

AD HOC COMMITTEE ON DISABILITY PENSIONS

AGENDA

Board of Fire and Police Pension Commissioners

Garrett Zimmon, Chair
Brian Pendleton, Vice Chair
Ruben Navarro
Paul Weber

February 6, 2020

**10:00 a.m. or as soon thereafter as the
Board adjourns its regular meeting**

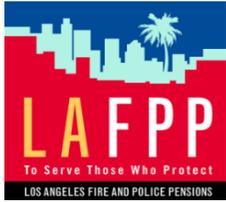
Sam Diannitto Boardroom
Los Angeles Fire and Police Pensions Building
701 East 3rd Street, Suite 400
Los Angeles, CA 90013

An opportunity for the public to address the Board or Committee about any item on today's agenda for which there has been no previous opportunity for public comment will be provided before or during consideration of the item. Members of the public who wish to speak on any item on today's agenda are requested to complete a speaker card for each item they wish to address, and present the completed card(s) to the commission executive assistant. Speaker cards are available at the commission executive assistant's desk.

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board or applicable Committee of the Board in advance of their meetings may be viewed at the office of the Los Angeles Fire and Police Pension System (LAFPP), located at 701 East 3rd Street, 2nd Floor, Los Angeles, California 90013, or by clicking on LAFPP's website at www.lafpp.com, or at the scheduled meeting. Non-exempt writings that are distributed to the Board or Committee at a scheduled meeting may be viewed at that meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the commission executive assistant, at (213) 279-3038 or by e-mail at rhonda.ketay@lafpp.com.

Sign language interpreters, communication access real-time transcription, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing sign language interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Department of Fire and Police Pensions, (213) 279-3000 voice or (213) 628-7713 TDD.

1. [DISCUSSION ON INFORMATION FOR SURVIVOR APPLICATIONS BASED ON A MEMBER'S SUICIDE AND POSSIBLE COMMITTEE ACTION](#)
2. PRESENTATION/DISCUSSION FROM LAPD/LAFD PSYCHOLOGISTS
3. [DISCUSSION ON MODIFICATIONS TO BOARD OPERATING POLICIES AND PROCEDURES FOR DISABILITY HEARINGS AND POSSIBLE COMMITTEE ACTION](#)
4. GENERAL PUBLIC COMMENTS ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION



SPECIAL MEETING

AGENDA

Board of Fire and Police Pension Commissioners

February 6, 2020

**10:00 a.m. or as soon thereafter as the
Board adjourns its regular meeting**

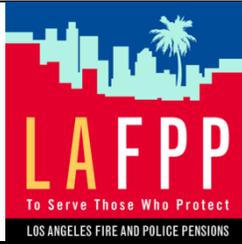
Sam Diannitto Boardroom
Los Angeles Fire and Police Pensions Building
701 East 3rd Street, Suite 400
Los Angeles, CA 90013

An opportunity for the public to address the Board or Committee about any item on today's agenda for which there has been no previous opportunity for public comment will be provided before or during consideration of the item. Members of the public who wish to speak on any item on today's agenda are requested to complete a speaker card for each item they wish to address, and present the completed card(s) to the commission executive assistant. Speaker cards are available at the commission executive assistant's desk.

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board or applicable Committee of the Board in advance of their meetings may be viewed at the office of the Los Angeles Fire and Police Pension System (LAFPP), located at 701 East 3rd Street, 2nd Floor, Los Angeles, California 90013, or by clicking on LAFPP's website at www.lafpp.com, or at the scheduled meeting. Non-exempt writings that are distributed to the Board or Committee at a scheduled meeting may be viewed at that meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the commission executive assistant, at (213) 279-3038 or by e-mail at rhonda.ketay@lafpp.com.

Sign language interpreters, communication access real-time transcription, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing sign language interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Department of Fire and Police Pensions, (213) 279-3000 voice or (213) 628-7713 TDD.

1. [DISCUSSION ON INFORMATION FOR SURVIVOR APPLICATIONS BASED ON A MEMBER'S SUICIDE AND POSSIBLE COMMITTEE ACTION](#)
2. PRESENTATION/DISCUSSION FROM LAPD/LAFD PSYCHOLOGISTS
3. [DISCUSSION ON MODIFICATIONS TO BOARD OPERATING POLICIES AND PROCEDURES FOR DISABILITY HEARINGS AND POSSIBLE COMMITTEE ACTION](#)
4. GENERAL PUBLIC COMMENTS ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION



DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE AD HOC COMMITTEE ON DISABILITY PENSIONS

DATE: FEBRUARY 6, 2020 **ITEM:** 1

FROM: RAYMOND P. CIRANNA, GENERAL MANAGER

SUBJECT: DISCUSSION ON INFORMATION FOR SURVIVOR APPLICATIONS BASED ON A MEMBER'S SUICIDE AND POSSIBLE COMMITTEE ACTION

RECOMMENDATION

That the Committee advise Staff which forms of additional documentation are recommended for inclusion in the Administrative File for survivor applications based on a member's suicide.

