



Sacramento Regional Transit District Agenda

ATU SPECIAL RETIREMENT BOARD MEETING 3:00 P.M., FRIDAY, NOVEMBER 20, 2020

Via phone: Call (510) 338-9438 and enter Access Code 126 068 1878.

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ROLL CALL

ATU Retirement Board:

Directors: Li, Kennedy, Niz, McGee Lee

Alternates: Jennings, Land

PUBLIC ADDRESSES BOARD ON MATTERS ON MATTERS NOT ON THE AGENDA

At this time the public may address the Retirement Board(s) on subject matters pertaining to Retirement Board business listed on the Consent Calendar, any Closed Sessions or items not listed on the agenda. Remarks may be limited to 3 minutes subject to the discretion of the Common Chair. Members of the public wishing to address one or more of the Boards may submit a “Public Comment Speaker Request” via e-mail to Retirement@SacRT.com. While the Retirement Boards encourage your comments, State law prevents the Boards from discussing items that are not set forth on this meeting agenda. The Boards and staff take your comments very seriously and, if appropriate, will follow up on them.

NEW BUSINESS

1. Resolution: Approving a Disability Retirement Application for Martin Justinich (ATU). (Gobel)

REPORTS, IDEAS AND COMMUNICATIONS

ADJOURN

NOTICE TO THE PUBLIC

It is the policy of the Boards of Directors of the Sacramento Regional Transit District Retirement Plans to encourage participation in the meetings of the Boards of Directors. At each open meeting, members of the public shall be provided with an opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Boards.

This agenda may be amended up to 24 hours prior to the meeting being held. An agenda, in final form, is located by the front door of Regional Transit's building at 1400 – 29th Street and posted to SacRT's website at www.sacrt.com.

Any individuals requesting special accommodation to attend and/or participate in this meeting, including person(s) requiring accessible formats of the agenda or assisted listening devices/sign language interpreters, should contact the Pension and Retiree Services Administrator at 916-556-0296 or TDD 916/483-4327 at least 24 business hours in advance of the Board Meeting.

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on file with the Human Resources Analyst at 916-556-0245 and/or Clerk to the Board of Directors of the Sacramento Regional Transit District and are available for public inspection at 1400 29th Street, Sacramento, CA. Any person who has questions concerning any agenda item may call the Human Resources Administrative Technician of Sacramento Regional Transit District to make inquiry.

DATE: November 18, 2020

Agenda Item 1

TO: Sacramento Regional Transit Retirement Board – ATU

FROM: John Gobel - Manager, Pension and Retirement Services

SUBJECT: APPROVAL OF DISABILITY RETIREMENT APPLICATION BY
MARTIN JUSTINICH - ATU

RECOMMENDATION

Adopt Resolution No. 20-_____, Approving Disability Retirement of Martin Justinich.

RESULT OF RECOMMENDED ACTION

Applicant Martin Justinich will receive a Disability Retirement (ATU).

FISCAL IMPACT

Retirement benefits are funded under the Retirement Plan for Regional Transit Employees who are Members of **ATU** Local 256, hereinafter the “Retirement Plan.”

DISCUSSION

Eligibility: Martin Justinich, hereinafter the “Applicant,” is a member of the Retirement Plan, pursuant to Article 3 of the Retirement Plan.

Vesting: The Applicant was in the continuous employ of the District since October 16, 2003 as a full-time employee. He has completed at least 10 Years of Service and achieved 100% vesting pursuant to Article 5 of the Retirement Plan.

Service: The Applicant was an Eligible Employee within the meaning of Article 2 of the Retirement Plan when the illness or injury at issue occurred, and terminated service as an Employee of the District on July 31, 2020.

Disability: The Applicant submitted a Disability Retirement Application on August 1, 2020. Although the Applicant has not been examined by the Board’s physician, there are special circumstances in this case that the Board may determine warrant a departure from the usual procedures and approval of the Disability Retirement Application based on the medical facts reported by Staff.

Eligibility for a Disability Retirement requires that the Applicant have a “Disability,” which is defined in the Plan as “a permanent physical or mental condition of an Eligible Employee, resulting from illness or injury, that disqualifies the Employee from performing the duties of his or her position with the District for reasons not constituting cause for discharge.” The Plan provides that the Board has sole authority to determine whether a

Disability has occurred, and that the Board will make its determination based on medical evidence.

Under the Board's "Procedures to Process Application for Disability Retirement" ("Procedures"), disability retirement applicants are to be examined by the Board's physician, who also reviews the applicant's medical records and issues a written report to the Board that includes the physician's opinion regarding whether the applicant has a "Disability" as defined in the Plan.

Currently, the Board's physician provides these services pursuant to the District's contract with Sutter Medical Foundation. However, Staff was recently notified that the Board's physician has ceased providing physical examinations for disability determinations, and that Sutter cannot make another physician available to provide those services. Given the extraordinary facts in this case, Staff conferred with Legal Counsel, who has advised that the Board may elect to waive its Procedures, and exercise its authority to make the required determination of Disability with respect to the Applicant without a written report from an examining physician, based on the known medical evidence as reported by Staff.

Staff has reviewed the record assembled in support of this Disability Retirement Application and confirmed the following information:

1. Applicant was diagnosed with Diabetes Mellitus approximately 20 years ago.
2. Applicant subsequently experienced neuropathy, foot problems and, ultimately, bilateral below-the-knee-amputation (BKA).
3. Applicant is currently on dialysis and suffering from Stage 5 chronic kidney disease (CKD).
4. Applicant requested accommodation and participated in interactive meetings prior to submitting his Disability Retirement Application, but was informed that the District could not offer permanent, modified duty or alternate employment.

Consistent with these medical facts, Staff is submitting this Disability Retirement Application for action without the benefit of a separate report from the Board's physician.

- *Absent a Disability Retirement, Applicant will not be eligible to receive a lifetime benefit from the Retirement Plan until December 2026.*

Retirement Date: The Applicant's benefits will commence on August 1, 2020, provided the Retirement Board determines that the Applicant has a Disability as defined in the Plan and approves the Disability Retirement.

Allowance: With approval from the Retirement Board, Staff will direct the actuary for the Retirement Plan to calculate the retirement benefits to which the Applicant is entitled.

RESOLUTION NO. 2020-_____

SACRAMENTO REGIONAL TRANSIT RETIREMENT BOARD RESOLUTION

Agenda Item: 1

Adopted by the Board of Directors for the Retirement Plan for the Sacramento Regional Transit District Employees who are Members of the **ATU Local Union 256** on this date:

November 20, 2020

APPROVE DISABILITY RETIREMENT APPLICATION FOR MARTIN JUSTINICH

BE IT HEREBY RESOLVED BY THE RETIREMENT BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT FOR EMPLOYEES WHO ARE MEMBERS OF THE ATU LOCAL UNION AS FOLLOWS:

THAT, THE Board of Directors of the Retirement Plan for Regional Transit Employees who are Members of the ATU Local Union 256 (Retirement Board) hereby approves the disability retirement application for Martin Justinich.

RALPH NIZ, Chair

ATTEST:

Henry Li, Secretary

By:

John Gobel, Interim Assistant Secretary