

**FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)  
CLAIM FOR DAMAGES PROCEDURES**

**I. OVERVIEW**

- 1) A Claim for Damages against the Fresno County Employees' Retirement Association (FCERA) may be filed by anyone at any time. The procedures for filing a claim and processing a claim are identified in various California statutes.

**II. GUIDELINES:**

- 1) File a Claim for Damages (Attachment A) by mail or in person.

**III. PROCEDURES:**

- 1) Claim is filed.
- 2) Claim is forwarded to insurance company with a request to fast track the investigation.
- 3) The Board of Retirement will take action on a claim within 45 days after filing.
- 4) The statute provides, "If the board [Board of Retirement] fails or refuses to act on a claim within the time prescribed by this section, the claim shall be deemed to have been rejected by the board on the last day of the period within which the board was required to act upon the claim." (Gov. Code, § 912.4, subd. (c).)
- 5) This time can be extended by agreement of the parties. If the Board of Retirement needs additional time to investigate the merits of the claim, the claimant will be provided a Request to Extend Review Process (Attachment B). Claimant's rejection of an extension could result in an automatic rejection.
- 6) If the claim is approved, the claimant will be contacted for fulfillment logistics.
- 7) If the claim is rejected by the Board of Retirement within the 45 day review period, staff will prepare and mail a Notice of Rejection of Claim (Attachment C). The Claimant has 6 months from the mailing of the notice to file a court action (Gov. Code, § 913.).
- 8) If the claim is automatically rejected due to the passage of the prescribed time period, staff will prepare Notice of Application for Leave to Present Late Claim (Attachment D) The Claimant has 6 months from the mailing of the notice to file a court action (Gov. Code, § 913.).
- 9) Staff will prepare a Proof of Service (Attachment E).
- 10) If the notice isn't mailed, the Statute of Limitations for filing suit is extended to 2 years from the date of the alleged injury. The statute provides that suit must be filed:
  - a) If written notice is given in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.

b) If written notice is not given in accordance with Section 913, within two years from the accrual of the cause of action." (Gov. Code, § 945.6.)

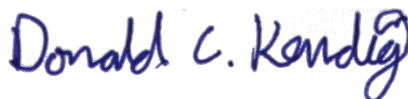
11) Copies of the Notice of Denial, Proof of Mailing, Board minutes, and any other pertinent documentation will be forwarded to the insurance company.

**IV. Secretary's Certificate**

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

August 12, 2015

***Date of Action:***



***By: Retirement Administrator***