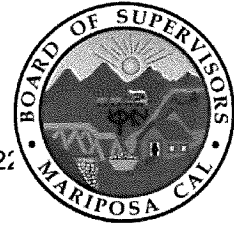




MARIPOSA COUNTY

Human Resources/Risk Management • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2018-43

MEETING: February 6, 2018
TO: The Board of Supervisors
FROM: Steve Dahlem, County Counsel - Interim Human Resources Director
RE: Approval of Industrial Disability Retirement for Aron Akbiyikian

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution certifying the Industrial Disability Retirement (IDR) of Sheriff's Deputy Aron Akbiyikian. A determination has been made that Deputy Akbiyikian is incapacitated within the meaning of CalPERS law for the performance of his duties in the position of Sheriff's Deputy. It has been further determined that the disability arises out of and in the scope of his employment. As a safety employee, CalPERS requires that the governing board, i.e., the Board of Supervisors, adopt a Resolution relative to the approval or denial of an IDR.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously adopted similar Resolutions relative to IDRs for safety employees.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

An alternative action would be to determine that Deputy Akbiyikian is not entitled to an IDR, however, this determination would not be supported by the medical evidence.

FINANCIAL IMPACT:

None on this action.

ATTACHMENTS:

Akbiyikian Industrial Disability Retirement Res (DOC)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA**

Government Code Section 21156

RESOLUTION NO. 18-43

WHEREAS, the County of Mariposa (hereinafter referred to as Agency) is a contracting agency of the California Public Employees' Retirement System (CalPERS);

WHEREAS, the California Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for industrial disability retirement from Aron Akbiyikian employed by the Agency in the position of Sheriff's Deputy has been filed with CalPERS; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors finds and determines and it does hereby find and determine that Aron Akbiyikian is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Deputy; and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2).

BE IT FURTHER RESOLVED that Deputy Akbiyikian filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

BE IT FURTHER RESOLVED that the Board of Supervisors finds and determines and it does hereby find and determine that such disability is a result of injury arising out of and in the course of employment. Neither said Deputy Akbiyikian nor the County of Mariposa has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member will be separated from his employment in the position of Sheriff's Deputy, after expiration of his leave rights under Government Code Section 21164, effective January 11, 2018 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was January 11, 2018.

There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is an orthopedic injury to his left ankle.

The duration of the disabling condition is expected to be permanent from the date of the application for benefit as determined on the basis of competent medical opinion.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 6th day of February 2018, by the following votes:

AYES: SMALLCOMBE, JONES, LONG, CANN, MEMETREY
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



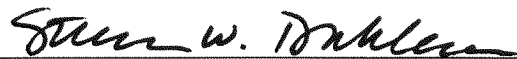
Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



René LaRoche
Clerk of the Board



Steven W. Dahlem
County Counsel