

RESOLUTION NO. 2024- 8974

**RESOLUTION AMENDING RESOLUTION 2024- 8965 OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF PLUMAS
TO APPROVE INDUSTRIAL DISABILITY RETIREMENT OF
MR. JESSE W. LEISS
(Section 21156, Government Code)**

WHEREAS, the County of Plumas (hereinafter referred to as Agency) is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS Resolution 2024-8965 was adopted on November 12, 2024, but did not accurately reflect the retirement date of the employee and expiration of his rights under Gov. Code sections 21163 and 21164 and must be amended herein; and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for industrial disability retirement for inability to perform duties due to back injury from Mr. Jesse W. Leiss employed by the Agency in the position of Deputy Sheriff II – Intermediate has been filed with CalPERS; and

WHEREAS, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability.

WHEREAS, the Board of Supervisors has reviewed Resolution No. 2024-8695 adopted on November 12, 2024, and determined that the Resolution did not accurately reflect the retirement date of the employee and expiration of his rights under Gov. Code sections 21163 and 21164 and seeks to amend that Resolution.

NOW, THEREFORE BE IT RESOLVED:

Resolution No. 2024-8695 is amended to reflect the correct retirement date of the employee to May 18, 2024, and expiration of his rights under Gov. Code sections 21163 and 21164 to May 29, 2024, as outlined in clause 5 of this amended resolution; and

That the Board of Supervisors find and determine that Mr. Jesse W. Leiss is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Deputy Sheriff II – Intermediate for his back injury and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If any of the following disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination.

- Disciplinary process was underway prior to the member's separation from employment.
- Terminated for cause.
- Resigned or service retired in lieu of termination.

- The member signed an agreement to waive their reinstatement rights as part of a legal settlement (i.e., Employment Reinstatement Waiver).
- Convicted of or is being investigated for a work-related felony.

(1) Mr. Jesse W. Leiss had filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

(2) **BE IT FURTHER RESOLVED THAT**, the Board of Supervisors hereby find and determine that such a disability is an injury arising out of and in the course of employment with the agency.

(4) Neither said Mr. Jesse W. Leiss nor the agency, County of Plumas has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability is industrial.

(5) **BE IT FURTHER RESOLVED** that the last date paid in the position of Deputy Sheriff II – Intermediate after expiration of his rights under Gov. Code sections 21163 and 21164, is effective 05/29/2024 and that no dispute as to the expiration of such leave rights is pending. The last reported payroll reported by the agency was for 05/05/2024-5/17/2024. The retirement date is 05/18/2024. The member has already exhausted 4850 benefit, Total Temporary Disability, and Compensating Time Off (CTO).

(6) There is not a possibility of third-party liability.

(7) Advanced Disability Pension Payments will be made for November 2024 and December 2024.

(8) The primary disabling condition is a back injury.


(9) The duration of the disabling condition is expected to be permanent which is certified by competent medical opinion.

The forgoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 17th day of December 2024, by the following vote:

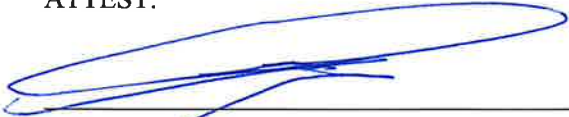
AYES: Supervisors: Engel, Hagwood, Ceresola, McGowan, Goss

NOES: Supervisors

ABSENT: Supervisors


Chairperson, Board of Supervisors

ATTEST:


Clerk of the Board

Approved as to form:


Joshua Bredittel, Attorney
County Counsel's Office

RESOLUTION NO. 2024- 8965

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS
TO APPROVE INDUSTRIAL DISABILITY RETIREMENT OF
MR. JESSE W. LEISS
(Section 21156, Government Code)**

WHEREAS, the County of Plumas (hereinafter referred to as Agency) is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for industrial disability retirement for inability to perform duties due to back injury from Mr. Jesse W. Leiss employed by the Agency in the position of Deputy Sheriff II – Intermediate has been filed with CalPERS; and

WHEREAS, the Board of Supervisors has reviewed the medical and other evidence relevant to such alleged disability.

(1) NOW, THEREFORE BE IT RESOLVED:

That the Board of Supervisors find and determine that Mr. Jesse W. Leiss is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Deputy Sheriff II – Intermediate for his back injury and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If any of the following disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination.

- Disciplinary process was underway prior to the member's separation from employment.
- Terminated for cause.
- Resigned or service retired in lieu of termination.
- The member signed an agreement to waive their reinstatement rights as part of a legal settlement (i.e., Employment Reinstatement Waiver).
- Convicted of or is being investigated for a work-related felony.

(2) Mr. Jesse W. Leiss had filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

(3) BE IT FURTHER RESOLVED THAT, the Board of Supervisors hereby find and determine that such a disability is an injury arising out of and in the course of employment with the agency.

(4) Neither said Mr. Jesse W. Leiss nor the agency, County of Plumas has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability is industrial.

(5) BE IT FURTHER RESOLVED that the last date paid in the position of Deputy Sheriff II – Intermediate after expiration of his rights under Gov. Code sections 21163 and 21164, is effective November 13, 2024, and that no dispute as to the expiration of such leave rights is pending. The retirement date is November 3,

2024. The member has already exhausted 4850 benefit and Compensating Time Off (CTO). The member will be using unused sick leave until the last date paid.

- (6) There is not a possibility of third-party liability.
- (7) Advanced Disability Pension Payments will not be made.
- (8) The primary disabling condition is a back injury.
- (9) The duration of the disabling condition is expected to be permanent which is certified by competent medical opinion.

The forgoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 12th day of November 2024, by the following vote:


AYES: Supervisors Ceresola, McGowan, Engel, Hagwood

NOES: Supervisors

ABSENT: Supervisors Goss



Chairperson, Board of Supervisors

ATTEST:


Clerk of the Board

Approved as to form:


Joshua H. Hensel, Attorney
County Counsel's Office