



Contra Costa County Office of Education

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Karen Sakata, Superintendent of Schools

Business and Administrative Services

December 7, 2018

TO: District Business Officials
District Payroll
Contra Costa County School Districts

FROM: Jade Moore
District Payroll Services

SUBJECT: CalPERS Circulars - **November 2018**

The following is a summary of CalPERS Circulars, relevant to payroll, distributed during the month of November 2018.

1) CalPERS Circular No. 310-063-18 – 2018 State, School & Public Agency Member Certified Election Results for CalPERS Board of Administration

- In accordance with provisions of the PERL, Gov Code sections 20090(g)(2-4), 20095, & 20096, the Secretary of State's Office certified that Ms. Theresa L. Taylor, Principal Compliance Representative, for the FTB, has been re-elected to the office of Member, Board of Administration, CalPERS, along with Mr. Rob Feckner, a Glazing specialist with Napa Valley Unified School District. Also, Mr. Jason Perez, sergeant for the Corona Police Department, has been elected by the active public agency members of CalPERS to the office of Member, Board of Administration, CalPERS.
- The board members will serve a four year term of office beginning January 16, 2019 and continuing through January 15, 2023. Election Certification & Protest of an Election forms attached.

2) CalPERS Circular No. 200-066-18 – Governor's Executive Order B-57-18

- With Governor Brown's declaration of state of emergency for the counties of Butte, Los Angeles & Ventura, Executive Order B-57-18 helps streamline and expedites recovery efforts by suspending the 960 hour limitation for retired annuitants. The 180 day break in service is also suspended for retired annuitants hired to expedite disaster recovery during the state of emergency. Also, under CA Code of Regulations 586.2(c), retired annuitants are also exempt from 60-day bona fide separation in service requirement under Gov Code section 21220.5, again when aiding in state of emergency disaster recovery in outlined counties in the circular.



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Board of Administration

Circular Letter

November 16, 2018

Circular Letter: 310-063-18

Distribution: IV, V, VI, X, XII, XVI

To: All CalPERS Employers, Members of the Board, Candidates, and Other Interested Parties

Subject: 2018 State, School, and Public Agency Member Certified Election Results for CalPERS Board of Administration

Purpose

In accordance with the provisions of the Public Employees' Retirement Law, Government Code sections 20090(g) (2-4), 20095, and 20096, the Secretary of State's Office certified that:

Ms. Theresa L. Taylor, Principal Compliance Representative, for the Franchise Tax Board, has been re-elected to the office of Member, Board of Administration, CalPERS. Ms. Taylor was the single, unopposed candidate, with a valid nomination petition and certificate of nomination acceptance in the State Member Board Election.

Mr. Rob Feckner, a Glazing Specialist with Napa Valley Unified School District, has been re-elected to the office of Member, Board of Administration, CalPERS. Mr. Feckner was the single, unopposed candidate, with a valid nomination petition and certificate of nomination acceptance in the School Member Board Election.

Mr. Jason Perez, sergeant for the Corona Police Department, has been elected by the active public agency members of CalPERS to the office of Member, Board of Administration, CalPERS.

The new board members will serve a four-year term of office beginning January 16, 2019, and continuing through January 15, 2023.

Attached is the election certification of the official results from the Secretary of State. Also, included are the procedures for a Protest of an Election, as set forth in California Code of Regulations section 554.11.

Questions

Any questions regarding this information should be directed to the Board Election Office at (916) 795-3007 or Board_Election_Coordinator@calpers.ca.gov.

Kimberly A. Malm, Chief
Operations Support Services Division

Attachments: Official Certified Results
California Code of Regulations, § 554.11 (Protest of an Election)

State of California

SECRETARY OF STATE

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

That, in accordance with the provisions of the “Public Employees’ Retirement Law,” specifically Government Code sections 20090, subdivision (g)(2), 20095, and 20096, and pursuant to the information and instructions set forth in the Amended Notice of Election issued by the Board of Administration, California Public Employees’ Retirement System, originally dated March 26, 2018, and amended on May 15, 2018, and Title 2 California Code of Regulation section 554.7, subdivision (b), a single unopposed candidate with a valid nominating petition and certification of nomination acceptance was designated the election winner as a representative from the state membership of the System and the remaining election procedures cancelled.

I further certify that, according to the official returns of said election on file in my office,

Theresa Taylor

was designated elected to the office of State Member, Board of Administration, California Public Employees’ Retirement System, for the term beginning on the 16th day of January, 2019, for a four-year term (term expiring January 15, 2023).

The Secretary of State’s certification does not constitute an endorsement of any voting system used.



