



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 10

MEETING DATE: January 17, 2018

SUBJECT: Proposed Amendments to SCERS' Bylaws

SUBMITTED FOR: ___ Consent X **Deliberation and Action** ___ **Receive and File**

RECOMMENDATION

Staff recommends the Board adopt the proposed amendments to Chapter 5 of the Bylaws that remove the lengthy Disability Rules and replace them with an overview of the SCERS' disability retirement process and direction for SCERS to prepare Disability Retirement Procedures. It is anticipated that the Disability Retirement Procedures (DRPs) approved by the Board in January 2016 will provide the support called for in the new Chapter 5 and provide clarity and detailed instructions for the administration of the disability retirement process.

Pursuant to California Government Code section 31525, the Bylaws become effective when approved by the Board of Supervisors.

PURPOSE

To ensure the Disability Retirement Procedures approved by the Board in January 2016 can be implemented by SCERS.

DISCUSSION

The amended Bylaws reflect the product of discussions with the County over the last year to retain an overview of the SCERS retirement application and determination process in the Bylaw document.

Approval of the Bylaws and ratification by the Board of Supervisors will allow SCERS to achieve operational efficiencies and cost savings by removing the detailed Disability Rules from the Bylaws and apply the DRPs approved in early 2016. Until the Board of Supervisors approves the changes, SCERS staff is obligated to follow the existing provisions of the Disability Rules in Chapter 5.

Under the DRPs, Staff anticipates improvements in process duration with the implementation of a Medical Advisor, the elimination of the Disability Retirement Committee, and the ability to recommend an administrative withdrawal instead of taking every denial to an administrative

hearing. Staff anticipates reduced expenses with the contracting of flat-rate medical records reviews, the increased reliance on medical reports, and less emphasis on in-person, expert medical witness testimony. Finally, Staff anticipates a more understandable process for SCERS members with comprehensive procedures and a Disability Handbook drafted in layman's terms.

BACKGROUND

Beginning in 2014, SCERS' General Counsel participated in a project to evaluate the Disability Rules and determine if process efficiencies or cost savings could be achieved. Over the next year, General Counsel and Benefits staff reviewed the processes of other retirement systems and compared them to SCERS' Disability Rules. Taking what was useful from other system models and SCERS' Disability Rules, staff developed comprehensive and detailed Disability Retirement Procedures (DRPs) for SCERS' disability retirement application and determination process.

Prior to the Board's 2016 amendments, Chapter 5 of SCERS Bylaws contained 7 articles and 43 sections regarding disability retirement. The March 2016 amendments reduced the content of Chapter 5 to one sentence requiring the Board to establish disability retirement procedures.

County staff recommended the SCERS Bylaws include a summary overview of the disability process, instead of essentially eliminating the section. The proposed amendments address this concern: The Bylaws provide transparency about the disability process, while giving SCERS the flexibility needed to implement a more streamlined approach as envisioned by the DRPs.

ATTACHMENTS

SCERS Bylaws with proposed amendments to Chapter 5 – Disability Retirement

Redline of Bylaw amendments as adopted by the Board on March 16, 2016, but not yet approved by the Board of Supervisors.

Prepared by:

/S/

Robert L. Gaumer
General Counsel

Reviewed by:

/S/

Eric Stern
Chief Executive Officer

SACRAMENTO COUNTY EMPLOYEES' RETIREMENT SYSTEM
BOARD OF RETIREMENT
BYLAWS

As amended by Retirement Board 3/16/2016, but not yet approved by Board of Supervisors
With Mark-up of Proposed Revisions to Chapter 5 – Disability Retirement on January 17, 2018

CHAPTER 1

ADMINISTRATION

Sec. 1. Retirement System: Definition and Title.

The Retirement System is that combination of elements such as the assets, liabilities, and the Retirement Board, arising out of and subject to the County Employees' Retirement Law of 1937 (Government Code Section 31450 et seq.). The Retirement System, as made applicable to Sacramento County by provisions of said Retirement Law and Ordinance No. 283 passed April 30, 1941, shall be known as the Sacramento County Employees' Retirement System. Henceforth, all property shall be held in the name of the Retirement System and all liabilities shall be incurred in the name of the Retirement System.

Sec. 1.1. Retirement Association: Organization

There is organized in Sacramento County a retirement association of active, inactive and retired members as provided in Government Code Section 31450 et seq., which shall be members of and participants in the benefit plan administered by the Retirement System.

Sec. 1.2. Retirement Board

The Retirement Board is the governing body for both the Retirement System and the benefit plan administered by the Retirement System.

Sec. 1.3. Bylaws

These Bylaws as adopted herein pursuant to Government Code Sections 31525, 31526, and 31527 are intended to be the rules and regulations governing the operation of the Retirement Board and the administration of the Retirement System.

Sec. 2. President

At the first regular meeting in July of each year, or as soon thereafter as possible, the Retirement Board shall elect one of its members President for a term of one year, or until a successor is duly elected and qualified. The President of the Retirement Board shall preside over the meetings of the Board, shall preserve order and decorum, and shall decide questions of order, subject to appeal to the Board. The President shall be entitled to vote on all matters before the Board.

Sec. 3. Vice President

At the first regular meeting in July of each year, or as soon thereafter as possible, the Retirement Board shall elect one of its members Vice President for a term of one year, or until a successor is duly elected and qualified. In the absence of the President from any meeting of the Board, the Vice President shall perform all the duties of the President at the meeting as specified in Section 2.

Sec. 4. Vacancy of Office

If either the President or Vice President for any reason fails to complete a term, the Retirement Board shall elect a successor for the balance of the unexpired term at its next regular meeting, or as soon thereafter as possible.

Sec. 5. Retirement Administrator

The Board shall appoint a Chief Executive Officer , and the Chief Executive Officer shall act as Secretary to the Board.

CHAPTER 2

MEETINGS

Sec. 6. Regular Meetings

Regular meetings of the Retirement Board shall be held at a time and place set by resolution of the Retirement Board in accordance with Government Code Sections 54954, 54954.2, and 54954.3.

Sec. 7. Special Meetings

Special meetings of the Retirement Board may be called by the President or a majority of the members of the Board, as provided in Section 54956 of the Government Code of the State of California.

Sec. 8. Order of Business

The regular order of business of the Retirement Board shall be as determined by the Board and as set forth in the Agenda for its meetings.

Sec. 9. Quorum

Five (5) members of the Retirement Board shall constitute a quorum. No act of the Retirement Board shall be valid unless a majority of the total membership of the Board concur therein.

Sec. 10. Succession of Officers

In the event the President is absent, the Vice President shall act as President.

