

**CITY OF BELLEVUE  
LEOFF 1 DISABILITY BOARD  
Meeting Minutes**

August 4, 2015  
5:30 p.m. – Administration  
6:00 p.m. – Business Meeting

Conference Room 1E-118  
Bellevue City Hall

**MEMBERS PRESENT:** Chairperson Susan Neiman  
Boardmember Wayne Bergeron  
Councilmember Lynne Robinson  
Councilmember John Stokes<sup>1</sup>

**MEMBER ABSENT:** Boardmember Bryan Reil

**OTHERS PRESENT:** Paula Dillon, Human Resources  
Siona Windsor, City Attorney's Office

**MINUTES TAKER:** Michelle Cash

**I. CALL TO ORDER**

The meeting was called to order at 6:05 p.m. by Chair Neiman.

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

Approval of the meeting minutes was postponed until later in the meeting agenda.

**IV. CONSIDERATION OF APPLICATIONS FOR DISABILITY ALLOWANCES**

A. Applications for Disability Allowances

**Motion by Boardmember Bergeron and second by Councilmember Robinson to approve the Applications for Disability Allowances as presented.**

Councilmember Robinson requested additional information regarding the initial injury mechanism for Member #138. The documentation was unclear as to whether the Member was injured while walking on a treadmill or if the member was already injured and then the treadmill exacerbated the pain. The Member claimed lower back and leg pain while walking on a

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<sup>1</sup> Arrived at 6:15 p.m.

treadmill at work. Boardmembers directed staff to request additional information from the Member.

**Motion by Boardmember Bergeron and second by Councilmember Robinson to amend the motion to approve the Application for Disability Allowances as presented and approve Member #138's claim as non-duty related. At the question, motion carried unanimously (3-0) to approve the amendment to the motion.**

**At the question, motion carried unanimously (3-0) to approve the Applications for Disability Allowances. Member #138's claim was approved as non-duty related.**

B. Applications for Disability Allowances Greater than 1 month

**Motion by Boardmember Bergeron and second by Councilmember Robinson to approve the Applications for Disability Allowances Greater than 1 month as presented.**

Boardmembers requested additional information regarding the initial injury mechanism for Member #138.

**Motion by Boardmember Bergeron and second by Councilmember Robinson to amend the motion to approve the Application for Disability Allowances Greater than 1 month as presented and approve Member #138's claim as non-duty related. At the question, motion carried unanimously (3-0) to approve the amendment to the motion.**

**At the question, motion carried unanimously (3-0) to approve the Applications for Disability Allowances Greater than 1 month. Member #138's claim was approved as non-duty related.**

**V. CONSIDERATION OF MEDICAL CLAIMS**

A. Routine Claims

None.

B. Special Claims

None.

C. Pre-Approved Recurring Long-Term Care Claims

The pre-approved recurring long-term care claims were reviewed and included in the Board packet.

## **VI. STAFF REPORT**

None.

## **VII. UNFINISHED BUSINESS**

### **A. Approval of Minutes**

**Motion by Councilmember Stokes and second by Boardmember Bergeron to approve the July 7, 2015 LEOFF 1 Disability Board meeting minutes as presented.**

Ms. Cash made a correction to page 2, paragraph 1 of the meeting minutes. The bold font should be removed from the paragraph and the last two words of the paragraph, “(emphasis added)” should be deleted.

**At the question, motion carried unanimously (4-0) to approve the revised meeting minutes.**

### **B. Member #69 Disability Leave**

Ms. Windsor reminded Boardmembers that the Board took action regarding Member #69’s claim at the July 7, 2015 Board meeting. In particular, the Board passed a motion, based upon the information presented, that the Board could not reasonably conclude that the claim was duty related. Since Councilmember Robinson was unable to attend the July 7, 2015 Board meeting, she noted that she listened to a recording of the meeting, in particular the claim related to Member #69.

*Break 6:20-6:29 p.m.*

Ms. Windsor explained that on July 7, 2015 the Disability Board reconsidered its February 3, 2015 determination that Member #69’s January 16, 2015 disability leave was non-duty related. After carefully considering the further information presented to the Board on this subject at its July 7, 2015 meeting, the Board reaffirmed its earlier decision that the January 16, 2015 disability leave was non-duty related.

