

RESOLUTION NO. 2018-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARLIER
CONCERNING THE INDUSTRIAL DISABILITY RETIREMENT OF
POLICE OFFICER DAVID ANDREW HALL**

WHEREAS, the City of Parlier contracts with the California Public Employees' Retirement System ("PERS") for the provision of retirement pensions for the City of Parlier's employees; and

WHEREAS, a local safety member of the City of Parlier may be retired with a disability pension where he is found substantially incapacitated from the performance of his or usual duties; and

WHEREAS, David Hall's primary disabling condition is Lumbar related; and

WHEREAS, the contracting agency's governing body shall determine in the first instance if the local safety member is substantially incapacitated from the performance of his or her usual duties so as to be qualified for a PERS disability retirement pension; and

WHEREAS, David Andrew Hall is/was an employee of the City of Parlier serving in the position of Police Officer and a local safety member of PERS; and

WHEREAS, an application for industrial disability retirement has been made by or on behalf of David Andrew Hall; and

WHEREAS, to date, there have been no Advanced Disability Pension Payments made to Mr. Hall.

WHEREAS, there is a competent medical opinion certifying the disability is expected to be permanent; and

WHEREAS, the City of Parlier has reviewed the medical evidence and has heard the recommendation of staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Parlier that David Andrew Hall is found to be presently and substantially incapacitated in the performance of his usual duties as a Police Officer with the City of Parlier. Such incapacity is determined to be of a permanent duration. Permanent light duty modifications which offer comparable salary, benefits, and real promotional opportunities are not reasonably available. The City of Parlier certifies under penalty of perjury that this determination was made on the basis of competent medical opinion and evidence, and pursuant to Government Code sections 21154 and 21157.

BE IT FURTHER RESOLVED that it is determined that the disability is the result of injury or disease arising out of and in the course of David Andrew Hall's employment with the City of Parlier and therefore, the disability is industrial in nature. The City of Parlier certifies

under penalty of perjury that the determination was not used as a substitute for the disciplinary process.

It is further found that David Andrew Hall's disability was likely not caused by the actions of a third party. The City of Parlier has not filed an accident report regarding the cause of Mr. Hall's disability.

Neither the City of Parlier nor David Andrew Hall have filed a Petition with the Workers' Compensation Appeals Board for a finding of fact as to the industrial causation of the disability for the purposes of a PERS industrial disability retirement pursuant to Government Code section 21166.

BE IT FURTHER RESOLVED that David Andrew Hall's last date on paid status as Police Officer was April 5, 2013, upon the exhaustion of David Andrew Hall's accrued sick leave and compensatory time off. There is no dispute as to the last date on paid status.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Parlier held on the 8th day of March, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk/Deputy City Clerk

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