IN WITNESS WHEREOF, I
hereunto set my hand and
affix the Great Seal of
the State of California this
8th day of June, 2018.

Alex Padilla
Secretary of State

State of California

SECRETARY OF STATE

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

That, in accordance with the provisions of the "Public Employees' Retirement Law," specifically Government Code sections 20090, subdivision (g)(3), 20095, and 20096, and pursuant to the information and instructions set forth in the Amended Notice of Election issued by the Board of Administration, California Public Employees' Retirement System, originally dated March 26, 2018, and amended on May 15, 2018, and Title 2 California Code of Regulation section 554.7, subdivision (b), a single unopposed candidate with a valid nominating petition and certification of nomination acceptance was designated the election winner as a representative from the school membership of the System and the remaining election procedures cancelled.

I further certify that, according to the official returns of said election on file in my office,

Rob Feckner

was designated elected to the office of School Member, Board of Administration, California Public Employees' Retirement System, for the term beginning on the 16th day of January, 2019, for a four-year term (term expiring January 15, 2023).

The Secretary of State's certification does not constitute an endorsement of any voting system used.



IN WITNESS WHEREOF, I
hereunto set my hand and
affix the Great Seal of
the State of California this
8th day of June, 2018.

Alex Padilla

Alex Padilla
Secretary of State

State of California

SECRETARY OF STATE

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

That, in accordance with the provisions of the "Public Employees' Retirement Law", specifically Government Code sections 20090, subdivision (g)(4), 20095, and 20096, and pursuant to the information and instructions set forth in the Notice of Election issued by the Board of Administration, California Public Employees' Retirement System, originally dated March 26, 2018, and amended on May 15, 2018, an election was held under the supervision of the Board to elect a representative from the active public agency membership of the System.

I further certify that, according to the official returns of said election on file in my office, a copy of which is attached,

Jason Perez

was elected to the office of Member, Board of Administration, California Public Employees' Retirement System, for the term beginning on the 16th day of January, 2019, for a four-year term (term expiring January 15, 2023).

The Secretary of State's certification does not constitute an endorsement of any voting system used.



IN WITNESS WHEREOF, I
hereunto set my hand and
affix the Great Seal of
the State of California this
13th day of November, 2018.

Alex Padilla

Alex Padilla
Secretary of State

§ 554.11. Protest of an Election

(a) The filing of a protest shall not delay the seating of an elected Board member. Such elected Board member shall take office, in accordance with the published election schedule, subject to the potential termination of such Board membership as a result of the protest. Any newly elected member, as the result of a protest, shall hold office for a period equal to the remainder of the term of the vacated office.

(b) A candidate may protest an election or a runoff election. A protest shall be filed with the Election Coordinator at the Sacramento Office of CalPERS within 10 working days after the transmission of the certified election results to all parties. A protest shall be in writing, shall be identified using the word "protest", shall specify the election, and shall state the grounds of the protest and suggested remedy.

(c) Upon receipt of a valid and timely protest, the Election Coordinator shall mail a copy of the request to all candidates for the same seat. The Board or its designee shall appoint an independent, neutral agent which shall designate a Protest Panel using the following process. The independent agent shall promptly submit simultaneously to each candidate for the same office that is subject of the protest an identical list of names of at least five persons chosen from its panel of arbitrators. Each candidate shall have seven days from the date the list is submitted in which to file an objection with the agent to any name, number the remaining names to indicate order of preference, and return the list to the agent. From among the persons for whom no objection has been filed, and in accordance with the designated order of preference, the agent shall invite members to serve on the Protest Panel. If every proposed panel member receives an objection, or if a panel member selected declines or is unable to act, or if any other reason the appointment cannot be made from the submitted list, the agent shall make the appointment from among other members of the agent's panel of arbitrators without the submission of any additional list. No Board member who is a candidate for election that is the subject of the protest may participate in the selection of the Protest Panel. The decision of the Protest Panel shall be final. The Protest Panel shall be comprised of no less than three people, all of whom are neither employed by CalPERS nor otherwise interested in the outcome of the election that is the subject of the protest. For purpose of the foregoing sentence only, membership in CalPERS does not, by itself, constitute an "interest in the outcome of the election." The Protest Panel shall consider written and/or oral arguments submitted by the protestor and any other interested party, including the Board's staff. Any oral proceedings shall be held in the City of Sacramento. The determination of the Protest Panel shall be

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT LAW

rendered within 30 days of selection of the Panel and shall be final and binding on CalPERS and candidates for office. Other procedures, including those for receiving and considering arguments and factual allegations, shall be determined by the Protest Panel in its sole discretion. A protest shall only be granted upon a finding that Board- adopted election procedures were not substantially followed and that, without this lack of substantial compliance, the election outcome would likely have been different.

(d) Each candidate participating in the protest shall bear their own expenses in connection with the preparation and presentation of his or her case at the protest proceedings. The fees and expenses of the independent, neutral agent, protest panel, and all other expenses of the protest shall be borne equally by each candidate participating in the protest.

NOTE: Authority cited: Section 20121, Government Code. Reference: Section 20121, Government Code; Duva, Calif. School Employees' Assoc. v. PERS., et al., 1993 Sacramento Superior Court Case No. 375842.

HISTORY:

1. New section filed 8-9-94; operative 9-8-94 (Register 94, No. 32).
2. Amendment of Note filed 8-24-98; operative 9-23-98 (Register 98, No. 35).
3. Amendment filed 11-30-2000 as an emergency; operative 11-30-2000 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-30-2001 or emergency language will be repealed by operation of law on the following day.
4. Change without regulatory effect correcting subsections (b) and (c) of 11-30-2000 emergency action filed 12-18-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 51).
5. Pursuant to the order of the Superior Court of California, Court of Sacramento, dated April 20, 2001, in California State Employees Association, Local 1000, SEIU, AFL-CIO, CLC v. Public Employees Retirement System, et al., No. 00CS01662, the emergency amendment filed 11-30-2000 has been invalidated and is unenforceable until adopted in full compliance with the Administrative Procedure Act. Reinstatement of section as it existed prior to 11-30- 2000 emergency amendment (Register 2001, No. 22).
6. Amendment filed 8-2-2001; operative 9-1-2001 (Register 2001, No. 31).
7. Amendment filed 11-10-2016; effective 1-1-2017 (Register 2016, Notice File No. Z2016-0419- 06).



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Announcements

Circular Letter

November 28, 2018

Circular Letter: 200-066-18

Distribution: IV, V, VI, X, XII, XVI

To: All CalPERS Employers
Subject: Governor's Executive Order B-57-18

Purpose

The purpose of this Circular Letter is to inform you of the impact of Executive Order B-57-18 on CalPERS retirees employed as retired annuitants with a CalPERS contracting employer.

Work Hour Limitations

Governor Edmund G. Brown Jr. declared a state of emergency for the counties of Butte, Los Angeles, and Ventura due to the impacts of wildfires. Governor Brown issued Executive Order B-57-18 to help streamline and expedite recovery efforts in communities impacted by the devastating wildfires. Consistent with applicable federal law and to ensure adequate state staffing to expedite disaster response and recovery, the work hour limitations for retired annuitants were suspended from the date the state of emergency was declared for the county where the retired annuitant is deployed until the state of emergency for each of the impacted counties is lifted. The intent of the executive order is to suspend reinstatement and the retired annuitant work hour limitation of 960 hours per fiscal year. Any hours worked as a retired annuitant in an impacted county to expedite disaster recovery efforts during the state of emergency will not be counted toward the 960-hour limit for the fiscal year. CalPERS will continue to monitor the work hours for retired annuitants covered by this order and send communication to confirm when a violation is found and if it is accepted under the exception.

Wait Period Exceptions

Under Executive Order B-57-18, the 180-day break in service requirement under Government (Gov.) Code 7522.56(f) is also suspended for retired annuitants hired to expedite disaster recovery during the state of emergency. In addition, under the California Code of Regulations Section 586.2(c), the state of emergency exemption will apply and exempt retired annuitants from the 60-day bona fide separation in service requirement under Gov. Code section 21220.5.

Start Dates

The start date for the state of emergency in the county of Butte is November 8, 2018. The start date for the state of emergency in the counties of Los Angeles and Ventura is November 9, 2018. The suspension of the retired annuitant work hour limitation will remain in place until the state of emergency is lifted. Executive Orders B-43-17, B-46-18, and B-53-18 have not been lifted and are still in effect. Please see Circular Letter [200-004-18 \(PDF\)](#) and [200-057-18 \(PDF\)](#) for more details.

Continued Compliance

Agencies must continue to enroll and report retired annuitants to CalPERS. The remaining working after retirement provisions in Gov. Code sections 21221(h), 21224(a), and 7522.56(b) will continue to apply. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. Also, a retired annuitant shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

The executive order applies to work performed by a retired annuitant helping to expedite recovery efforts in one of the impacted counties. The director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers. Notification should be sent to wildfirerecovery@calhr.ca.gov.

Questions

If you have any questions, call our CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

Renee Ostrander, Chief
Employer Account Management Division