Sec. 11. Communications

Any member of the Association and any member of the public shall have the opportunity at any regular meeting to directly address the Retirement Board on items of interest to the membership and/or the public which are not on the agenda of the regular meeting and which are within the jurisdiction of the Retirement Board subject to the provisions of Government Code Section 54954.3.

Sec. 12. Minutes

The Retirement Administrator shall cause to be recorded in the minutes the time and place of each meeting of the Retirement Board, the names of members present, all official acts of the Retirement Board, and the votes of each member of the Board except where the action is unanimous. If requested by a member, the reasons for the member's vote shall also be recorded. The proposed minutes for each meeting shall be prepared and distributed to the Board members as soon as possible after each meeting for approval and adoption as official minutes at the next regular Board meeting. The officially adopted minutes, or a copy thereof, submitted and signed by the Retirement Administrator and signed by the President, shall be a part of the permanent records of

the Retirement Board. A copy of the official minutes for each meeting shall be given to each member of the Retirement Board.

Sec. 13. Rules of Order

The President shall rule on all procedural matters or questions not specifically covered by these rules, subject to appeal to all Board members present.

Sec. 14. Committees

The President shall have the authority to appoint Committees on an as needed basis to assist the Board. The committees shall consist of not less than three Board members and shall designate one as Chairperson. The Committee shall act in an advisory capacity to the Board on the matters specified by the Board and included in the Committee charter. The Committee meetings shall be called by the Committee Chairperson or the Board President.

CHAPTER 3

MEMBERSHIP

Sec. 16. Regular Employees/Permanent Part-time Employees.

All regular employees shall become members of the Retirement System on the first day of their employment in a position requisite for membership, except as otherwise provided herein.

A regular employee hired after turning sixty (60) years of age.

As used in these Regulations, "Regular Employee" means an employee occupying a full-time position or permanent part-time position and paid a salary as provided in the annual salary ordinance.

Sec. 17. Regular Pay

The retirement contributions of regular employees shall be based upon regular salary in a two-week pay period as provided in the annual salary ordinance.

Sec. 18. Exclusions.

In accordance with Subdivision (e) of Section 31527 of the Government Code, temporary, seasonal, intermittent, and part-time employees who work less than the full standard hours required in the District or County, are excluded from membership in the Sacramento County Employees' Retirement System. Notwithstanding the foregoing, any regular employee whose employment is changed to part-time shall continue to be a member and make contributions on a pro rata basis.

- a. "Temporary Employee," as used in these Regulations, means any employee whose position is paid on a per diem basis until he is reported to the County Auditor as a regular employee by the head of the Department or Agency by which he is employed.
- b. "Seasonal or Intermittent Employee," as used in these Regulations, means an employee whose service is not regular in nature, but periodic, and recurrent at intervals.
- c. "Part-time Employees," as used in these Regulations, means an employee whose services are not required for the full standard hours required by the County or District.

Sec. 19. Minimum Compensation.

Employees receiving compensation amounting to less than \$80 per month, including maintenance valued according to the schedule adopted by the Board of Supervisors in the current Salary Ordinance, are hereby excluded and exempted from membership in the Retirement System.

For the purpose of these Regulations, any member of the Retirement System whose salary is reduced to an amount less than \$80 per month may discontinue his membership in the Retirement

System and withdraw his accumulated contribution if he so elects in writing to the Retirement Board. If he does not file such written notice with the Board within 180 days after the effective date of such reduction in salary, he shall remain a member.

Sec. 20. Compensation Earnable or Pensionable Compensation

The amount of retirement contributions from a member or an employer, shall be determined according to the County Employees' Retirement law of 1937 (CERL) or Public Employees' Pension Reform Act of 2013 (PEPRA), as applicable.

Sec. 21. Installment Payments of Contributions Redeposit.

Under unusual circumstances, the Board may authorize the deposit or redeposit of contributions required to be made by installment payments over a period of time not to exceed the time for which the member has elected to receive credit, or a longer period as determined by the Board. In no event shall any installment payment be less than twenty-five dollars (\$25) biweekly.

CHAPTER 4

MISCELLANEOUS

Sec. 26. Sworn Statement.

Every member of the Sacramento County Employees' Retirement System shall, upon his entry into the Retirement System, file with the Retirement Board a sworn statement in the manner and form prescribed by the Retirement Board.

Sec. 27. Prior Service.

Pursuant to Sections 31643 and 31644 of the Government Code, "prior service" means all service rendered by an employee prior to July 1, 1941, regardless of interruptions. "Prior service" does not include any time for which no compensation was received and no retirement service credit shall be given for such time.

Sec. 28. Proof of Birth.

All members of the Retirement System upon making application for any retirement allowance, or when requested, shall submit proof of birth that indicates the member's exact date of birth. If there is any uncertainty or conflict in the available evidence, the Board shall determine the member's date of birth on the basis of such evidence as the Board deems most reliable. All retirement calculations shall be based on the date of birth as determined by the Board. Proof of birth may be established by birth certificate, marriage license, armed forces discharge, old insurance papers, baptismal certificate, or an entry in a family Bible. The Board may accept any of the above documents as proof of birth or any other document which the Board deems appropriate. A copy or extract of any paper or document accepted by the Board as proof of birth shall become a permanent part of the member's retirement record.

Sec. 29. Hearings.

- a. Any member of the Retirement Association shall be entitled to request a hearing before the Retirement Board on any matter directly affecting the retirement rights or benefits of the member. Upon receiving such a request, the Retirement Administrator shall set the request for hearing before the Retirement Board and shall give notice to the member so requesting of the date, time, and place of hearing of the request
- b. The Retirement Board may, on its own motion, set any matter for hearing which will directly affect the retirement rights or benefits of a specific member of the Association. Notice shall be given to the affected member of the time and place of the hearing.
- b. Nothing in these Regulations shall prevent the Retirement Board from considering and taking action on any application for retirement or any other matter affecting the individual rights or benefits of any member at a regular or special meeting as provided in Sections 6 and 7.

- c. Nothing herein shall prevent any member of the Retirement Association or any member of the public from having the opportunity at any regular meeting of the Retirement Board to directly address the Retirement Board as provided in Section 11.

CHAPTER 5

DISABILITY RETIREMENT

Sec 30.

~~The Retirement Board shall promulgate procedures to administer the Disability Retirement process.~~

Disability Retirement Procedures

- a. The Board of Retirement (Board) may promulgate disability retirement procedures for the purpose of administering and making determinations on applications for disability retirement benefits submitted to SCERS by a member or other authorized person.
- b. The purpose of the disability retirement procedures is to efficiently process disability applications, and when a hearing is held, ensure the applicant has notice of the hearing and an opportunity to present his/her case.
- c. SCERS will periodically review the procedures to ensure that members are treated fairly by the process and with due process of law.
- d. SCERS will ensure that the disability procedures and the disability handbook are prepared, updated and readily available to members of SCERS or the public at large.

Sec. 31. Definitions

The disability retirement procedures will include definitions of key terms designed to assist the member in successfully preparing a disability application and proceeding through the conclusion of the determination process.

Sec. 32. Overview of SCERS Disability Retirement Application Process

- a. Application - A member, or other authorized individual, must file a completed and signed application for disability retirement benefits with SCERS to begin the review and determination process, including authorizing SCERS to obtain relevant records from medical providers and employers.
- b. Records Release - Every member to whom an application for disability retirement benefits pertains shall execute and deliver to SCERS one or more written consents for release of the member's medical records and other pertinent information to SCERS, and provide a listing of names and addresses of all the member's medical providers.
- c. Medical Records - Once the application is accepted by SCERS, the applicant is responsible for arranging for any and all medical records and reports the applicant wants SCERS to consider in making a determination on the application to be

submitted to SCERS in a timely manner. SCERS may request/obtain additional records from applicant's medical providers, workers' compensation files, etc. if and as necessary.

- d. Employer Information – SCERS will request records and information from the applicant's employer including job duties and requirements, job performance, Workers' Compensation claims, reasonable accommodation, etc.
- e. Medical Evaluations - The Board may appoint one or more medical advisors (MA) to assist in analyzing medical records related to applications for disability retirement benefits. The MA will provide a *Report and Recommendation* to the Board. In certain circumstances, to assist the MA in completing the *Report and Recommendation*, the MA may request that the applicant submit to one or more physicians for an Independent Medical Evaluation (IME). If the matter is referred for an IME, the independent medical evaluator will provide the *Report and Recommendation* to SCERS.
- f. Determination - The application for disability retirement, employment records and medical reports and opinions will form the basis for making a determination on the application and, if necessary, submission to a hearing officer.

Sec. 33. Medical Advisor's Report and Recommendation

The *Report and Recommendation* shall address the following issues in recommending a determination on the disability retirement application:

- a. Whether the member is physically or mentally incapacitated from substantially performing the usual duties of his or her job with/or without accommodation.
- b. Whether the incapacity is permanent.
- c. Whether the incapacity is service-connected (if applicable).
- d. Whether the member is able to perform other job duties based on restrictions imposed by the member's condition(s).
- f. Whether the member's physical or mental incapacity was continuous from the date the member discontinued service to the time the application for disability retirement was filed with SCERS.

SCERS will provide the *Report and Recommendation* to all parties along with a *Request for Hearing Form*.

Sec.34. Request for Hearing

Should any party wish to request a hearing before a hearing officer, he or she must complete, sign and return the *Request for Hearing* Form. If a hearing is not requested, staff will prepare and submit a recommended determination on the disability retirement application for the Board's consideration and action.

Sec. 35. Scheduling the Hearing

If a hearing is requested, SCERS shall be responsible for scheduling hearing dates, and shall make a reasonable effort to coordinate mutually acceptable hearing dates with the applicant or the applicant's attorney.

Sec. 36. Hearing Procedures

The disability retirement procedures will include rules for preparing for the hearing, the presentation of evidence to a Hearing Officer, and the process by which a Hearing Officer will submit a *Proposed Findings of Fact and Recommended Decision* for consideration by the Board.

Sec. 37. Subpoena Powers

The Board may issue subpoenas and subpoenas duces tecum. Committees shall not have this power. Subpoenas shall be signed by the President or Secretary of the Board. The Board may delegate its subpoena power, and does so to the administrative law judges of the Office of Administrative Hearings. Subpoenas issued shall be transmitted to the party requesting the subpoena, which party shall have the sole responsibility for serving and enforcing the subpoena.

Sec. 38. Burden of Proof

The applicant has the burden of proving by a preponderance of the evidence each affirmative issue on which the application depends. If the applicant seeks to assert one or more of the legislative presumptions afforded by Government Code Sections 31720.5 (heart trouble), 31720.6 (cancer), 31720.7 (blood-borne infectious disease), or 31720.9 (illness due to exposure to biochemical substances), then the applicant first must establish his or her entitlement to invoke the asserted presumption by offering prima facie evidence of each foundational element required by the applicable Government Code section(s), and the presumption(s) so invoked shall be rebuttable as provided in the applicable section(s).

Sec.39. Board Consideration of Recommended Decisions

The disability retirement procedures will include rules for the Board's consideration of a *Proposed Findings of Fact and Recommended Decision* from a Hearing Officer, a *Report and Recommendation* from a medical advisor and/or independent medical evaluator, or a staff recommendation.

In considering a *Proposed Findings of Fact and Recommended Decision* from a hearing officer, the Board shall have the following options:

- a. Approve and adopt the hearing officer's *Proposed Findings of Fact and Recommended Decision*; or
- b. Require a transcript or summary of all the testimony, plus all other evidence received by the hearing officer. Upon the receipt thereof the Board of Retirement shall take such action as in its opinion is indicated by such evidence; or
- c. Refer the matter back to the hearing officer with instructions for further review; or
- d. Set the matter for hearing before itself using the same procedures applicable to hearings by a hearing officer insofar as possible. At such hearing the Board shall hear and decide the matter as if it had not been referred to the hearing officer.

Sec. 40. Dismissal of Application

The failure of an applicant to diligently pursue an application, including the submission of any and all required written documentation, may result in the dismissal of the application. Such a dismissal may cause the loss of certain monetary benefits or other rights and privileges. Upon the Board's own motion or a recommendation by the CEO, and notice to the applicant, the Board may dismiss any application which the Board finds, upon consideration of the facts presented to it, is not being diligently pursued.

Sec. 41. Final Administrative Action

The Board's determination on any application for disability retirement shall be deemed to be a final and conclusive administrative action subject to judicial review.

Sec. 42. Judicial Review

The disability retirement procedures shall specify that action to seek judicial review of the Board's determination is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure. Any such petition must be filed no later than the ninetieth (90th) day following receipt of written notice from SCERS of the Board's determination.

CHAPTER 6

ADOPTION - AMENDMENTS

Sec. 101. Repeal.

Except as otherwise provided, Section 1 through 28 of these Bylaws which became effective May 22, 1979, are hereby repealed.

Sec. 102. Amendments.

