

Retired Fire and Police Association of San Diego
Board of Directors' Meeting
Special Meeting
October 12, 2007
10:00 AM SDCERS OFFICE
401 West A Street, San Diego, Ca

Meeting with DAVID WESCOE, Administrator

ROLL CALL OF OFFICERS:

Ron Moskowitz, President	Bill Farrar, Director
Jim Clem, Vice President	C J Cloniger, Director
James Hunter, Treasurer	Tom Rouse, Director Excused
John Hartman, Secretary	Mike May, Director
Tony Hancock, Director Excused	Christine Gregg, Director Excused
Keith Enerson, President Emeritus	Excused

Present at this meeting was Rebecca L. Wilson, Benefits Chairman, SDCERS.

The purpose of this meeting was to discuss the procedures involved in the re-examination of the Members retired under the Disability Retirement Rules for members that have not reached Service Retirement Age.

The rules governing **Disability Retirement** is found in San Diego Municipal Code, Article 4: City Employee's Retirement System; Division 5: Disability Retirements. §24.0501 through §24.0505 INDUSTRIAL DISABILITY-Safety and General Members. The two Municipal Code Sections specific to this meeting are **§24.0509 Annual Filing of Disability Affidavit** and **§24.0510 Periodic Physical Exams of Disability Retirees**.

Municipal Code Section §24.0509 *The Board of Administration shall prescribe rules and regulations for an annual filing of an affidavit of condition of disability from any member, including safety member, who has been retired for disability, industrial and non-industrial.* The RFPA Board requested from Mr. Wescoe, Administrator, copies of the rules and regulations for this procedure. The RFPA Board does not have any argument to this requirement. The RFPA Board has expressed concerns that the "Staff" of SDCERS has been using the "affidavits" as a basis for re-examination. In some cases if the member has indicated "he or she has not seen a doctor, for the condition causing the retirement", in the Memorandums – Staff is using that information for the basis of a review as specified in Municipal Code §24.0510 Periodic Physical Exams of Disability Retirees. MAY – That is a Workman's Compensation review. WESCOE – We have sent a request to the City of San Diego, Scott Chadwick, "language to clarify the difference between "workman's compensation and disability retirement" and that has not occurred.

Some Disability Retirees have been required to have a Medical Review and the Doctor or Medical Practitioner does not have any information regarding the reason for the review.

WESCOE – The Municipal Code requires Medical Reviews of (any) Non-Service age Disability Retirees. Should we use the "Lottery or Subjective Method" for medical review? We all agree that the Subjective Method be used for determining who will be reviewed.

The RFPA want to know what the "rules and regulations" are in place to determine who will be subjected to the Medical Review Process. As specified in SD Municipal Code Section §24.0510 "**The Board of Administration shall prescribe rules and regulations providing for periodic physical examination of any member...**". We have asked for copies of the "rules and regulations" and have not received any copies.

WESCOE – I request that any issues be put in writing and I will deal with the issues. If there are any members of the Legal Community (Lawyers), have them contact me directly. I received a letter from Jim Tucker, (Disability Retiree, PD) about a letter he received from SDCERS that it was an ominous letter. Once I read the letter he received, I agreed with him. As the Administrator and a Lawyer, that letter should not have been sent to any member.

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MAY – The San Diego Police Officer's Association and Firefighter Local 145 are also questioning the "Medical Review" process. Former SDCERS President Peter Prevolos said the SDCERS Board should not review the documents they should be sent out for review.

CLEM – We are hearing from our members that SDCERS is using the "bully process" when they are required to have a Medical Review of their Disability. They are concerned they may have to hire an Attorney with fees starting at \$10,000 up to \$30,000 because of the fear imposed by the SDCERS Staff they may lose their Retirement. SDCERS is like a giant Government Agency with unlimited resources to "go after" the member. The member can't go to SDCERS and ask for SDCERS to pay for an Attorney to represent them. We understand there are abuses in the system (fraud involving "Industrial Disability Retirements) and there is a process to investigate those abuses. We are concerned that there is this "perception" that every member that is receiving disability retirement is a target by SDCERS Staff to have their disability retirement taken away from them. Most members don't have the money or resources to hire an Attorney or even the money to contest the "medical review".

WESCOE – I have been a Government Lawyer and understand the power and resources the government has to use against individuals. I also understand the responsibility not to abuse that power. I have not been satisfied with the "disability review process" and on Monday, October 15, 2007 at 9:00 am, I will take personal responsibility for the disability retirement process.

Meeting adjourned.

John F. Hartman, Secretary