BACKGROUND

At the December 19, 2019 meeting, the Ad Hoc Committee expressed interest in discussing the documentation staff should attempt to collect and present for the Board's consideration when preparing survivorship pension applications based on a member's suicide. Disability Pensions Section currently has three pending survivorship pension applications resulting from a member's suicide.

When a survivor applies for benefits following a member's suicide, the process of document collection parallels that of other survivor cases. Staff conducts an interview of the survivor and obtains the necessary waivers for the collection of personnel and medical documentation. Staff reviews the information and generates the administrative file. This file is then sent to one or more pension physicians who review the records and opine regarding the cause of death and service-connectedness.

DISCUSSION

Staff makes every attempt to collect and review all personnel, medical, and psychological records when assembling the administrative file for survivorship pension applications. Often, Staff encounters difficulty in obtaining documentation due to legal restrictions. Common hurdles that Staff may experience during document collection include the following factors:

1. Staff cannot obtain relevant psychological records from City psychologists, due to legal restrictions. Per California law, only the officially designated representative of the deceased member can consent to the release of psychological records. If the survivor does not have Power of Attorney or is not the pre-designated executor of the deceased member's estate, it can take months before the survivor can legally authorize the City to release the required information.
2. Staff does not receive psychological records from professionals seen by the member outside of the City, such as through insurance companies, due to legal restrictions.
3. Staff cannot obtain military records, due to legal restrictions.

4. Workers' Compensation records received by Staff do not contain medical or psychological records pertaining to the suicide if the member sought treatment outside of the Workers' Compensation system.
5. Staff may not become aware of relevant psychological issues until late in the process. Often, Staff may only learn about stress or other relevant psychological issues following receipt of the complaint history provided by the deceased member's employing department. Staff may encounter difficulties in obtaining documentation related to issues identified in a personnel complaint.

Staff is currently exploring alternatives to obtaining supplemental information that may assist in the Board's consideration of these types of survivorship applications. LexisNexis may be utilized for legal and public records-related research, but costs per search vary depending on the information desired. In addition, LAFPP has recently contracted with Argus West for investigation and surveillance services, which may be suitable for conducting in-depth, comprehensive research when circumstances warrant. When investigating a death claim, Argus West typically takes statements from the employer and co-workers, or any individuals that worked closely with the deceased. The spouse is usually not contacted unless directed to do so. Some searches conducted by Argus West, such as financial record requests, may require a subpoena. The City Attorney is researching what authority the Board may have to issue its own subpoenas to support these record requests.

It is important to note the limitations of staff in obtaining certain information that may be relevant for the Board to consider. Personal information of an applicant or other tangential information can be extremely difficult to obtain due to legal or other reasons as explained above. As staff's role has not been adversarial, intrusive type research has traditionally been discouraged. However, Staff will continue to make every effort to compile a complete record for the Board to consider during a disability hearing.

BUDGET

Potential costs for research conducted in LexisNexis range from \$0.50 to \$40.00 per search depending on the type. Argus West provides investigative services at the cost of \$75 per hour.

POLICY

No policy changes at this time.

CONTRACTOR DISCLOSURE INFORMATION

There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR



DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE AD HOC COMMITTEE ON DISABILITY PENSIONS

DATE: FEBRUARY 6, 2020 **ITEM:** 3

FROM: RAYMOND P. CIRANNA, GENERAL MANAGER

SUBJECT: DISCUSSION ON MODIFICATIONS TO BOARD OPERATING POLICIES AND PROCEDURES FOR DISABILITY HEARINGS AND POSSIBLE COMMITTEE ACTION

DISCUSSION

At the January 16, 2020 Board meeting, Disability Pensions Section staff presented the attached report detailing recommendations from the Ad Hoc Committee regarding modifications to the Board Operating Policies and Procedures for Disability Hearings. This report requested that the Board direct staff to prepare the following policy amendments:

1. Require that an applicant, or his/her authorized representative, provide to Staff the name, title, and a summary of the testimony for each witness testifying no later than ten (10) working days prior to the hearing date; and,
2. Formation of a subset of commissioners to serve as Disability Hearing Chairs for all disability pension and survivor applications brought before the Board.

After discussion, the Board agreed that the matter should be tabled until the Ad Hoc Committee receives input regarding the amendments from both attorneys and union representatives actively involved in the Disability pension process. Staff has extended invitations to these individuals to address the Ad Hoc Committee at the February 6, 2020 meeting.

BUDGET

No impact at this time.

