

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

**REGULAR MEETING
Monday, October 17, 2022
9:30 A.M. or immediately after the Disability Committee Meeting
(Whichever is Later)**

Pursuant to Assembly Bill 361, signed into law on September 16, 2021 as urgency legislation; Governor Newsom’s Proclamation of a State of Emergency on March 4, 2020, which Proclamation is still in effect; and Board of Retirement Resolution 2022-09, this meeting will be conducted by video/teleconference, in compliance with Government Code section 54953 as amended by Assembly Bill 361. In addition, members of the Board and the public are welcome to participate in the meeting via Zoom from the OCERS Boardroom located at 2223 E. Wellington Ave., Santa Ana, CA. However, none of the other locations from which the Board members participate by teleconference will be open to the public.

Members of the public who wish to observe and/or participate in the meeting may do so (1) from the OCERS Boardroom or (2) via the Zoom app or telephone from any location. Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. Members of the public who participate in the meeting from the OCERS Boardroom and who wish to provide comment during the meeting may do so from the podium located in the OCERS Boardroom.

OCERS Zoom Video/Teleconference information	
<p>Join Using Zoom App (Video & Audio)</p> <p>https://ocers.zoom.us/j/88200459280</p> <p>Meeting ID: 882 0045 9280 Password: 594949</p> <p>Go to https://www.zoom.us/download to download Zoom app before meeting Go to https://zoom.us to connect online using any browser.</p>	<p>Join by Telephone (Audio Only)</p> <p>Dial by your location</p> <ul style="list-style-type: none"> +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US +1 301 715 8592 US +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York) <p>Meeting ID: 882 0045 9280 Password: 594949</p>
<p>A Zoom Meeting Participant Guide is available on OCERS website Board & Committee meetings page</p>	

AGENDA

The Orange County Board of Retirement welcomes you to this meeting. This agenda contains a brief general description of each item to be considered. The Board of Retirement may take action on any item included in the following agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. The Board of Retirement may consider matters included on the agenda in any order, and not necessarily in the order listed.

CALL MEETING TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Board; and (2) any matter appearing on the Consent Agenda. Members of the public who wish to provide comment at this time may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. Persons attending the meeting in person and wishing to provide comment at this time should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter. When addressing the Board, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

CONSENT AGENDA

All matters on the Consent Agenda are to be approved by one action unless a Board Member requests separate action on a specific item.

BENEFITS

C-1 OPTION 4 RETIREMENT ELECTION

Recommendation: Grant election of retirement benefit payment, Option 4, based on Segal Consulting’s actuarial report.

- Sean Howell

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes	August 15, 2022
Special Board Meeting Minutes	August 24, 2022
Strategic Planning Workshop Minutes	September 14-15, 2022

Recommendation: Approve minutes.

C-3 OUTCOMES FROM THE GOVERNANCE COMMITTEE ON AUGUST 3, 2022

Recommendation: The Governance Committee recommends the Board approve revisions to the following charter and policies as presented:

- Board of Retirement Charter
- Trustee Education Policy
- Member Services Customer Service Policy
- Monitoring and Reporting Policy

C-4 OUTCOMES FROM THE DISABILITY COMMITTEE ON AUGUST 15, 2022

Recommendation: The Disability Committee recommends the Board approve OCERS Administrative Procedure - Disability from Performance of Usual Duty Determinations.

DISABILITY/MEMBER BENEFITS AGENDA

NOTE: WHEN CONSIDERING DISABILITY RETIREMENT APPLICATIONS OR MEMBER APPEALS OF DISABILITY RETIREMENT DETERMINATIONS, THE BOARD MAY ADJOURN TO CLOSED SESSION TO DISCUSS MATTERS RELATING TO THE MEMBER’S APPLICATION OR APPEAL PURSUANT TO GOVERNMENT CODE SECTIONS 54957 OR 54956.9. IF THE MATTER IS A DISABILITY APPLICATION UNDER SECTION 54957, THE MEMBER MAY REQUEST THAT THE DISCUSSION BE IN PUBLIC.

OPEN SESSION

CONSENT ITEMS

All matters on the Consent Agenda are to be approved by one action unless a Board member requires separate action on a specific item. If separate action is requested, the item will be discussed in closed session during agenda item DA-1.

DC-1: KENDRA BOLDEN

Supervising Juvenile Correctional Officer, Orange County Probation Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as December 31, 2021, the day after last date of regular compensation as a Supervising Juvenile Correction Officer.
- Find the Applicant is capable of performing other duties in the service of the County of Orange pursuant to Government Code Section 31725.65.
- Grant a supplemental disability retirement payment allowance in the amount of the salary difference between the higher and lower paying positions effective December 31, 2021, the date of the position change until the day Ms. Bolden wishes to retire from the new position.

DC-2: JAMES CARROLL

Sergeant, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity.

DC-3: DONESHIA CHATMAN

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as January 3, 2021.

DC-4: YVETTE CLANTON

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

DC-5: CHARLES EASTMAN

Supervising Helicopter Mechanic, Orange County Sheriff's Department (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as February 3, 2021.

DC-6: BRANDY HARRIS

Office Technician, Orange County Social Services Agency (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement due to insufficient evidence of permanent incapacity.

DC-7: SHANE HOWEY

Firefighter/Paramedic, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as December 31, 2021.

DC-8: TERRY JOHNSON

Office Supervisor B, Orange County Probation Department (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

DC-9: PRESTON KNOWLES

Deputy Sheriff I, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as February 2, 2022.

DC-10: JARRETT KURIMAY

Commander, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as January 14, 2022.

DC-11: ANA LA PYRNE

Deputy Sheriff I, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as March 11, 2022.

DC-12: MICHAEL MATRANGA

Deputy Sheriff I, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as January 1, 2021.

DC-13: JESSICA MITCHELL (ULMER-RODRIGUEZ)

Communications Coordinator II, Orange County Sheriff's Department (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.

- Set the effective date as August 18, 2017.

DC-14: MARK PETERS

Sergeant, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as March 25, 2022.

DC-15: PAUL PHANTUMABAMRUNG

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as March 11, 2022.

DC-16: BRAD ALLEN PHOENIX

Battalion Chief, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as December 21, 2021.

DC-17: BRANDI STUMPH

Sheriff's Special Officer II, Orange County Sheriff's Department (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Find the Applicant is capable of performing other duties in the service of the County of Orange pursuant to Government Code Section 31725.65.
- Grant a supplemental disability retirement payment allowance in the amount of the salary difference between the higher and lower paying positions effective July 2, 2021, the date of the position change, until the day Ms. Stumph stops working in the new position.

DC-18: PAMELA THOMAS

Senior Family Support Officer, Orange County Child Support Services (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

DC-19: MICHAEL TIVENAN

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as February 3, 2015.

DC-20: FRANK VILLASENOR

Park Maintenance Worker, Orange County Community Resources/OC Parks (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as August 3, 2018.