Boardmembers were presented with proposed Findings and Conclusions consistent with its July 7, 2015 decision for consideration and adoption.

Ms. Windsor noted that the majority of the materials submitted for consideration at the July 7, 2015 Board meeting were provided by Member #69’s attorney, rather than the Member’s physician.

**Motion by Boardmember Bergeron and second by Councilmember Stokes to adopt the proposed Findings and Conclusions reference document as presented. Motion carried unanimously (4-0).**

**VIII. NEW BUSINESS**

None.

**IX. ANNOUNCE DATE & TIME OF NEXT MEETING**

The next Disability Board meeting will be held on September 1, 2015.

**X. ADJOURNMENT**

By general consensus, the meeting was adjourned at 6:34 p.m.



**City of Bellevue**  
**Human Resources Department**

**Date: July 29, 2015**  
**To: LEOFF 1 Disability Board members**  
**From: Paula Dillon x 7198, Human Resources**  
**RE: Tuesday, August 4, 2015 Regular Meeting**

Please review the attached Agenda packet for the upcoming LEOFF 1 Disability Board meeting on Tuesday, August 4, 2015. The meeting will be held in Room 1E-118.

Attachments

**Distribution List**

*Disability Board Members:*

Susan Neiman, Chair  
Lynne Robinson, Councilmember  
John Stokes, Councilmember  
Wayne Bergeron, Fire Department  
Bryan Reil, Police Department

*Other Copies:*

Siona Windsor, City Attorney's Office  
Kerry Sievers/Julie Howe, Human Resources  
Paula Dillon, Human Resources  
Kim McCool, Council Coordinator  
Sandra Nunnelee, Council Coordinator  
Mark Risen, Fire Department  
Steve Mylett, Police Department  
Michelle Cash, Minutes taker – without attachments



# **City of Bellevue**

## *Disability Board*

**Agenda Regular Meeting**  
**City Hall, Conference Room 1E-118**

**Date:** Tuesday, August 4, 2015

**Time:** 5:30 pm Administrative Meeting  
6:00 pm Business Meeting

- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes of Regular Meeting, July 7, 2015**
- IV. Consideration of Applications for Disability Allowances**
  - A. Applications for Disability Allowances**
    - 1) Fire Department**
  - B. Applications for Disability Allowances Greater than 1 month**
    - 1) Fire Department**
- V. Consideration of Medical Claims**
  - A. Routine claims**
  - B. Special claims**
  - C. Pre-Approved Recurring Long-Term Care Claims**
- VI. Staff Reports**
- VII. Unfinished Business - Member #69 Disability Leave**
- VIII. New Business**
- X. Announce Date & Time of next meeting: Tuesday, September 1, 2015**
- XI. Adjournment**

**CITY OF BELLEVUE  
LEOFF 1 DISABILITY BOARD  
Meeting Minutes**

July 7, 2015  
5:30 p.m. – Administration  
6:00 p.m. – Business Meeting

Conference Room 1E-118  
Bellevue City Hall

**MEMBERS PRESENT:** Chairperson Susan Neiman  
Boardmember Wayne Bergeron  
Boardmember Bryan Reil  
Councilmember John Stokes

**MEMBER ABSENT:** Councilmember Lynne Robinson

**OTHERS PRESENT:** Paula Dillon, Human Resources  
Siona Windsor, City Attorney's Office

**MINUTES TAKER:** Michelle Cash

**I. CALL TO ORDER**

The meeting was called to order at 6:03 p.m. by Chair Neiman.

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

**Motion by Boardmember Reil and second by Councilmember Stokes to approve the June 2, 2015 LEOFF 1 Disability Board meeting minutes as presented. Motion carried unanimously (4-0).**

**IV. PROCESS FOR CONSIDERING DISABILITY LEAVE**

Ms. Windsor explained that on February 4, 2015, the Board considered the disability leave application for Member #69. The application indicated that on January 16, 2015 the Member took nine hours of leave related to surgically removing skin cancer. Member #69 did not submit medical documentation with the disability leave application demonstrating that the medical condition was duty related. Under the criteria established in Section V.10 of the LEOFF 1 Disability Board Policies and Procedures, the Board approved the disability leave as non-duty related. Member #69 has now submitted medical information for the Board's reconsideration on the issue of whether the leave was duty related.

