

# FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM

## Disability Determination Process Ad Hoc Committee Meeting

### Action Minutes

**THURSDAY**

**SAN JOSÉ, CALIFORNIA**

**March 16, 2011**

#### **CALL TO ORDER**

The Disability Determination Process Ad Hoc Committee of the Federated City Employees' Retirement System met on Wednesday, March 16, 2011 in Retirement Services Boardroom, 1737 No. First St. Suite 600, San Jose CA. 95112.

#### **COMMITTEE MEMBERS**

**Matt Loesch, Chair** - Present  
**Ed Overton, Vice-Chair** - Present  
**Arn Andrews, Trustee** - Present  
**Michael Armstrong, Trustee (Alternate)** - Absent

**DEPUTY DIRECTOR**  
**RETIREMENT SERVICES**  
**Donna Busse** -Present

Also present:

**Dr. Rajiv Das** -Retirement Board Physician  
**Mary Dariano** -Staff  
**Mollie Dent** -City Attorney's Office, Present via teleconference

#### **CALL TO ORDER:**

10:37 a.m.

#### **1.1. Approval of minutes for February 23, 2011, Ad Hoc Disability Determination Process Committee Meeting**

A motion was made to approve the minutes as presented. **Approved. (M.S.C. Andrews/Overton, 3-0-0)**

#### **1.2. Review of sample Disability packet**

A sample disability packet was presented to the committee for review and comment. Some suggestions were made regarding additions to the Medical Director's reports, the applicants' check list, the staff recommendation memo, and the staff report. Potential changes were discussed regarding the order of documentation in the disability packet, disability hearing calendaring, and the applicant education process. The committee also considered improvements to the disability guidelines, and disability determination language as well as the addition of a procedural checklist. Further, they requested that modified duty be addressed early in the case materials.

Packet documentation sequence:

Mr. Overton suggested that documents be reorganized within the packet, while Mr. Andrews requested that documents be consistently positioned in the same section of the packet. It was suggested to reverse the order of section number two and section number three.

Medical Director's Report:

The committee requested that the Medical Director's report include an explanation of why the injury is work related; and, the names of the physicians who submitted reports on the case and their specialties, the dates of the reports, and any differing opinions. Additionally, Mr. Andrews suggested that the determination be more thoroughly explained. Dr. Das will provide a sample of a revised report at the next meeting.

Return-to-Work Coordinator

The Committee requested that the Return-to-Work Coordinator's letter explain what work restrictions he was trying to accommodate and note any differences from the work restrictions from the Board's Medical Director.

Applicants' Check List

The applicants' check list should be revised and include a definition of disability, description of the application process, and enhanced guidelines for the applicants to follow. Video and audio disability training courses could possibly be made available online for use by applicants. Staff will provide a sample of an improved check list for the April 28, 2011 committee meeting.

Disability Committee Recommendation

Trustees requested additional detail, including references to disability determination guidelines, and information gathered during the determination process, for inclusion in the Disability Committee recommendation memo. Staff will provide a sample of a revised committee memo at the next meeting.

Disability Hearing Procedures:

A checklist should be used by the Board Chair to ensure "Disability Hearing Procedures" are followed at the Board Meeting. Ms. Dent will provide this for review at the next meeting.

**1.3. Discussion and direction to staff regarding drafting of Disability Process**

Chair Loesch suggested that the Disability cases be heard by the Board quarterly. Ms. Dent advised that a monthly hearing was not a legal requirement, but the Board may want to keep the schedule flexible for the possibility of hardship cases or other kinds of urgent situations. The staff Disability Committee can continue to meet monthly to allow for possible deferral/continuances prior to being placed on a Board Agenda.

Other possible recommendations to the Board might include new software programs, so that sections in the reports can be more easily referenced by the Board Members. Enhancements to the Disability Determination process could be achieved by redesigning the medical records process to maximize the number of reports gathered for each case; and, creating a process to flag Workers' Compensation cases for early medical intervention. Additionally, a cost benefit analysis could be done to demonstrate city costs for disability retirements and Workers' Compensation cases.

The Ad Hoc Disability Determination Committee decided to meet in April and May to complete its work and present a final recommendation to the Federated City Employees' Board of Administration.

The meeting was adjourned at 12:12 p.m.