

Lompoc City Council Agenda Item



City Council Meeting Date: August 7, 2007

TO: Gary P. Keefe, City Administrator

FROM: William j. Yanonis, Human Resources Director
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SUBJECT: INDUSTRIAL DISABILITY RETIREMENT OF CHRISTOPHER KIES

RECOMMENDATION:

That City Council adopts Resolution No. 5422(07) to effect the industrial disability retirement of Christopher Kies.

DISCUSSION:

Government Code Section 21025 provides that: "A local safety member shall be retired for disability only upon his employer's determination that he is incapacitated from performance of the duties of his position." The issues, which must be resolved by the employing agency, include:

1. Is the member substantially incapacitated for the performance of work duties and will the incapacity exist for a permanent, or extended, and uncertain duration?
2. If a determination is made that the member is disabled, is the disability considered industrial? Industrial means disability as a result of injury or disease arising out of, and in the course of, employment as a local safety member.

A request to the Public Employee's Retirement System for an industrial disability retirement was submitted on behalf of Police Agent Christopher P. Kies. In accordance with the Government Code, PERS has requested that the City make a determination of Agent Kies' disability.

BACKGROUND:

Christopher Kies was hired by the City of Lompoc on July 23, 1994 as a Reserve Police Officer II. He was promoted to Police Officer July 1, 1995 and Police Agent on November 1, 2003.

Police Agent Christopher Kies sustained work related injuries on September 5, 2004 that resulted in his death on January 12, 2007.

On July 19, 2007 the Workers' Compensation Appeals Board of the State of California determined that Christopher Kies suffered an industrial injury on September 5, 2004 that was a direct result of an industrial injury while employed as a Police Officer with the

City of Lompoc (see Attachment 1).

Therefore, based on the above Finding of Fact, staff concurs that Police Agent Christopher Kies meets the criteria established under Government Code Section 21156 & 21166 for industrial disability retirement and request that the City Council approve the industrial retirement application.

William j. Yanonis, Human Resources Director

APPROVED FOR SUBMITTAL TO CITY COUNCIL:

Gary P. Keefe, City Administrator

ATTACHMENTS: (1)

Resolution No. 5422(07)