DC-21: BAO VINH

Senior Social Worker, Orange County Social Services Agency (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as March 31, 2017.

DC-22: GLENN STITZ

Court Collection Officer I, Orange County Superior Court (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant non-service connected disability retirement.
- Set the effective date as August 6, 2021.

CLOSED SESSION

Government Code section 54957

Adjourn to Closed Session under Government Code section 54957 to consider member disability applications and to discuss member medical records submitted in connection therewith. The applicant may waive confidentiality and request his or her disability application to be considered in Open Session.

**DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE DISABILITY/MEMBER BENEFITS
CONSENT AGENDA**

DA-2: LAURIE KEOGH

Senior Computer Graphics Specialist, Orange County Public Works

Recommendation: Approve and adopt the findings and recommendations of the Hearing Officer as set forth in the Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations dated June 1, 2022 (Recommendation) wherein the Hearing Officer recommended that the Board deny the application of Applicant Laurie Keogh for service-connected disability retirement benefits.

OPEN SESSION

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

ACTION ITEMS

NOTE: Public comment on matters listed in this agenda will be taken at the time the item is addressed, prior to the Board’s discussion of the item. **Members of the public who wish to provide comment in connection with any matter listed in this agenda may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9, at the time the item is called. Persons attending the meeting in person and wishing to provide comment on a matter listed on the agenda should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter.**

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

A-2 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-10

Presentation by Gina Ratto, General Counsel, OCERS

Recommendation: That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; **and/or**
 - ii. State or local officials continue to impose or recommend measures to promote social distancing; and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-10 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

A-3 OCERS 2023-2025 STRATEGIC PLAN

Presentation by Steve Delaney, Chief Executive Officer

Recommendation: Approve the OCERS 2023-2025 Strategic Plan as modified, and direct staff to update the 2023 Business Plan to reflect modified language.

A-4 2023 PROPOSED STAFFING PLAN – PERSONNEL COMMITTEE RECOMMENDATIONS

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Recommendation: The Personnel Committee recommends the Board of Retirement approve the following items related to the 2023 Staffing Plan at the October 17, 2022 Board meeting:

- 1. Add 14 New Positions to the 2023 Budgeted Headcount**
 - A. Add one Project Manager position to the Executive Division
 - B. Add three positions to the Legal Division
 - i) Chief Compliance Officer
 - ii) Staff Attorney
 - iii) Executive Secretary I
 - C. Add one Investment Officer position to the Investments Division
 - D. Add three Retirement Program Specialists to the Member Services Division
 - E. Add one Information Security Analyst (Staff Analyst) position to the Information Security Department
 - F. Add three positions to the IT Department
 - i) IT Systems Technician
 - ii) Testing Coordinator (Manager Level)
 - iii) Automation Developer (Manager Level)
 - G. Add two positions to the Human Resources Department
 - i) Staff Analyst
 - ii) Staff Assistant
- 2. Approve the Creation of Three Career Ladders in the Finance and Internal Audit Departments (no change to headcount)**
 - A. Finance Department
 - i) Senior Accountant to Staff Analyst
 - ii) Accountant Auditor to Senior Accountant
 - B. Internal Audit Department
 - i) Internal Auditor to Senior Internal Auditor
- 3. Approve the Following Add/Drop**
 - A. Add a Director of Communications and drop a Communications Manager position in the Communications department (no change to headcount).

The total estimated Personnel Cost to be added with the 2023 budget is **\$2,376,000**.

A-5 OCERS 2023 BUSINESS PLAN

Presentation by Steve Delaney, Chief Executive Officer and Brenda Shott, Assistant CEO, Finance and Internal Operations

Recommendation: Approve OCERS 2023 Business Plan.

A-6 VOTING DIRECTION FOR SACRS BUSINESS MEETING

Presentation by Gina Ratto, General Counsel, OCERS

Recommendation: Give voting direction to OCERS’ delegates for November 11, 2022 SACRS business meeting.

INFORMATION ITEMS

Each of the following informational items will be presented to the Board for discussion.

Presentations

- I-1 NEW FORM 700 REVIEW PROCESS**
Presentation by Gina Ratto, General Counsel, OCERS

- I-2 EMPLOYER & EMPLOYEE PENSION COST COMPARISON**
Presentation by Suzanne Jenike, Assistant CEO, External Operations, OCERS

- I-3 ALAMEDA IMPLEMENTATION UPDATE**
Presentation by Suzanne Jenike, Assistant CEO, External Operations, OCERS

- I-4 SUMMARY OF CHANGES TO THE BROWN ACT TELECONFERENCE MEETING RULES EFFECTIVE 1/1/2023 – AB 2499**
Presentation by Manuel Serpa, Deputy General Counsel, OCERS

- I-5 COVID-19 UPDATE**
Presentation by Steve Delaney, Chief Executive Officer, OCERS

WRITTEN REPORTS

The following are written reports that will not be discussed unless a member of the Board requests discussion.

- R-1 MEMBER MATERIALS DISTRIBUTED**
 Written Report

Application Notices	October 17, 2022
Death Notices	October 17, 2022

- R-2 COMMITTEE MEETING MINUTES**
 - May 2022 – Governance Committee Minutes
 - June 2022 - Audit Committee Minutes
 - August 2022- Personnel Committee Minutes

- R-3 CEO FUTURE AGENDAS AND 2022 OCERS BOARD WORK PLAN**
 Written Report

- R-4 QUIET PERIOD – NON-INVESTMENT CONTRACTS**
 Written Report

- R-5 BOARD COMMUNICATIONS**
 Written Report

- R-6 LEGISLATIVE UPDATE**

Written Report

R-7 RESPONSE TO BOARD MEMBER QUESTIONS REGARDING PROVISIONS OF THE PROCUREMENT AND CONTRACTING POLICY

Written Report

R-8 BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN EXERCISE EXECUTIVE SUMMARY

Written Report

R-9 ELECTION UPDATE - GENERAL AND RETIRED BOARD MEMBER

Written Report

R-10 THIRD QUARTER 2022 TRAVEL AND TRAINING EXPENSE REPORT

Written Report

CIO Comments

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT: (IN MEMORY OF THE ACTIVE MEMBERS, RETIRED MEMBERS, AND SURVIVING SPOUSES WHO PASSED AWAY THIS PAST MONTH)

NOTICE OF NEXT MEETINGS

GOVERNANCE COMMITTEE MEETING

October 19, 2022

9:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

DISABILITY COMMITTEE MEETING

November 14, 2022

8:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

REGULAR BOARD MEETING
November 14, 2022
9:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701

AVAILABILITY OF AGENDA MATERIALS - Documents and other materials that are non-exempt public records distributed to all or a majority of the members of the OCERS Board or Committee of the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board or Committee of the Board are available at the OCERS' website: <https://www.ocers.org/board-committee-meetings>. If such materials are distributed to members of the Board or Committee of the Board less than 72 hours prior to the meeting, they will be made available on the OCERS' website at the same time as they are distributed to the Board or Committee members. Non-exempt materials distributed during an open meeting of the Board or Committee of the Board will be made available on the OCERS' website as soon as practicable and will be available promptly upon request.