POLICY

If recommendations for policy changes are approved, the amendments to the Board Operating Policies and Procedures will be presented at an upcoming Board meeting.

CONTRACTOR DISCLOSURE INFORMATION

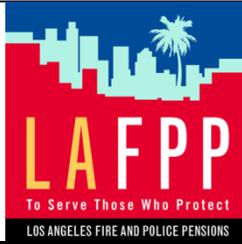
There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR

Attachment: January 16, 2020 Board Report (Modifications to Board Operating Policies and Procedures for Disability Hearings and Possible Board Action)



DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE BOARD OF FIRE AND POLICE PENSION COMMISSIONERS

DATE: JANUARY 16, 2020

ITEM: A.1

FROM: AD HOC COMMITTEE ON DISABILITY PENSIONS
GARRETT ZIMMON, CHAIR
BRIAN PENDLETON, VICE CHAIR
RUBEN NAVARRO
PAUL WEBER

SUBJECT: MODIFICATIONS TO BOARD OPERATING POLICIES AND PROCEDURES FOR
DISABILITY HEARINGS AND POSSIBLE BOARD ACTION

RECOMMENDATION

That the Board direct staff to prepare amendments to the Board Operating Policies and Procedures, Section 4.0 - Hearings, as follows:

1. Require that an applicant, or his/her authorized representative, provide to Staff the name, title, and a summary of the testimony for each witness testifying no later than ten (10) working days prior to the hearing date; and,
2. Formation of a subset of commissioners to serve as Disability Hearing Chairs for all disability pension and survivor applications brought before the Board.

BACKGROUND

On December 19, 2019, the Ad Hoc Committee on Disability Pensions discussed improvements to the disability hearing process. The Committee discussed ways to streamline the hearing, with a focus on reducing the length of each hearing and improving the evidence presented during the hearing. The Committee discussed the establishment of a subset of specially trained commissioners who will serve as Disability Hearing Chairs to assist in these goals. The changes discussed at the Committee will necessitate amendments to the Board Operating Policies and Procedures. If the above recommendations are approved, the amendments to the Board Operating Policies and Procedures will be presented at an upcoming Board meeting.

DISCUSSION

Witness testimony at disability hearings is addressed in the Board Operating Policies and Procedures, Section 4.3, as follows: "An applicant, the Department of Fire and Police Pensions or the applicant's employing department may present witnesses or evidence relevant to the application. All witness testimony shall be sworn." Section 4.4 addresses evidence and states, "All evidence to be presented at a hearing must be received by the Department of Fire and Police Pensions no later than ten (10) working days prior to the hearing date; although the Board may waive this requirement upon showing that no prejudice to any party will result."

Currently, there is no requirement in the Board Operating Policies and Procedures that requires that an applicant or his/her authorized representative provide Staff with a list of witnesses prior to the disability hearing. This makes it difficult to anticipate the length of a disability hearing and for Staff to be prepared to answer any questions arising from witness testimony. The Board policies will be amended to require that a complete list of witnesses, title of witness (if any), the subject matter of the testimony, and a summary of information to be provided by each witness, must be provided to Staff a minimum of ten (10) working days prior to the disability hearing. This will better prepare Staff and the Commissioner assigned the case to manage the length of the hearing and possibly eliminate any duplicative testimony from multiple witnesses. The witness statements are also expected to reduce the need for lengthy testimony regarding the applicant's character and/or work history. Staff expects that detailed witness statements will allow the Board to ensure that the testimony focuses on facts relevant to establishing service connection and/or the extent of the applicant's physical and/or psychological limitations.

The Board Operating Policies and Procedures, Section 4.5, addresses the assignment of cases to commissioners at disability hearings. It states, "The General Manager shall rotate the assignment of cases between all the commissioners in an equitable manner. No Commissioner, including the President of the Board, shall be excluded from this responsibility." This rotation of cases results in Commissioners (particularly newer Commissioners) having limited experience conducting disability hearings, especially cases where the applicant disagrees with the staff recommendation. Due to the fact that there is a total of nine Commissioners, there may be a period of several months or more between a Commissioner's handling of an Alt 2 case.

The Committee discussed the establishment of a subset of commissioners to oversee disability pension and survivor application hearings. The designated Commissioners would be subject matter experts trained in conducting administrative hearings and would serve as Disability Hearing Chairs. Staff and the City Attorney will provide the selected Commissioners specialized training on managing the disability hearings. The Disability Hearing Chairs would be responsible for ensuring that the disability hearing proceed efficiently and expeditiously.

BUDGET

No impact at this time.

POLICY

If the above recommendations are approved, the amendments to the Board Operating Policies and Procedures will be presented at an upcoming Board meeting.

CONTRACTOR DISCLOSURE INFORMATION

There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR