

MEMO

Meeting Date
08/14/13
Agenda Item
#9

Date: August 14, 2013

To: CCCERA Board of Retirement

From: Marilyn Leedom, Chief Executive Officer

Subject: CCCERA In-House Disability Counsel Position

Recommendation: *To approve establishment of a new In-House Staff Counsel position, with an emphasis on disabilities*

Background:

The 2013 Budget discussed the need to establish succession planning for our current disability counsel who works on a contract basis through Contra Costa County, and has indicated the possibility of retirement in 2014. When the 2013 Budget was presented, staff discussed that funding for this position was not included with the 2013 Budget, but that staff would return at a future date with a request to the Board for approval of this position.

A brief discussion with the Board addressed the possibility of continuing to work with County Counsel to fill this crucial position. We have contacted County Counsel regarding the staffing needs of CCCERA for disability counsel in light of the anticipated departure of our current disability counsel. They have confirmed that they will be unable to provide staffing for this position in the future, after the departure of the existing disability counsel.

Currently the disability counsel works approximately 100 hours per month on CCCERA disability business, on a contract basis through the County. The needs of CCCERA have expanded in this area over the last few years as the number of Tier 1 disability applications declined and the number of Tier 3 disability applications increased. Because of the stricter Tier 3 disability standards, more analysis and reports are required. In addition, a higher percentage of the Tier 3 disability applicants request a hearing, resulting in an increased workload for disability counsel. We currently have approximately 23 outstanding cases which will require complicated analysis and probable hearings. The discovery process for Tier 3 disabilities is extensive, frequently requiring obtaining independent medical and psychiatric evaluations and lengthy reports.

The need for expanded disability counsel accompanies the need to train with our existing disability counsel prior to her departure. Both training and additional help on existing files is necessary. While we request approval of this position now so that we can start working with HR, we do not anticipate recruiting for this position until the end of 2013 with a start date in early 2014. This recruitment date should allow for an extended training period and also create an opportunity to complete the outstanding workload.

I respectfully request the Board establish a new in-house Retirement Staff Counsel position (exempt) with an emphasis on disabilities with a salary not to exceed that of the Retirement General Counsel position, less 10%.