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at adminsupport@ocers.org or call 714-558-6200 as soon as possible prior to the meeting to tell us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours' notice, if possible. Please also advise us if you plan to attend meetings on a regular basis.



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Jonathea Tallase, Member Services Manager
SUBJECT: **OPTION 4 RETIREMENT ELECTION – SEAN HOWELL**

Recommendation

Grant election of retirement benefit payment, Option 4, based on Segal Consulting’s actuarial report.

Background/Discussion

This member elected Option 4 as the benefit payment option for his service retirement allowance as required by his Domestic Relations Order (DRO), effective August 12, 2022. The Orange County Employees Retirement System (OCERS) was joined in the member’s dissolution of marriage and under the terms of the DRO, the member’s ex-spouse was awarded a lifetime continuance as a percentage of the member’s allowance.

The approval of Option 4 will not increase OCERS liability because the cost of this Option 4 benefit is proportional to the cost of the other benefit plans. Segal Consulting has calculated the member’s monthly allowance as indicated in the attached letter, as well as the allowance payable to the member’s ex-spouse.

Submitted by:



J. T. – APPROVED

Jonathea Tallase
Member Services Manager



Molly Calcagno, ASA, MAAA, EA
Actuary
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Personal and Confidential

October 7, 2022

Jonathea Tallase
Member Services Manager
Orange County Employees Retirement System
2223 Wellington Avenue
Santa Ana, CA 92701-3101

**Re: Orange County Employees Retirement System (OCERS)
Option 4 Calculation for Sean A. Howell**

Dear Jonathea:

Pursuant to your request, we have determined the Option 4 benefits payable to Sean A. Howell and his ex-spouse based on the unmodified benefit and other information provided in the System's request dated September 30, 2022.

The monthly benefits payable to the member and the ex-spouse and the data we used for our calculations are as follows:

Member's Date of Birth	
Ex-Spouse's Date of Birth	
Date of Retirement	August 12, 2022
Plan of Membership	General Plan B and Safety Plan F
Monthly Unmodified Benefit	Plan B: \$77.63 Plan F: <u>12,433.97</u> Total: \$12,511.60
Ex-Spouse's Share of Monthly Unmodified Benefit	34.13%
Retirement Type	Service Retirement

Jonathea Tallase
 October 7, 2022
 Page 2

We calculated the adjustment to the member's unmodified benefit to provide a 34.13% continuance to the ex-spouse. As instructed by OCERS, the cost to provide the continuance benefit to the ex-spouse is paid for entirely by the ex-spouse.

	Payable while the Member is Alive	Payable after the Member's Death
Monthly benefit payable to member		
Plan B Annuity:	\$11.20	
Plan B Pension:	39.93	
Plan F Annuity:	1,358.47	
Plan F Pension:	<u>6,831.79</u>	
Total:	\$8,241.39	\$0.00
Monthly benefit payable to ex-spouse ¹	\$3,922.90	\$3,922.90

Actuarial Assumptions

We have calculated the Option 4 benefits based on the following actuarial assumptions:²

Interest: Effective interest rate of 4.136253% per year, which is calculated using an investment return assumption of 7.00% per year together with a cost-of-living adjustment assumption of 2.75% per year.

Mortality Table: Pub-2010 Safety Healthy Retiree Amount-Weighted Above-Median Mortality Table, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 80% male and 20% female for members

Pub-2010 General Contingent Survivor Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 20% male and 80% female for beneficiaries.

¹ This is equal to 34.13% of the member's unmodified benefit (i.e., 34.13% * \$12,511.60 or \$4,270.21) adjusted further to provide a benefit payable over the ex-spouse's lifetime or to the estate of the ex-spouse if the ex-spouse pre-deceases the member.

² Since the member last worked as a Safety member, we used Safety assumptions in determining optional benefits even for benefits paid from the General Plan.

Jonathea Tallase
October 7, 2022
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The actuarial calculations contained in this letter were prepared under my supervision. I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Please let us know if you have any comments or questions. As in all matters pertaining to the interpretation and application of the law, Plan, or individual Option 4 Calculation provisions, you should be guided by the advice of the Plan's Legal Counsel.

Sincerely,



Molly Calcagno, ASA, MAAA, EA
Actuary

JY/bbf



October 11, 2022

Sean A. Howell

Re: Retirement Election Confirmation – Option 4

Dear Mr. HOWELL:

You have elected Option 4 as your retirement option. This option will provide a 34.13% of your monthly benefit, for the life of the benefit, to:

CHERI HOWELL

This designation is Irrevocable; you will not be allowed to change your retirement option or designated beneficiary.

Please complete this form and return to OCERS as soon as possible.

I understand that my retirement option is irrevocable; by choosing Option 4 I will take a monthly reduction in order to provide a 34.13% continuance to CHERI HOWELL.

Member Signature/Date

Sincerely,

Cesar Rodriguez

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

**REGULAR MEETING
Monday, August 15, 2022
9:30 A.M.**

MINUTES

Chair Eley called the meeting to order at 9:35 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present via Zoom Video
conference pursuant to
Government Code §
54953, as amended by

AB 361: Frank Eley, Chair; Shawn Dewane, Vice Chair; Adele Tagaloa, Charles Packard, Chris Prevatt, Richard Oates, Wayne Lindholm, Arthur Hidalgo, Jeremy Vallone

Also Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Molly Murphy, Chief Investments Officer; Gina Ratto, General Counsel; Manuel Serpa, Deputy General Counsel; David Kim, Director of Internal Audit; Tracy Bowman, Director of Finance; Anthony Beltran, Audio-Visual Technician; Carolyn Nih, Recording Secretary

Guests: Maytak Chin, ReedSmith

Absent: Shari Freidenrich

CONSENT AGENDA

BENEFITS

C-1 OPTION 4 RETIREMENT ELECTION

Recommendation: Grant election of retirement benefit payment, Option 4, based on Segal Consulting's actuarial report.

- Stack, Robert E

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes

July 18, 2022

Recommendation: Approve minutes.

MOTION by Mr. Dewane, **SECONDED** by Mr. Packard, to approve Consent Agenda items, C-1 and C-2.

The motion passed **unanimously**.

DISABILITY/MEMBER BENEFITS AGENDA

CONSENT ITEMS

DC-1: JEFFREY ANDERSON

Sergeant, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as the day after the last date of regular compensation.

DC-2: ANTHONY LIM

Deputy Sheriff II, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as the day after the last date of regular compensation.

DC-3: ANTHONY McCOLLOUGH

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as May 24, 2020.

MOTION by Mr. Prevatt, **SECONDED** by Mr. Packard, to approve the Disability Consent Agenda items, DC-1 through DC-3.

The motion passed **unanimously**.

END OF DISABILITY/MEMBER BENEFITS AGENDA

ACTION ITEMS

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

A-2 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-08

Presentation by Gina Ratto, General Counsel, OCERS

Recommendation: That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; **and/or**
 - ii. State or local officials continue to impose or recommend measures to promote social distancing; and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-08 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

MOTION by Mr. Dewane, **SECONDED** by Mr. Packard, to adopt Resolution 2022-08, memorializing the Board’s findings that a state of emergency continues to exist and that state and local officials continue to impose or recommend measures to promote social distancing.

The motion passed **unanimously**.

A-3 INVESTMENT TEAM INCENTIVE COMPENSATION PROGRAM- PERSONNEL COMMITTEE RECOMMENDATION

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Recommendation: The Personnel Committee recommends that the Board of Retirement approve and adopt the Incentive Compensation Program detailed in the Incentive Compensation Policy, effective for the calendar year ending December 31, 2022, with payment of the first 50% of the annual award made within 60 days of the benchmark becoming available in 2023 and payment of the remaining 50% of the annual award on or before March 31, 2024.

MOTION by Mr. Prevatt, **SECONDED** by Mr. Packard, to approve the Personnel Committee recommendations to implement the Investment Compensation Policy.

The motion passed **unanimously**

The Board recessed for break at 11:08 a.m.

The Board reconvened from break at 11:26 a.m.

Recording Secretary administered the Roll Call attendance.

A-4 ALAMEDA IMPLEMENTATION – ACTIVE MEMBER CONTRIBUTIONS REFUND METHOD - \$75 OR LESS

Presentation by Suzanne Jenike, Assistant Chief Executive Officer, OCERS

Recommendations: Direct staff to coordinate with the Employers to process refunds of contributions and interest to active members entitled to a refund of \$75 or less as a result of the *Alameda* decision.

MOTION by Mr. Packard, **SECONDED** by Ms. Tagaloa, to approve staff recommendation.

The motion passed **unanimously**.

INFORMATION ITEMS

Presentations

I-1 CEM 2022 BENCHMARKING REPORT

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Mr. Delaney presented to the Board an update on the CEM 2022 Benchmarking Report.

I-2 COVID-19 UPDATE

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Mr. Delaney presented to the Board an update on the effects of COVID-19 on OCERS.

WRITTEN REPORTS

The following are written reports that will not be discussed unless a member of the Board requests discussion.

R-1 MEMBER MATERIALS DISTRIBUTED

Written Report

Application Notices

August 15, 2022

Death Notices

August 15, 2022

R-2 COMMITTEE MEETING MINUTES

- April 2022 – Personnel Committee Minutes
- May 2022 – Governance Committee Minutes
- July 2022 – Personnel Committee Minutes

R-3 CEO FUTURE AGENDAS AND 2022 OCERS BOARD WORK PLAN

Written Report

R-4 QUIET PERIOD – NON-INVESTMENT CONTRACTS

Written Report

R-5 BOARD COMMUNICATIONS

Written Report

R-6 LEGISLATIVE UPDATE

Written Report

- R-7 SECOND QUARTER 2022 BUDGET TO ACTUALS REPORT**
Written Report
- R-8 SECOND QUARTER UNAUDITED FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED JUNE 30, 2022**
Written Report
- R-9 OCERS BY THE NUMBERS (2022 EDITION)**
Written Report
- R-10 THE EVOLUTION OF OCERS' UAAL (2022 EDITION)**
Written Report
- R-11 2022 OCERS BOARD STRATEGIC PLANNING WORKSHOP – Final Agenda**
Written Report
- R-12 ELECTION UPDATE - GENERAL AND RETIRED BOARD MEMBER**
Written Report

Adjourn to closed session at 11:48am

CLOSED SESSION

- E-1 CONFERENCE REGARDING LITIGATION THAT HAS BEEN INITIATED (GOVERNMENT CODE SECTION 54956.9(d)(1))**
Robert Szewczyk and Rodney Morikawa v. OCERS; Steven Delaney, Board of Retirement of OCERS; Orange County Superior Court, Case No. 30-2022-01268984-CU-WM-CJC
Adjourn pursuant to Government Code section 54956.9(d)(1).

Recommendation: Take appropriate action.

- E-2 CONFERENCE REGARDING LITIGATION THAT HAS BEEN INITIATED (GOVERNMENT CODE SECTION 54956.9(d)(1))**
Adjourn pursuant to Government Code section 54956.9(d)(1).
Nicholas Casson v. OCERS; California Court of Appeal, 4th Appellate District, Case No. G060950

Recommendation: Take appropriate action.

- E-3 CONFERENCE REGARDING LITIGATION THAT HAS BEEN INITIATED (GOVERNMENT CODE SECTION 54956.9(d)(1))**
James Morell v. Board of Retirement, OCERS; Los Angeles County Superior Court, Case No. 22STCP02345
Adjourn pursuant to Government Code section 54956.9(d)(1).

Recommendation: Take appropriate action.

Return from Closed Session at 12:13pm.

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

Orange County Employees Retirement System
August 15, 2022
Regular Board Meeting – Minutes

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There were no reportable actions taken in Closed Session.

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS - none

COUNSEL COMMENTS - none

BOARD MEMBER COMMENTS - none

Meeting **ADJOURNED** at 12:16pm in memory of the active members, retired members, and surviving spouses.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Frank Eley
Chairman

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

**SPECIAL MEETING
of the OCERS BOARD OF RETIREMENT**

**Wednesday, August 24, 2022
1:00 P.M.**

or upon adjournment of the Investment Committee meeting, whichever is later

MINUTES

Chair Eley called the meeting to order at 2:08 p.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present via Zoom Video conference pursuant to Government Code § 54953, as amended by AB 361: Frank Eley, Chair; Shawn Dewane, Vice Chair; Adele Tagaloa, Charles Packard, Chris Prevatt, Richard Oates, Wayne Lindholm, Arthur Hidalgo, Jeremy Vallone

Also Present: Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Molly Murphy, Chief Investments Officer; Gina Ratto, General Counsel; Manuel Serpa, Deputy General Counsel; Anthony Beltran, Audio-Visual Technician; Carolyn Nih, Recording Secretary

Guests: Harvey Leiderman, ReedSmith;

Absent: Shari Freidenrich

ACTION ITEMS

A-1. CONSIDER TAKING A POSITION ON AB 2493

Recommendation: Consider taking a position with regard to AB 2493 (Chen).

General Counsel presented background and concerns on the AB 2493 legislation as noted in various other systems' letter of objection. Mr. Leiderman offer his insight into tangible impacts of taking a position on AB 2493.

Mr. Vallone arrived at 2:13.

MOTION by Mr. Prevatt, **SECONDED** by Mr. Lindholm, to remain neutral.

The motion passed **unanimously**.

Orange County Employees Retirement System
August 24, 2022
Special Meeting of the OCERS Board of Retirement – Agenda

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BOARD MEMBER COMMENTS- None

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS- None

COUNSEL COMMENTS- None

Meeting **ADJOURNED** at 2:38pm



**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT**

**2022 STRATEGIC PLANNING WORKSHOP
Wednesday, September 14, 2022
8:30 A.M.**

**Westin South Coast Plaza
686 Anton Blvd. | Costa Mesa, CA 92626**

WELCOME & INTRODUCTORY COMMENTS

CEO Delaney provided introductory comments and an overview of the day’s schedule.

HEARING FROM OUR STAKEHOLDERS

Starting the workshop by first hearing from our stakeholders, we heard from Michelle Aguirre, Chief Financial Officer, County of Orange; Darrell Johnson, Chief Executive Officer, Orange County Transportation Authority; and Charles Barfield, General Manager, Orange County Employees Association. Each representative shared about their individual organizations as well as how OCERS has been an asset to their constituents.

3. VISION 2030 – OCERS AND THE LEVERAGING OF TECHNOLOGY

Mr. Delaney shared his vision of implementing technology and AI to assist and perfect the OCERS process.

4. OCERS HEADQUARTER STATUS – THE HEADQUARTERS OF OUR FUTURE

Assistant CEO, Brenda Shott, recapped the process of working with the Building Committee to explore the prospect of a new home for OCERS. She further shared that after due diligence, the Building Committee is now looking to stay at the Wellington/Tustin property while creating a headquarters with room for growth.

5. INVESTMENT TOPICS (PART 1)

LIQUIDITY ANALYSIS

Director of Investments Operations, Shanta Chary, shared with Trustees the current state of OCERS assets and liquidity. Once OCERS reaches full funding (within the decade), contributions will be equal to the normal cost, placing greater pressure on OCERS to closely manage liquidity.

OCERS’ INVESTMENT BELIEFS REVIEW

Allan Emkin from Meketa gave a presentation reviewing the OCERS’ Investment Belief statement and gave insight on how to be ethical and transparent.

LUNCH

12:15 - 1:00

6. RETIREMENT SYSTEMS OF ALABAMA



Dr. David G. Bronner, Chief Executive Officer at Retirement Systems of Alabama, gave a brief background on the Retirement System of Alabama and allowed for question-and-answer time. Dr. Bronner shared about his experiences as the CEO and the various assets associated with RSA.

7. INVESTMENT TOPICS (PART 2)

INTRODUCTION TO SECONDARIES

Steven Hartt from Meketa presented to the Board an overview introduction to the private investment secondary market "Secondaries." Secondaries refer to the buying and selling of pre-existing investor commitments.

CHINA: PUBLIC AND PRIVATE MARKETS PERSPECTIVES

Hayley Tran, CFA, CAIA, from Meketa; Gabriel Li from Orchid Asia; and Vivian Lin Thurston, CFA, from William Blair, shared their expertise and insight on the state of markets in China.

8. WRAP UP

CEO Delaney provided wrap up comments and thanked everyone for attending the first day of the workshop.

9. NETWORKING HAPPY HOUR

CEO Delaney invited everyone to attend the no-host Happy Hour in the Lobby Lounge.

ADJOURNMENT



**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT**

**2022 STRATEGIC PLANNING WORKSHOP
Thursday, September 15, 2022
8:30 A.M.**

**Westin South Coast Plaza
686 Anton Blvd. | Costa Mesa, CA 92626**

1. WELCOME AND INTRODUCTIONS

CEO Delaney provided introductory comments and an overview of the day's schedule.

2. ACTION ITEM:

**BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY
AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-09**

Gina Ratto, General Counsel, OCERS

Recommendation That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; **and/or**
 - ii. State or local officials continue to impose or recommend measures to promote social distancing; and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-09 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

MOTION by Mr. Packard, **SECONDED** by Mr. Dewane, to adopt Resolution 2022-09, memorializing the Board's findings that a state of emergency continues to exist and that state and local officials continue to impose or recommend measures to promote social distancing.

The motion passed **unanimously** absent Mr. Lindholm, who arrived later at 9:38am.

3. STATE OF OCERS- AN OVERVIEW

Mr. Delaney shared the current state of the OCERS. He compared the current state of the system to the past years and shared challenges and opportunities for 2023 and beyond.

4. STATE OF OCERS- ANNUAL QUALITY OF MEMBER SERVICES REPORT

Assistant CEO, Suzanne Jenike, reviewed the Annual Quality of Member Services Report and affirmed that OCERS achieved various Quality Goals.

5. STATE OF OCERS- ANNUAL EMPLOYER REPORT



Assistant CEO, Suzanne Jenike, presented the Annual Employer Report and reviewed information regarding the Employers financial position to ascertain their capacity to meet their ongoing financial obligations to OCERS.

6. PROPOSED 2023-2025 STRATEGIC PLAN

Mr. Delaney reviewed the current 2022-2024 Strategic Plan along with various strategic goals from other fellow retirement systems.

7. PROPOSED 2023 BUSINESS PLAN

Assistant CEO, Brenda Shott, and the OCERS Leadership Team reviewed the status of various 2022 Business Plan objectives. Within the Business Plan segment, there was also a discussion for new 2023 objectives and preparation for the 2023 budget discussion including additional staffing requests. Overall, the Board was open to the plan and requests, but noted that the Board needs to be brought along in the deep dive to better understand the justification of some of the items requested.

LUNCH

12:00 - 1:00

8. INVESTMENT TOPICS

DIGITAL ASSETS AND WEB 3.0

Alison Adams from Meketa and Oivind Lorentzen from Oak HC/FT shared about their expertise in digital assets like cryptocurrency and NFTs.

INFLATION EXPECTATIONS AND ASSET VALUATIONS

Director of Investments, David Beeson, Steve McCourt from Meketa, Rob Kochis from Townsend Group, and Michael Krems from Aksia panel presented on their knowledge of inflation as it affects the OCERS asset valuation. Additionally, they made predictions of where they think the market will be in 2023.

THE STATE OF GLOBAL ENERGY MARKETS

Robert Pisanelli from Aksia and Wil VanLoh from Quantum Energy Partners shared about the state of global energy markets by reviewing the historical energy market to now with renewable energy opportunities. Mr. VanLoh also shared about the effects of the projected growth, infrastructure needed, and the political climate on the global energy market.

9. WRAP UP



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: **OUTCOMES OF THE MEETING OF THE GOVERNANCE COMMITTEE HELD ON AUGUST 3, 2022**

Recommendation

The Governance Committee recommends the Board approve the following:

- (1) Revisions to the **Board of Retirement Charter** as approved by the Committee;
- (2) Revisions to the **Member Services Customer Services Policy** as approved by the Committee;
- (3) Revisions to the **Trustee Education Policy** as approved by the Committee; and
- (4) Revisions to the **Monitoring and Reporting Policy** as approved by the Committee.

Background/Discussion

The Governance Committee met on August 3, 2022, and reviewed the Charter and Policies listed above. The Committee now recommends that the Board approve the revisions to the Charter and Policies as set forth below.

