

Public Employee Disability Claims and Pension Decisions

Thomas J. Wicke

Senior Partner

Lewis, Marenstein, Wicke, Sherwin & Lee, LLP

Woodland Hills, California



The opinions expressed in this presentation are those of the speaker. The International Foundation disclaims responsibility for views expressed and statements made by the program speakers.

International Foundation
OF EMPLOYEE BENEFIT PLANS 

Public Pensions—City/County/State

- Relationship between plan member—
Legal categories
 - Pension plan part of employer relationship
 - City of Los Angeles
 - State of California
 - Separate and apart from employer
 - 1937 County Employees Retirement Law—Why?

Legal Relationship

- Fiduciary
 - Examples/transparency
 - Constitution Article 16 Section 17 (b) states:
 - “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.”
 - *Hittle v. Santa Barbara County Employees Retirement Association* (1985) 39 Cal.3d 374.

Definitions

- Disability
 - Written document—Plan/statute
 - Cases—*Mansperger v. Public Employees' Retirement System* (1970) 6 Cal.App.3d 873
 - Accommodation—*Steussel v. City of Glendale* (1983) 141 Cal.App.3d 1047
 - Outside sources
 - Workers' compensation
 - Social security disability
 - Permanency

Definitions

- Work relationship
 - Written document—Plan/statute
 - Case law—“A” cause/“predominate cause”
 - Presumptions

Medical Issues

- Orthopedic
- Cardiologic
- Psychological
 - PTSD
 - Anxiety
 - Depression
 - *Sager v. County of Yuba* (2007) 156 Cal.App.4th 1049

How Are Decisions Made?

- Complete/accurate documentation
- Staff recommendation
- Put aside personal experiences
- Discussion in public

Appeal Process

- Due process
 - Procedural
 - Substantive
- Time limitations
- Superior court

Protection

- Training
 - Legal
 - Medical—Adviser
 - Retreats

Questions?

Your Feedback
Is Important.
Please Scan
This QR Code.

Session Evaluation