These Regulations may be amended at any regular or special meeting of the Retirement Board by a majority vote of the Board, subject to approval by the Board of Supervisors. Amendments shall become effective when approved by the Board of Supervisors.

The foregoing Bylaws are hereby adopted and made effective for the Sacramento County Board of Retirement this 6th day of February, 1987.

APPROVED BY THE BOARD OF SUPERVISORS

DATE: February 24, 1987

Sec. 103. Amendments.

These Bylaws were amended by the Retirement Board at its Regular Meetings held March 16, 2016, and January 17, 2018, by a majority vote of the Board, subject to approval by the Board of Supervisors. Amendments shall become effective when approved by the Board of Supervisors.

The foregoing Bylaws are hereby adopted and made effective for the Sacramento County Board of Retirement this ___ day of _____, ~~2016~~ 2018.

SACRAMENTO COUNTY EMPLOYEES' RETIREMENT SYSTEM
BOARD OF RETIREMENT
BYLAWS

CHAPTER 1

ADMINISTRATION

Sec. 1. Retirement System: Definition and Title.

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Sec. 4. Vacancy of Office

If either the President or Vice President for any reason fails to complete a term, the Retirement Board shall elect a successor for the balance of the unexpired term at its next regular meeting, or as soon thereafter as possible.

Sec. 5. Retirement Administrator

~~The Board shall temporarily assign a member of the staff of the Retirement System to perform the duties of the Retirement Administrator described in these Bylaws, and to act as secretary to the Board.~~ The Board shall appoint a Chief Executive Officer, and the Chief Executive Officer, shall act as Secretary to the Board.

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CHAPTER 2

MEETINGS

Sec. 6. Regular Meetings

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Sec. 7. Special Meetings

Special meetings of the Retirement Board may be called by the President or a majority of the members of the Board, as provided in Section 54956 of the Government Code of the State of California.

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Five (5) members of the Retirement Board shall constitute a quorum. No act of the Retirement Board shall be valid unless a majority of the total membership of the Board concur therein.

Sec. 10. Succession of Officers

In the event the President is absent, the Vice President shall act as President.

Sec. 11. Communications

Any member of the Association and any member of the public shall have the opportunity at any regular meeting to directly address the Retirement Board on items of interest to the membership and/or the public which are not on the agenda of the regular meeting and which are within the jurisdiction of the Retirement Board subject to the provisions of Government Code Section 54954.3.

Sec. 12. Minutes

The Retirement Administrator shall cause to be recorded in the minutes the time and place of each meeting of the Retirement Board, the names of members present, all official acts of the Retirement Board, and the votes of each member of the Board except where the action is unanimous. If requested by a member, the reasons for the member's vote shall also be recorded. The proposed minutes for each meeting shall be prepared and distributed to the Board members as soon as possible after each meeting for approval and adoption as official minutes at the next regular Board

meeting. The officially adopted minutes, or a copy thereof, submitted and signed by the Retirement Administrator and signed by the President, shall be a part of the permanent records of the Retirement Board. A copy of the official minutes for each meeting shall be given to each member of the Retirement Board.

Sec. 13. Rules of Order

The President shall rule on all procedural matters or questions not specifically covered by these rules, subject to appeal to all Board members present.

Sec. 14. Committees

The President shall ~~have the authority to appoint Committees on an as needed basis to assist the Board. The committees shall consist of not less than three Board members and shall designate one as Chairperson. The Committee shall act in an advisory capacity to the Board on the matters specified by the Board and included in the Committee charter. The~~ Committee meetings shall be called by the Committee Chairperson or the Board President.

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¶ 14.3. . The President shall appoint an Administration Committee consisting of no less than three Board members and shall designate one as Chairperson. The Committee shall act in a capacity and manner as determined by resolution of the Retirement Board.

Administration Committee meetings shall be called by the Committee Chairperson or the Board President, or as otherwise set by the Board.¶

¶ 14.4. . The President shall appoint an Investment Committee consisting of no less than three Board members and shall designate one as Chairperson. The Committee shall act in an advisory capacity to the Board on investment matters. Investment Committee meetings shall be called by the Committee Chairperson or the Board President.¶

¶ 14.5. . The President shall appoint ad hoc committees as deemed necessary. **Each committee shall consist of no fewer than three and no more than four Board members and include at least one elected Board member and one appointed Board member. Committee meetings shall be called by the Committee Chairman or Board President.**

CHAPTER 3

MEMBERSHIP

Sec. 16. Regular Employees/Permanent Part-time Employees.

All regular employees shall become members of the Retirement System on the first day of their employment in a position requisite for membership, except as otherwise provided herein.

~~A regular employee hired after turning sixty (60) years of age Newly hired regular employees who have attained the age of sixty (60) may waive membership in the Retirement System upon proper application to the Retirement Board. In all cases where there is such a waiver, said employee upon attaining the age of seventy (70) shall thereafter be employed from year to year at the discretion of the County.~~

As used in these Regulations, "Regular Employee" means an employee occupying a full-time position or permanent part-time position and paid a salary as provided in the annual salary ordinance.

Sec. 17. Hourly Pay.

~~Regular employees who receive compensation based on rates per hour as provided in the salary ordinance shall be members and their retirement contributions shall be based on an eight (8) hour day, and eighty (80) hours per two week period.~~

Regular Pay

~~The retirement contributions of regular employees shall be based upon regular salary in a two-week pay period as provided in the annual salary ordinance.~~

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In accordance with Subdivision (e) of Section 31527 of the Government Code, temporary, seasonal, intermittent, and part-time employees who work less than the full standard hours required in the District or County, are excluded from membership in the Sacramento County Employees' Retirement System. Notwithstanding the foregoing, any regular employee whose employment is changed to part-time shall continue to be a member and make contributions on a pro rata basis.

- a. "Temporary Employee," as used in these Regulations, means any employee whose position is paid on a per diem basis until he is reported to the County Auditor as a regular employee by the head of the Department or Agency by which he is employed.
- b. "Seasonal or Intermittent Employee," as used in these Regulations, means an employee whose service is not regular in nature, but periodic, and recurrent at intervals.

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Sec. 20. Compensation Earnable.

~~For purposes of determining the amount of contributions by a member, "compensation earnable" includes all remuneration paid in cash to a member except: payment for overtime and standby pay; or payment of a cash differential which represents approximately the difference between the county's medical insurance health plan benefit contribution and the cost of the employee's medical insurance health plan benefit coverage; and, cash payments upon termination of employment representing lump sum payouts for accrued leave including but not limited to vacation, sick leave, holiday in lieu, and compensating time off. Overtime and standby pay shall be subject to employee retirement contributions only when the employee has not otherwise received credit for 80 hours of work during any two week period. (Amended March 23, 1993.)~~

Compensation Earnable or Pensionable Compensation

The amount of retirement contributions from a member or an employer, shall be determined according to the County Employees' Retirement law of 1937 (CERL) or Public Employees' Pension Reform Act of 2013 (PEPRA), as applicable.