Revisions to the Board of Retirement Charter

The Governance Committee reviewed and approved revisions to the Board of Retirement Charter at its meeting on May 3, 2022. The revisions were subsequently presented to the Board for approval at its June 20, 2022 meeting. At the June meeting, the Board approved all of the recommended revisions to the Charter with one exception. The Board directed the Committee to:

- (1) Reconsider the proposed revision that would have added a subsection to Section 9 of the Board of Retirement Charter stating that “[t]he Board may, in its discretion, extend the term of office of a sitting Chair and/or Vice Chair for one calendar year”, and
- (2) If so, consider whether extending the term of office of the Chair and/or Vice Chair should require a supermajority vote of the Board.

On August 3, 2022, the Committee met and approved the addition of Section 9 to the Charter to permit the Board in its discretion to extend the term of office of a sitting Chair and/or Vice Chair for one calendar year, but conditioning such extension on a two-thirds vote of the Board.

The Committee recommends that the Board approve the addition of the following new Section 9.g. to the Charter:

9. g. The Board may determine, upon a minimum two-thirds vote in favor by the Board members present, to extend the term of office of a sitting Chair and/or Vice Chair of the Board for one calendar year.

A copy of the Charter with the revision in underlined/strikeout text is attached.

Revisions to the Member Services Customer Services Policy

The Committee was presented with and approved one revision to the Member Services Customer Service Policy, which was to expand the definition of member communication as used in the policy to include both telephone calls and emails. A copy of the policy with the minor revisions redlined is attached.

Revisions to the Trustee Education Policy

Staff presented to the Committee, and the Committee approved, one update to the Trustee Education Policy to delete the OCERS Annual Education Forum from the list of Trustee educational goals in Section 14 of the Policy in light of the fact that this forum is no longer offered. A copy of the policy with the minor revisions redlined is attached.

Revisions to the Monitoring and Reporting Policy

Committee approved several non-substantive or clarifying changes to the Monitoring and Reporting Policy as follows:

- Revisions to reflect the reporting changes due to the Investment Committee no longer meeting monthly
- Deletion of the Annual Report as it is already reflected within the Audited Financial Statement Reporting
- Addition of vendor reviews
- Clarification that the CEO prepares the Board Communications Policy review annually in January

A copy of the policy with the revisions in underlined/strikeout text is attached.

Submitted by:

Gina M. Ratto
General Counsel



OCERS Board Charter Board of Retirement

Introduction

1. The Board of Retirement of OCERS (Board) is committed to carrying out its policy and oversight role in accordance with the highest standards of fiduciary practice. The Board recognizes the need to clearly delineate the responsibilities of the various decision-making bodies involved in the governance and management of OCERS. Accordingly, the Board has established this charter, which sets out its duties and responsibilities in governing the retirement system (System).

Duties and Responsibilities

Board Members

2. Under the California Constitution and the County Employees' Retirement Law of 1937, members of the Board have plenary authority and fiduciary responsibility for investment of moneys and administration of the System, and must discharge their duties with respect to the System solely in the interest of, and for the exclusive purposes of providing benefits to, members of the System and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering the System. Members of the Board function together as a nine-member Board (with one alternate member), exercising their collective judgment.
3. In carrying out their duties, Board Members must act "with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims." (Cal. Const., art. XVI, §17(c)¹; Gov. Code §31595(b)².)
4. In order to prudently discharge their responsibilities, each Board Member is expected to participate in the activities of the Board and its committees, and to commit the time and effort necessary to knowledgeably, effectively and efficiently administer the affairs of the System.
5. Each Board Member will:
 - a. Be familiar and comply with OCERS' governing laws, rules, regulations, charters and policies.
 - b. Endeavour to attend all regular meetings of the Board and committees on which the Board Member serves. The Board meets regularly once each month, subject to adjustment from time to time. Regular meetings of the Board and the Investment Committee are generally expected to last most of the day. Committees generally meet less frequently than monthly, and meetings of committees other than the Investment Committee generally last between two and four hours.
 - c. Be prepared in advance for informed discussion at each meeting. Preparation for regular Board and Investment Committee meetings can require between one and eight hours.
 - d. Comply with the OCERS Trustee Education Policy and state law, which require that



OCERS Board Charter Board of Retirement

Board Members complete a minimum of 24 hours of Board Member education within the first two years of assuming office and every subsequent two-year period in which the Board Member serves on the Board (Gov. Code §31522.8³); two hours of ethics training every two years (Gov. Code §53235⁴); and two hours of harassment prevention training every two years (Gov. Code §12950.1⁵); and take advantage of educational opportunities in areas necessary for OCERS' prudent administration, including but not limited to investments, benefit administration, fiduciary duties, ethics and conflicts of interest, actuarial matters, pension funding, disability evaluation, fair hearings, open meetings and sound governance. In-house programs and outside conferences and seminars are available for this purpose. The time commitment for Board Member education is usually five days per year. Some travel may be required.

- e. Comply with the very strict limitations and reporting requirements with respect to personal financial interests, income and gifts, as required by the Political Reform Act and the regulations of the Fair Political Practices Commission (FPPC); and annually file a Statement of Economic Interests (Form 700) with the County.
 - f. Be familiar with the several helpful publications that are updated annually by the FPPC and that explain the Form 700 and the limitations on and reporting requirements with respect to personal financial interests, income and gifts, including without limitation the Fact Sheet for Local Officials and Employees entitled, "Limitations and Restrictions on Gifts, Honoraria, Travel and Loans"; the annual Form 700 Reference Pamphlet; the Form 700 FAQs; and the Expanded Statement of Economic Interests Fact Sheet, all of which can be found on the following FPPC website: <https://www.fppc.ca.gov/>.
 - g. Treat members of OCERS' staff and all persons having business with OCERS with civility, courtesy, respect and dignity.
6. Board Members should treat each other with civility, courtesy, respect and dignity.
 7. Unless expressly waived by the Board, no Board Member will solicit or accept employment as a member of OCERS direct staff while he or she is a Member of the Board and for a period of three years following the termination of their service as a Member of the Board.
 8. If a Board Member is unwilling or incapable of committing to and discharging the foregoing duties and responsibilities, he or she should consider resigning from the Board for the benefit of the System and the Board.

