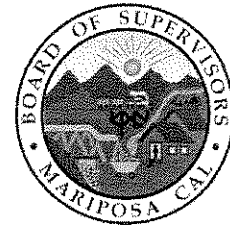




# MARIPOSA COUNTY

Administration/Personnel • 209-966-3222



MEETING: March 13, 2012  
TO: The Board of Supervisors  
FROM: Rick Benson, County Administrative Officer  
RE: Approval of Industrial Disability Retirement

*Res 12-115  
w/ formal Res.*

---

**RECOMMENDATION AND JUSTIFICATION:** Approve a Resolution certifying the Industrial Disability Retirement of Sheriff's Sergeant Mark R. Jones effective March 30, 2012. Sergeant Jones separation date will be March 29, 2012. A determination has been made that Sergeant Jones is incapacitated within the meaning of CalPERS law for performance of his duties in the position of Sheriff's Sergeant. 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 a disability or industrial disability retirement.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:** The Board has previously adopted similar Resolutions relative to industrial disability retirements for safety employees.

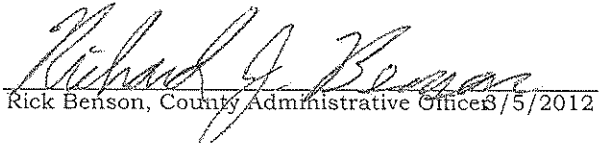
**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** An alternative action would be to determine that Sergeant Jones is not entitled to an industrial disability retirement, however, this determination would not be supported by the medical evidence.

**FISCAL IMPACT:**  
None on this action.

**ATTACHMENTS:**  
Jones disability retirement Res (PDF)

**CAO RECOMMENDATION**  
Requested Action Recommended

Agenda Item 2012-115

  
Rick Benson, County Administrative Office 3/5/2012

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Jim Allen, District V Supervisor

**SECONDER:** Lee Stetson, District I Supervisor

**AYES:** Stetson, Turpin, Bibby, Cann, Allen

**RESOLUTION OF THE BOARD OF SUPERVISORS**  
**COUNTY OF MARIPOSA**  
*Government Code Section 21156*

**RESOLUTION NO. 12-115**

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

**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 of Mark R. Jones employed by the Agency in the position of Sheriff's Sergeant has been filed with the California Public Employees' Retirement System; 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 find and determine and it does hereby find and determine that Mark R. Jones is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Sheriff's Sergeant; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors find and determines and it does hereby find and determine that such disability is a result of injury or disease arising out of and in the course of employment. Neither said Mark R. Jones nor the agency 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 Sergeant, after expiration of his leave rights under Government Code Section 21164, effective March 29, 2012 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status will be March 29, 2012. His retirement date will be March 30, 2012.


There is not a possibility of third party liability.

Advanced Disability Pension payments will not be made.

The primary disabling condition is orthopedic.

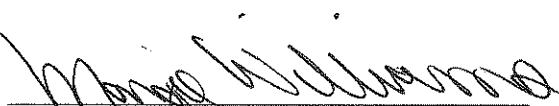
**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors this 13<sup>th</sup> day of March 2012 by the following vote:

**AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAINED: NONE**

  
\_\_\_\_\_  
**JANET BIBBY, Chair**  
Mariposa County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**MARGIE WILLIAMS, Clerk of the Board**

  
\_\_\_\_\_  
**STEVEN W. DAHLEM, County Counsel**