilson asked about the status of Mr. Towner's Civil Service Commission hearing and the upcoming appointment of the Board Chair and Vice-Chair for next year.

Ms. Webb replied that she was informed the Civil Service Commission would continue proceedings in November, although it could possibly extend into January. She said that the Board typically appoints a Board Chair and Vice-Chair in December of each year, and staff planned to present the Board with its options then, taking into account the current situation.

Trustee Goulet said that the District Attorney's Office referred Mr. Towner's situation to the California Attorney General for possible criminal action, but the request was refused.

XII. ADJOURNMENT

The meeting was adjourned at 9:44 a.m.

Respectfully submitted,



LINDA WEBB, Retirement Administrator

Approved,



WILLIAM W. WILSON, Vice-Chair