Governance

9. The Board will:
 - a. Approve, and amend as necessary, the mission statement of OCERS;
 - b. Adopt regulations or By-Laws, consistent with the County Employees Retirement Law of 1937, Government Code, Title 3, Division 4, Part 3, Chapter 3 and 3.9, Government Code Sections 31450 - 31899.10 as amended, the California Public



OCERS Board Charter Board of Retirement

Employees' Pension Reform Act of 2013, Government Code sections 7522 – 7522.74 as amended, and other applicable law;

- c. Adopt and amend as necessary policies to ensure appropriate governance practices and review each on a triennial basis.
- d. Adopt and amend as necessary charters describing the roles and responsibilities of the Board, the committees of the Board, the Chief Executive Officer, the Board Chair, the Board Vice Chair, and the Committee Chairs;
- e. In cooperation with and upon the recommendation of the Chief Executive Officer, adopt and amend as necessary the charter describing the roles and responsibilities of the Chief Investment Officer;
- f. During the last regularly scheduled meeting of the Board for each calendar year, elect a Vice Chair for a term beginning on the first day of the following calendar year. The person holding the office of Vice Chair as of the last day of the calendar year will automatically succeed to the office of Chair effective the first day of the following calendar year. In the event the person holding the office of Vice Chair as of the last day of the calendar year declines to accede to the office of Chair, a Chair will be elected during the last scheduled meeting of the Board for a term beginning on the first day of the following calendar year;
- g. The Board may determine, upon a minimum two-thirds vote in favor by the Board members present, to extend the term of office of a sitting Chair and/or Vice Chair of the Board for one calendar year.
- hg. If, prior to the expiration of their term, the Chair becomes disabled or otherwise incapable of continuing to serve as Chair, or is no longer a member of the Board, or is no longer eligible to hold office for any reason, the Vice Chair will automatically succeed to the office of Chair and will serve out the remainder of that calendar year. In the event the person holding the office of Vice Chair declines to accede to the office of Chair, the Board will hold a special election to elect a new Chair who will serve out the remainder of that calendar year.
- ih. If there is a vacancy in the office of Vice Chair, the Board will hold a special election to elect a new Vice Chair, who will serve until the end of the Vice Chair's term of office, at which time such Vice Chair will succeed to the office of Chair, as provided for above.
- ji. In any election of the Vice Chair, strive to elect a Vice Chair that is (1) an elected Board Member when the Chair is an appointed Board Member; and (2) an appointed Board Member when the Chair is an elected Board Member; and in any election of the Chair, strive to elect a Chair that is (1) an elected Board Member when the Vice Chair is an appointed Board Member; and (2) an appointed Board Member when the Vice Chair is an elected Board Member.
- kj. As provided in OCERS By-Law, establish committees of the Board as deemed necessary to carry out the business of the Board;



OCERS Board Charter Board of Retirement

- k.** Initiate, support, oppose or take a neutral position regarding legislative proposals affecting OCERS; and
- m.** Authorize and approve any actions concerning claims, disputes, demands or legal proceedings that may affect the functions, investments, benefits or funding of OCERS and the Board.

Conflicts of Interest

10. The Board will:
- a. Adopt and maintain an OCERS Conflict of Interest Code and list of Designated Filers, and obtain the approval of both by the County Board of Supervisors;
 - b. Review and update the OCERS Conflict of Interest Code every two years as required by the Political Reform Act; and
 - c. Designate the CEO as the OCERS Filing Officer who is responsible for ensuring Board Members and Designated Filers are aware of and comply with the requirement of an annual disclosure of financial interests (Form 700).

Investments and Funding

11. The Board has exclusive control of the investments of the Fund. The assets of OCERS are trust funds and, as such, the Board will manage the Fund (Gov. Code §31595⁶):
- a. Solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering OCERS;
 - b. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims; and
 - c. By diversifying the investments of OCERS so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly not prudent to do so.
12. The Board will conduct a study of the relationship between the assets and liabilities of OCERS not less than every three years.
13. The Board will approve an Investment Policy Statement that includes investment objectives, and will review and confirm or amend such policy statement at least every three years and following the completion of any asset/liability study of OCERS.
14. The Board will approve broad investment strategies for achieving the investment objectives of OCERS.

Benefits Administration

15. The Board will:



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- a. Adopt Board policies necessary to promote effective administration of member benefits;
- b. Authorize the Chief Executive Officer to approve all qualified members who apply for service retirement (Gov. Code §31670⁷);
- c. Determine the merits of applications for disability benefits, making necessary determinations of service connection and permanency of incapacity (Gov. Code §31720⁸);
- d. Act on member appeals of decisions made by OCERS staff;
- e. Annually determine whether there has been an increase or decrease in the cost of living as provided in Gov. Code §31870.1⁹, and consider and determine whether to approve a Supplemental Targeted Adjustment for Retirees (STAR) cost of living adjustment (Gov. Code §31874.3(c)¹⁰);
- f. Determine eligibility of safety members when in doubt; and
- g. Periodically review approved disabilities as appropriate.

Operations

16. The Board will:
 - a. Adopt a business and strategic plan and any updates thereto;
 - b. Adopt an annual Operating Budget within the statutory limit and approve any changes thereto (Gov. Code §31580.2¹¹);
 - c. Ensure that all required contributions to the Fund are collected in a timely manner;
 - d. Ensure that all required distributions from the Fund are made in a timely manner;
 - e. Establish OCERS principal business offices;
 - f. Approve leasehold and purchase agreements in connection with OCERS principal business offices; and
 - g. Approve operational control policies to ensure efficient delivery of member benefits and services.

Financial, Actuarial and Accounting

17. The Board will:
 - a. Ensure that appropriate accounting, actuarial and internal financial control policies are established;
 - b. Approve the annual actuarial valuation and the actuarial assumptions contained therein, upon the advice of the actuary and other experts as required, and transmit to the Orange County Board of Supervisors a recommendation to implement such changes in the contribution rates of the county and districts, and members, as are necessary (Gov. Code §§31453 - 31454.6¹²);



OCERS Board Charter Board of Retirement

- c. Approve the annual financial statements;
- d. Ensure a financial audit is conducted at least annually (Gov. Code § 31593¹³);
- e. Ensure an actuarial experience study is conducted at least every three years; and
- f. Ensure an actuarial audit is conducted at least every five years.

Human Resources

18. The Board will:
- a. Upon recommendation of the Personnel Committee, consider and approve revisions to the OCERS Compensation Policy and adopt human resources policies, as determined to be in the best interests of OCERS; and
 - b. Ensure that appropriate succession plans are in place to provide continuity in OCERS management.

Communications

19. The Board will:
- a. Ensure effective communications with all significant interest groups;
 - b. Ensure that an Annual Financial Report is issued to members;
 - c. Ensure that Member Statements are available on OCERS' website and that OCERS makes paper copies available upon request; and
 - d. Conduct internal and external communications in accordance with the Board Communications Policy.

Key Appointments

20. The Board will appoint staff and Named Service Providers (as defined in the Board's Procurement and Contracting Policy) as necessary to assist the Board in carrying out its responsibilities, including:
- a. The CEO (Gov. Code § 31522.11¹⁴);
 - b. The actuary;
 - c. The actuarial auditor upon recommendation of the Audit Committee;
 - d. The financial auditor upon recommendation of the Audit Committee;
 - e. Legal counsel (also referred to as the Board's fiduciary counsel) retained to represent and advise the Board (Gov. Code § 31529.5¹⁵);
 - f. Investment consultants retained to advise the Board;
 - g. Human resource consultants retained to assist the Board with issues pertaining to the CEO; and
 - h. Other service providers the Board may choose to retain.