Sec. 21. Installment Payments of Contributions Redeposit.

Under unusual circumstances, the Board may authorize the deposit or redeposit of contributions required to be made by installment payments over a period of time not to exceed the time for which the member has elected to receive credit, or a longer period as determined by the Board. In no event shall any installment payment be less than twenty-five dollars (\$25) biweekly.

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Pursuant to Sections 31643 and 31644 of the Government Code, "prior service" means all service rendered by an employee prior to July 1, 1941, regardless of interruptions. "Prior service" does not include any time for which no compensation was received and no retirement service credit shall be given for such time.

Sec. 28. Proof of Birth.

All members of the Retirement System upon making application for any retirement allowance, or when requested, shall submit proof of birth that indicates the member's exact date of birth. If there is any uncertainty or conflict in the available evidence, the Board shall determine the member's date of birth on the basis of such evidence as the Board deems most reliable. All retirement calculations shall be based on the date of birth as determined by the Board. Proof of birth may be established by birth certificate, marriage license, armed forces discharge, old insurance papers, baptismal certificate, or an entry in a family Bible. The Board may accept any of the above documents as proof of birth or any other document which the Board deems appropriate. A copy or extract of any paper or document accepted by the Board as proof of birth shall become a permanent part of the member's retirement record.

~~Sec. 29. Contributions Deducted Past Mandatory Retirement Age.~~

~~All contributions made by a member after he has attained age of mandatory retirement shall be refunded to the member, including interest, except with respect to elected officers pursuant to Government Code Section 31671.~~

Sec. ~~29.~~ Hearings.

- a. Any member of the Retirement Association shall be entitled to request a hearing before the Retirement Board on any matter directly affecting the retirement rights or benefits of the member. Upon receiving such a request, the Retirement Administrator shall set the request for hearing before the Retirement Board and shall give notice to the member so requesting of the date, time, and place of hearing of the request

Deleted: 30

- b. The Retirement Board may, on its own motion, set any matter for hearing which will directly affect the retirement rights or benefits of a specific member of the Association. Notice shall be given to the affected member of the time and place of the hearing.
- c. Nothing in these Regulations shall prevent the Retirement Board from considering and taking action on any application for retirement or any other matter affecting the individual rights or benefits of any member at a regular or special meeting as provided in Sections 6 and 7.
- d. Nothing herein shall prevent any member of the Retirement Association or any member of the public from having the opportunity at any regular meeting of the Retirement Board to directly address the Retirement Board as provided in Section 11.

CHAPTER 5
DISABILITY RETIREMENT

Sec 30

Deleted: 1

The Retirement Board shall promulgate procedures to administer the Disability Retirement process

ARTICLE I
GENERAL PROVISIONS

~~Sec. 36. — Purpose:~~

~~The liberalization of standards for judicial review of administrative decisions and for award of service connected disability retirement has resulted in a proliferation of applications for disability retirement. Current procedures for processing and disposition of applications were not designed to accommodate the volume which has arisen. Numerous applications are presently pending, many of which were filed two, three or more years ago, and still have not been processed to final disposition.~~

~~The purpose of these rules is to streamline the procedures for processing and disposition of disability retirement applications to the end that the backlog will be relieved and permanently eliminated, and each application will be processed to disposition in a fair and timely manner.~~

~~Sec. 37. — Definitions:~~

~~Unless the context indicates otherwise, the following terms as used in this Chapter shall be ascribed the following definitions:~~

- ~~a. "Board" shall mean the Sacramento County Board of Retirement.~~
- ~~b. "Retirement Administrator" shall mean the Retirement Administrator of the Association.~~
- ~~c. "Association" shall mean the Sacramento County Employees' Retirement Association established pursuant to the provisions of the County Employees' Retirement Law of 1937.~~
- ~~d. "Applicant" shall mean a member of the Association who claims that he/she is permanently disabled from the substantial performance of his/her duties and who files an application claiming disability benefits under the County Employees' Retirement Law of 1937, or any person claiming such benefits through a member.~~

- ~~e. "Department Head" shall mean the head of a department or office of the County of Sacramento who files an application claiming disability benefits under the County Employees' Retirement Law of 1937 for a member of the Association who is assigned to the department or office.~~
- ~~f. "Investigator" shall mean the investigator for the Board of Retirement.~~
- ~~g. "System" shall mean the Sacramento County Employees' Retirement System further described in Section 1 of the Bylaws.~~
- ~~h. "Vocational Rehabilitation Counselor" shall mean the Sacramento County Vocational Rehabilitation Counselor.~~

~~Sec. 38. Applicability.~~

~~The provisions of this Chapter shall become effective on the date this Chapter is approved by the Board of Supervisors, shall be applicable to all applications for disability retirement filed after the date of effectiveness, and, except as otherwise provided, shall be applicable to all applications for disability retirement which are pending on the date this Chapter becomes effective.~~

~~Sec. 39. Repeal of Existing Rules.~~

~~Except as hereinafter provided, any and all previously enacted rules and regulations establishing procedures for the processing or disposition of disability retirement applications are hereby repealed effective on the date this Chapter is approved by the Board of Supervisors.~~

~~The provisions of Sections 25 and 26 of this Board's Bylaws adopted May 22, 1979, authorizing appeal (reconsideration) of an initial determination by this Board relating to disability retirement shall continue subsequent to the date this Chapter becomes effective, to be applicable only to disability retirement applications which either: (i) have been initially denied in whole or in part within the thirty (30) day period after this Chapter becomes effective; or (ii) have previously been initially denied in whole or in part, a timely request for appeal (reconsideration) from denial having been filed, and which are pending before this Board on the date this Chapter becomes effective. (Amended December 10, 1981)~~

~~Sec. 40. Right to Counsel.~~

- ~~a. Any applicant is entitled, at his/her expense, to be represented by legal counsel at any and all stages of proceedings before this Board. After an attorney appears in person or in writing in behalf of an Applicant, all notices shall thereafter be served upon such counsel.~~
- ~~b. The System is entitled to be represented by legal counsel, and shall be deemed to be represented by the County Counsel in all appearances made in response to disability applications.~~