Ms. Windsor clarified that the applicant for disability leave has the burden of proof to demonstrate to the satisfaction of the Board that he/she has presented sufficient information to allow the Board to reasonably conclude that the injury or illness was the result of work activity. She noted that the only medical evidence Member #69 has submitted to the Board is a March 6, 2015 letter from the treating physician for cutaneous malignancy Basal Cell Carcinoma. The physician's letter states that "firefighters in the nature of their work are exposed to many **potentially** toxic substances with **possible** adverse effects on their health" (emphasis added). The letter also states the "Environmentally, firefighters are often exposed to the outdoors and ultraviolet light which is a known inducer of cutaneous, malignancy including Basal Cell Carcinoma and on this basis **may contribute** to the development of cutaneous malignancies in [Member #69] along with any other non-occupationally related ultra violet light exposure" (emphasis added).

Boardmembers discussed the medical evidence submitted by Member #69 and did not find the treating physician's letter reasonably conclusive that the medical condition was duty related. Therefore, they concluded that the leave was not a result of work activity.

**Motion by Boardmember Bergeron and second by Boardmember Reil to deny the request for reconsideration because the Board cannot reasonably conclude from the information presented that Member #69's Basal Cell Carcinoma is work related. Motion carried unanimously (4-0).**

## **V. EXECUTIVE SESSION**

None.

## **VI. CONSIDERATION OF APPLICATIONS FOR DISABILITY ALLOWANCES**

### **A. Applications for Disability Allowances**

**Motion by Boardmember Bergeron and second by Councilmember Stokes to approve the Applications for Disability Allowances as presented. Motion carried unanimously (4-0).**

### **B. Applications for Disability Allowances Greater than 1 month**

None.

**VII. CONSIDERATION OF MEDICAL CLAIMS**

A. Routine Claims

**Motion by Councilmember Stokes and second by Boardmember Bergeron to approve the Routine Claims as presented. Motion carried unanimously (4-0).**

B. Special Claims

**Motion by Boardmember Bergeron and second by Councilmember Stokes to approve the Special Claims as presented. Motion carried unanimously (4-0).**

C. Pre-Approved Recurring Long-Term Care Claims

The pre-approved recurring long-term care claims were reviewed and included in the Board packet.

**VIII. STAFF REPORT**

None.

**IX. UNFINISHED BUSINESS**

None.

**X. NEW BUSINESS**

None.

**XI. ANNOUNCE DATE & TIME OF NEXT MEETING**

The next Disability Board meeting will be held on August 4, 2015.

**XII. ADJOURNMENT**

By general consensus, the meeting was adjourned at 6:35 p.m.

**Disability Board**  
**Agenda Item No. 7**  
**AUGUST 4, 2015**

- Action
- Discussion
- Information

**Subject** Consideration of Proposed Findings and Conclusions confirming the Board's July 7, 2015 decision that Member 69's January 16, 2015 disability leave is non-duty related.

**Contact:** Paula Dillon – Human Resources

**Background:**

On July 7, 2015, the Disability Board reconsidered its February 3, 2015 determination that Member 69's January 16, 2015 disability leave was non-duty related. After carefully considering the further information presented to the Board on this subject at its July 7, 2015 meeting, the Board reaffirmed its earlier decision that the January 16, 2015 disability leave was non-duty related. The Board is now presented with proposed Findings and Conclusions consistent with its July 7, 2015 decision for consideration and adoption.

**Options:**

1. Move to adopt the proposed Findings and Conclusions as presented.
2. Move to adopt Findings and Conclusions as directed by the Board.
3. Do not adopt Findings and Conclusions and provide alternative direction to staff.

**The City of Bellevue LEOFF 1 Disability Board's  
Findings and Conclusions will be presented to the Board  
at their meeting on August 4, 2015.**