Sec. 41. ~~Stipulations.~~

~~No stipulation, agreement, understanding, act or omission in behalf of the County of Sacramento or by an officer, employee or agent of the County of Sacramento in a workers' compensation or any other proceeding to which neither this Board, nor the Association, nor the System is a party, shall be binding upon this Board, or the Association, or the System insofar as such stipulation, agreement, understanding, act or omission may be asserted to relate to disability retirement or the disposition of a particular application for disability retirement, unless such stipulation, agreement, understanding, act or omission has been approved by this Board through a duly adopted motion which has been recorded in the official minutes of this Board. The provisions of this section shall not be deemed to constitute a new policy, but rather a formalization and continuation of an unwritten policy which has been in effect during the life of the System.~~

Sec. 42. ~~Effect of Action Upon Applications.~~

~~Except as otherwise provided in this Chapter, action by this Board granting or denying in whole or in part any application for disability retirement shall be deemed to be a final and conclusive determination of any and all issues raised by the application which were either presented to this Board or could with the exercise of reasonable diligence have been presented to this Board.~~

~~No employee whose application for disability retirement has been denied by this Board, and who thereafter returns to County service, shall be precluded from filing a new application which asserts as a basis for the application circumstances existing or known at the time of denial of the first application in combination with circumstances which have arisen or become known after denial of the first application.~~

ARTICLE II

APPLICATIONS BY APPLICANT

~~Sec. 46. Applicability.~~

~~The provisions of this Article shall be applicable only to applications by an Applicant for disability retirement received or filed on or after the date this Chapter becomes effective, and shall not apply to any such application received or filed before the date on which this Chapter becomes effective, or to applications by a Department Head or this Board.~~

~~Sec. 47. Application Contents.~~

~~An application shall not be deemed complete unless it contains or is accompanied by each and all of the following:~~

- ~~— a. — A "General Application Form" in a form determined by the Retirement Administrator which asserts the existence of a disability which permanently incapacitates the Applicant from the substantial performance of his/her duties, identifies whether the disability is asserted to be service connected, contains a release of medical records, diagnosis and advice, and is signed by the Applicant or any party authorized to make application in his/her behalf.~~
- ~~— b. — A "Statement from Employee's Attending Physician" in a form determined by the Retirement Administrator, which certifies the existence of a permanent disability which incapacitates the Applicant from the substantial performance of his/her duties, identifies the nature and extent of the disability, contains other information pertaining to medical treatment and history and relationship between the disability and performance of job duties, and which is signed by the Applicant's physician.~~
- ~~— c. — If the Applicant asserts that the disability is service connected, a "Statement in Support of Service Connected Disability Retirement" in a form determined by the Retirement Administrator, which contains information pertaining to the relationship between the disability and service causation, and which is signed by the Applicant or any party authorized to make application in his/her behalf.~~

~~Sec. 48. Availability of Documents.~~

~~Upon request, the Retirement Administrator shall provide to each prospective Applicant or his/her representative a package of documents which includes: (i) the application forms for disability retirement; and (ii) a copy of this Chapter.~~

~~Sec. 49. — Completion – Date of Effectiveness.~~

~~The application for disability retirement shall not be deemed effective or filed within the meaning of Section 31721 through 31724, inclusive, of the Government Code, or otherwise, until the date on which it is complete within the meaning of Section 47, above, and is received by the Retirement Administrator.~~

~~An application sought to be filed which the Retirement Administrator deems to be incomplete shall be received by the Retirement Administrator, and shall be marked "incomplete" and as having been received on the appropriate date. Not later than 10 days after receipt, the Retirement Administrator shall mail the Applicant or his/her representative a statement identifying the particulars in which the application is deficient, and indicating that the application will not be deemed valid or filed and will not be processed until the deficiencies are eliminated. The statement shall further reflect that failure of the Applicant to submit within sixty (60) days all documentation in support of the application as required to complete the application shall result in the return to the Applicant of the incomplete application, without prejudice to the right of the Applicant to subsequently refile a new and completed application.~~

~~All complete applications shall be marked "filed" as of the date when they are complete and received by the Retirement Administrator.~~

~~Sec. 50. — Pre-existing Reports.~~

~~The Applicant or his/her representative shall submit to the Retirement Administrator not later than the date on which the application for disability retirement is filed, copies of all medical reports in the possession of the Applicant, upon which the Applicant intends to rely in support of his/her application.~~

~~No medical report which was in the possession of the Applicant at the time of filing the application and which is not submitted to the Retirement Administrator on the date the application is filed, shall be admitted into evidence by or otherwise relied upon by the Applicant in support of the application. The Board may relieve an Applicant from such prohibition if it finds that the delay in submitting the report resulted from excusable neglect, and that the late submission will not delay scheduling or require continuance of a hearing and will not require additional expense for the County or System.~~

~~Sec. 51. — Subsequently Prepared Reports.~~

~~The Applicant or his/her representative shall submit to the Retirement Administrator not later than sixty (60) days after the application for disability retirement is filed, copies of all medical reports which have come into his/her possession subsequent to the date of filing, and upon which the Applicant intends to rely in support of the application.~~

~~Except as herein provided, no medical report which is not submitted to the Retirement Administrator within the sixty (60) day deadline, shall be admitted into evidence by or otherwise relied upon by the Applicant in support of the application. Upon written request by or in behalf of~~

~~the Applicant received by the Retirement Administrator within thirty (30) days after the application is filed, the Retirement Administrator may authorize an extension of the sixty (60) day period to a date certain, when the Applicant is unable to obtain a medical report within the sixty (60) day period.~~

~~Sec. 52. Costs.~~

~~All physician, medical and other costs incurred in preparation of the application for disability retirement and costs incurred for any and all examinations and medical reports undertaken or prepared at the request of the Applicant, shall be borne solely by the Applicant.~~

~~ARTICLE III~~

~~APPLICATIONS BY DEPARTMENT HEADS OR BOARD~~

~~Sec. 56. Applicability.~~

~~The provisions of this Article shall be applicable only to applications by a Department Head or this Board for disability retirement of a member of the System.~~

~~Sec. 57. Application.~~

~~The application for disability retirement shall consist of each and all of the following:~~

- ~~_____ a. _____ A written statement signed by the Department Head or this Board or its authorized agent which asserts that a member of the Association is disabled in a manner which permanently incapacitates the member from the substantial performance of his/her duties, describes the nature and extent of the disability, states whether the disability is asserted to be service connected, and identifies the effect which the disability has had upon performance by the member of his/her duties; and~~
- ~~_____ b. _____ A written statement signed by a physician which indicates that the member is permanently disabled from the substantial performance of his/her duties.~~

~~Sec. 58. Notice.~~

~~This Board or its authorized agent shall, not later than ten days after the date the application is filed, personally, or by certified mail, serve upon the member the following:~~

- ~~_____ a. _____ A copy of the provisions of this Chapter;~~
- ~~_____ b. _____ A copy of the application; and~~
- ~~_____ c. _____ A written notice which informs the member: (i) of the application and the date of its filing; (ii) of his/her right to either support or oppose the application and to be represented by legal counsel at his/her expense; (iii) that the member may file one or more reports by physicians pertaining to the application within sixty (60) days after the medical testimony at the hearing unless a written report by the witness has been filed within the sixty (60) day period; and (iv) the address to which all notices in the proceedings will be mailed to the member unless he/she notifies the Retirement Administrator in writing of a different address.~~

~~Sec. 59. Affidavit of Service.~~

~~An affidavit of personal service or service by mail of the documents described in Section 58 shall be made by the person who serves the documents, and the affidavit shall be included in the record of the proceedings.~~

~~Sec. 60. — Medical Reports.~~

~~The member or his/her representative shall submit to the Retirement Administrator not later than sixty (60) days after the application for disability retirement is filed, copies of all medical reports upon which the member intends to rely in response to the application.~~

~~Except as hereinafter provided, no medical report which is not submitted to the Retirement Administrator within the sixty (60) day deadline, shall be admitted into evidence by or otherwise relied upon by the member in response to the application. Upon written request by or in behalf of the member received by the Retirement Administrator within thirty (30) days after the application is filed, the Retirement Administrator may authorize an extension of the sixty (60) day period to a date certain, when the member is unable to obtain a medical report within the sixty (60) day period.~~

~~Sec. 61. — Costs.~~

~~All physician, medical, and other costs incurred for any and all examinations and medical reports undertaken or prepared at the request of the member, shall be borne solely by the member.~~

ARTICLE IV

AMENDMENT OF APPLICATIONS

~~Sec. 66. Basis for Relief.~~

~~This Board will not consider in support of any application for disability retirement either a claim that the disability is service connected or that the disability is caused by a particular physical or emotional condition or state, unless the claim for service connection or physical or emotional condition or state is set forth with specificity in the application as the basis for relief requested.~~

~~Sec. 67. Amendment.~~

~~Any application for disability retirement may be amended as a matter of right by filing a supplemental application at any time within sixty (60) days after the application is filed.~~

~~No amendment of an application for disability retirement may be made after sixty (60) days has elapsed since the filing of the application, except upon written request by the Applicant or his/her representative, the Department Head or Board, and a finding by this Board that the substance of the amendment could not with the exercise of reasonable diligence have been included in the original application as filed for a timely amendment.~~

~~ARTICLE V~~

~~EXAMINATIONS~~

~~Sec. 71. At Request of Board or County Counsel.~~

~~When requested by this Board or the County Counsel, an Applicant or member for whom a Department Head or this Board has filed an application shall make himself/herself available for and submit to examination by any physician or other expert identified by this Board or the County Counsel, and shall submit copies of any and all medical reports within his/her possession or the possession of his/her physician requested by this Board or the County Counsel.~~

~~Sec. 72. Costs.~~

~~All costs for examinations and reports incurred pursuant to Section 71 shall be chargeable to and be borne by the System.~~

~~Sec. 73. Administrative Evaluation.~~

~~An Applicant shall cooperatively meet with and discuss the nature, extent and circumstances of his/her claim with the Vocational Rehabilitation Counselor, the Investigator, or other properly authorized representative, who so requests.~~

~~Sec. 74. Refusal to Cooperate.~~

~~Refusal by an Applicant to comply with the provisions of Sections 71 or 73 shall constitute grounds for denial of the application for disability retirement.~~

~~ARTICLE VI~~

~~EVALUATION - SCHEDULING OF HEARING RECORD~~

~~Sec. 76. — Evaluation.~~

~~The Retirement Administrator shall compile a copy of each application for disability retirement filed, together with any and all accompanying medical reports for review and evaluation. The Retirement Administrator may immediately set the application for hearing by the Retirement Board, or may refer the application and all supporting documents to the Investigator, Vocational Rehabilitation Counselor, County Counsel, or any other department or person for assistance in evaluating the application.~~

~~Sec. 77. — Hearings on Other Recommendations.~~

~~Applications for disability retirement filed after this Chapter becomes effective shall be scheduled for a hearing before the Board which shall commence not later than seven (7) calendar months after the application is filed.~~

~~Sec. 78. — Notice.~~

~~Twenty (20) days advance written notice of the hearing by the Board upon an application for disability retirement shall be given by the Retirement Administrator to an Applicant or his/her representative, unless such notice is waived by the parties concerned.~~

~~Sec. 79. — Record.~~

~~Not later than 14 days prior to the commencement of any hearing by the Board upon an application for disability retirement, the Retirement Administrator shall prepare a listed catalog of all documents to be considered by the Board during the hearing which, together with a copy of this Chapter and any testimony which may be introduced at the hearing, shall constitute the record of the proceedings. The catalog and copies of such documentary evidence shall be transmitted by the Administrator to each member of the Board. The catalog shall include the following:~~

- ~~— a. — A copy of the application for disability retirement;~~
- ~~— b. — A copy of each and every medical report upon which an Applicant or Department Head or this Board is entitled to rely in support of an application, and of each report a member for whom an application has been filed by a Department Head or this Board is entitled to rely in response to an application;~~
- ~~— c. — Copies of any and all medical reports and other documentary evidence upon which the Vocational Rehabilitation Counselor, the Investigator, or the County Counsel intends to rely in response to the application.~~

~~It shall be the responsibility of the Retirement Administrator to transmit to all interested parties, not later than 14 days in advance of commencement of any hearing upon an application, copies of any and all medical reports and other documentary evidence which is intended to be relied upon in response to the application.~~

~~Sec. 80. — Continuances.~~

~~Notwithstanding the provisions contained in Section 77, upon written request and for good cause shown, the Retirement Administrator may continue to a date certain any hearing which he/she has scheduled before the Board. Any request for continuance shall be made not later than ten (10) days in advance of the scheduled date of the hearing, except when the basis for the continuance is not known ten (10) days in advance.~~

~~The desire to await outcome of an application for workers' compensation shall not constitute "good cause" for a continuance. Nor shall the need to permit a condition to stabilize in order to determine whether the disability is permanent constitute "good cause" for a continuance. Under such circumstances, the application shall be subject to denial on the basis of insufficiency of evidence to establish permanency, without prejudice to the filing of a new application if it should later become apparent that the disability is permanent.~~

~~Sec. 81. — Applications Pending After One Year — Special Hearing Procedures.~~

- ~~a. — The purpose of this section is to provide a special procedure for hearing and final decision by the Board in relation to any application that is still pending after expiration of not less than one year following the date on which it was filed and which is not scheduled for hearing before the Board or a hearing officer. As used in this section, "applicant" includes the applicant's attorney, if any.~~
- ~~b. — At the request of the applicant or the County Counsel, the Retirement Administrator shall set any such application for hearing at the earliest administratively feasible date. In selecting the hearing date, the Retirement Administrator shall, if possible, select a date which is acceptable to both the applicant and the County Counsel.~~
- ~~c. — If a hearing date is not selected as provided in subdivision b, or if the Retirement Administrator is unable to contact the applicant by phone, the application shall nevertheless be set for hearing on the earliest administratively feasible date that will permit not less than 60 days notice, as required by subdivision d.~~
- ~~d. — The Retirement Administrator shall serve written notice by mail to the applicant and the County Counsel stating the date, time and place of the hearing and stating that pursuant to this section the Board will determine whether to approve or deny the application on the basis of the evidence already in the record and any additional evidence received by the Board in accordance with these rules prior to or at the hearing. The notice to the applicant shall include a copy of this section.~~

- ~~e. Service by mail of the notice of hearing required by subdivision d shall be deemed effective and complete when deposited in the United States mail, postage prepaid, addressed to the applicant and his/her attorney, if any, at the last known address as indicated in the application file.~~
- ~~f. A hearing scheduled pursuant to this section may be continued, vacated, postponed, reset or rescheduled only for good cause and only with the approval of the Board. If the Board does not approve a change in the hearing date as provided in this subdivision, the Board shall hold the hearing and render its decision on the application on the hearing date originally scheduled in accordance with the provisions of this section.~~
- ~~g. Except as otherwise provided in this section or in this Chapter, all provisions of this Chapter are applicable to applications and hearings thereon pursuant to this section.
(Added August 25, 1982)~~

ARTICLE VII

HEARING – DETERMINATION

~~Sec. 86. — Burden of Proof.~~

~~The burden of proof shall rest upon the party who files the application.~~

~~Sec. 87. — Reporting.~~

~~A court reporter shall be retained for each hearing, and the cost of per diem services for the reporter shall be borne solely by the System.~~

~~Sec. 88. — Documentary Record.~~

~~At the commencement of the hearing on each application for disability retirement, the Retirement Administrator shall identify each document which is being made a part of the record of the hearing. Any and all objections to the admissibility of any document so identified shall be made and ruled upon at the time of identification. Objections not made at that time shall be deemed waived.~~

~~Sec. 89. — Witnesses.~~

~~Upon request by the Retirement Administrator in advance of the hearings, all parties shall identify any and all witnesses who each intends to call, and shall exchange such information with each other.~~

~~Unless stipulated by the parties or authorized by the Board, no witness shall be called who has not been identified in advance in the manner specified above.~~

~~Unless stipulated by the parties or authorized by the Board, no physician or other expert witness shall be called as a witness unless a written report has been made by the witness, the report has been included within the record, and has been made available to all interested parties in advance of the hearing.~~

~~All testimony shall be sworn.~~

~~Sec. 90. — Rules of Evidence.~~

~~The hearing will not be conducted according to formal rules of evidence. Any relevant evidence is admissible if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.~~

~~Sec. 91. — Objections.~~

~~All objections to the introduction or admissibility of evidence shall be determined by the President of the Board, subject to redetermination by the Board through motion duly made, seconded, and adopted by a majority of the members. The advice of the Legal Advisor shall be sought on all objections to the admissibility of evidence, in advance of ruling.~~

~~Sec. 92. — Prerogatives of the Board.~~

~~The Board reserves the right to reject any recommendation that an application be granted or denied, and to interrupt any hearing for the purpose of seeking independent medical advice or receiving other testimony or evidence not presented by the parties.~~

~~Sec. 93. — Absent Board Members.~~

~~No member of the Board who has not been in attendance during any portion of a hearing on an application for disability retirement shall participate in the determination by the Board of the application, unless the member has read a transcript of that portion of the hearing in which he/she was not in attendance, and has stated on the record that such review has been undertaken and completed.~~

~~Sec. 94. — Effective Date of Determination.~~

~~Whether an Applicant or member for whom an application is filed by a Department Head or this Board is disabled from the substantial performance of his/her duties shall be determined on the basis of the circumstances which pertain on the date of determination of the application by the Board, and on the basis of duties to which the Applicant or member could be assigned if returned to service; provided that an Applicant or member shall not be deemed disabled on the basis of an intervening cause or condition which has arisen subsequent to the date the application was filed. Any such intervening cause or condition may be asserted only pursuant to a new application.~~

~~Sec. 95. — Decision Findings.~~

~~The Retirement Administrator shall transmit by certified mail to the Applicant or Department Head and member for whom an application is filed by the Department Head or this Board written notice of the decision of the Board not later than ten (10) days after the decision has been made. Service of the notice shall be deemed complete when it is deposited in the United States mail, postage prepaid, with return receipt requested.~~

~~The decision of the Board shall become final, and not be subject to redetermination, fifteen (15) days following the date of service of notice of the decision, unless a written request for findings is received by the Retirement Administrator within fifteen (15) days after service of the notice of decision. If a timely written request for findings is made, the decision of the Board shall become final, and not subject to redetermination, upon the date on which the Board adopts the findings.~~

~~Sec. 96. — Limitation of Actions.~~

~~An action for judicial review of a determination by this Board shall be governed by the limitation period set forth in Chapter 1.06 of the Sacramento County Code.~~

CHAPTER 6

ADOPTION - AMENDMENTS

Sec. 101. Repeal.

Except as otherwise provided, Section 1 through 28 of these Bylaws which became effective May 22, 1979, are hereby repealed.

Sec. 102. Amendments.

These Regulations may be amended at any regular or special meeting of the Retirement Board by a majority vote of the Board, subject to approval by the Board of Supervisors. Amendments shall become effective when approved by the Board of Supervisors.

The foregoing Bylaws are hereby adopted and made effective for the Sacramento County Board of Retirement this 6th day of February, 1987.

APPROVED BY THE BOARD OF SUPERVISORS

DATE: February 24, 1987

Sec. 103. Amendments.

These Regulations may be amended at any regular or special meeting of the Retirement Board by a majority vote of the Board, subject to approval by the Board of Supervisors. Amendments shall become effective when approved by the Board of Supervisors.

The foregoing Bylaws are hereby adopted and made effective for the Sacramento County Board of Retirement this ___ day of _____, 2016.