OCERS Board Charter Board of Retirement

Monitoring and Reporting

21. The Board will ensure that appropriate monitoring and reporting practices are established within OCERS.
22. As a general rule, the Board will comply with all Board policies. If the Board takes an action contrary to one of its policies, it will state in the Board minutes the reasons for doing so. At such time, the Board will also request that a review of the policy be undertaken.
23. The Board will annually:
 - a. Review the CEO's job performance;
 - b. Review the funded status of OCERS;
 - c. Review OCERS's internal financial and operating controls;
 - d. Review the investment performance of the Fund and the performance of the investment managers of the Fund; and
 - e. Review the quality of service delivered to OCERS members.
24. The Board will review the actuarial experience of OCERS not less than every three years.
25. The Board will review the results of an actuarial audit of OCERS at least every five years.
26. The Board will review progress toward the implementation of OCERS business plan on a semi-annual basis.
27. The Board will review Board policies every three years or as set out in each policy.
28. The Board will review the OCERS Operating Budget on a quarterly basis.
29. With the assistance of the CEO, the Board (or a committee of the Board) will review, at least biennially, the performance of its advisors including the actuary, the financial auditor, the investment consultants, and fiduciary counsel.
30. The Board will provide for appropriate monitoring of compliance with applicable laws and regulations.

Charter Review

31. The Governance Committee will review this Charter at least once every three (3) years and recommend any amendments to the Board for approval as necessary to ensure that the Charter remains relevant and appropriate.

Charter History

32. This Charter was adopted by the Board of Retirement on November 18, 2002 and amended on August 22, 2011, January 21, 2014, January 20, 2015, July 20, 2015, May 15, 2017, October 15, 2018, March 18, 2019, ~~and June 20, 2022~~ and October 17, 2022.



OCERS Board Charter Board of Retirement

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this charter.

10/17/2022~~06/20/2022~~

Steve Delaney
Secretary of the Board

Date



OCERS Board Charter Board of Retirement

ENDNOTES

- ¹ Cal. Const., art. XVI, §17: [Law section \(ca.gov\)](#)
- ² Gov. Code §31595: [Law section \(ca.gov\)](#)
- ³ Gov. Code §31522.8: [Law section \(ca.gov\)](#)
- ⁴ Gov. Code §53235: [Law section \(ca.gov\)](#)
- ⁵ Gov. Code §12950.1: [Law section \(ca.gov\)](#)
- ⁶ Gov. Code §31595: [Law section \(ca.gov\)](#)
- ⁷ Gov. Code §31670: [Law section \(ca.gov\)](#)
- ⁸ Gov. Code §31720: [Law section \(ca.gov\)](#)
- ⁹ Gov. Code §31870.1: [Law section \(ca.gov\)](#)
- ¹⁰ Gov. Code §31874.3: [Law section \(ca.gov\)](#)
- ¹¹ Gov. Code §31580.2: [Law section \(ca.gov\)](#)
- ¹² Gov. Code §31453: [Law section \(ca.gov\)](#); Gov. Code §31453.5: [Law section \(ca.gov\)](#); Gov. Code §31453.6: [Law section \(ca.gov\)](#); Gov. Code §31454: [Law section \(ca.gov\)](#); Gov. Code §31454.1: [Law section \(ca.gov\)](#); Gov. Code §31454.5: [Law section \(ca.gov\)](#); Gov. Code §31454.6: [Law section \(ca.gov\)](#)
- ¹³ Gov. Code §31593: [Law section \(ca.gov\)](#)
- ¹⁴ Gov. Code §31522.11: [Law section \(ca.gov\)](#)
- ¹⁵ Gov. Code §31529.5: [Law section \(ca.gov\)](#)



OCERS Board Policy

Member Services Customer Service Policy

Background

1. The Board's mission is to provide the highest quality of customer service to OCERS members, retirees and beneficiaries, in a cost effective and prudent manner.

Policy Objectives

2. Establish measurable goals to manage the customer service levels provided by Member Services staff to plan participants.

Policy Guidelines

3. Develop quantifiable goals for measuring customer service levels:
 - a. Customer interactions – positive responses to surveys – goal is 95% positive;
 - b. Benefit Recalculations – unplanned benefit recalculations should be less than 5% of the total;
 - c. Payroll initiations within one full month of separation;
 - d. Benefit estimates are available real time 24/7 via member self-service portal;
 - e. Retirement can be initiated electronically via member self-service portal;
 - f. Member Statements are available real time 24/7 via member self-service portal; and
 - g. Member ~~calls~~ communications (calls and emails) are returned the same business day or within 24 hours. Staff will also update their voicemail and email automatic reply messages to indicate approximate turnaround time in situations when it is known that greater than 24 hours is needed to return calls and emails.
4. Regularly monitor goals to ensure ongoing achievement of customer service levels.
5. Annually evaluate goals and make adjustments as needed.

Policy Review

6. The Board shall review this policy at least every 3 years to ensure that it remains relevant and appropriate.

Policy History

7. This policy was adopted by the Board of Retirement on November 16, 2015 and revised October 15, 2018 and [MONTH][DAY], 2022.

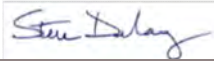


OCERS Board Policy

Member Services Customer Service Policy

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.



Steve Delaney
Secretary of the Board

10/15/18

Date



OCERS Board Policy Trustee Education Policy

Purpose

1. It is the policy of the Board of Retirement to ensure that individual Trustees have sufficient knowledge of the issues and challenges facing OCERS so as to craft policies to guide the administration of the plan and effectively monitor their implementation based on ongoing exposure to up-to-date benefit, financial, investment and policy information and together with staff are properly trained to perform their respective duties.
2. Effective January 1, 2013, Trustees are required to complete a minimum of 24 hours of Trustee education within the first two (2) years of assuming office and for every subsequent 2-year period in which the Trustee serves on the Board (Gov. Code § 31522.8).
3. Trustees are also required to complete two hours of ethics training every two years. (Gov. Code § 53235) Ethics training received as part of the 24 hours of Trustee education will satisfy this requirement.
4. Trustees are also required to complete two hours of harassment prevention training every two years. (Gov. Code § 12950.1) Harassment prevention training is in addition to the 24 hour education requirement set forth in Gov. Code § 31522.8.
5. To that end, each Trustee is encouraged to regularly participate in those educational opportunities that will enable competent discharge of the obligations of that position and meet the statutory requirements for continuing education.

Policy Objectives

6. The objective of this policy is to ensure that all Trustees have adequate opportunity to acquire the knowledge they need to carry out their fiduciary duties.

Policy Guidelines

7. Trustees agree to develop and maintain knowledge of relevant issues pertaining to the administration of OCERS throughout their terms.
8. Trustees agree to pursue appropriate education across a range of pension-related areas, rather than limiting their education to specific areas. General pension-related areas to be pursued include:
 - a. Pension funding;
 - b. Institutional investments and investment program management;
 - c. Investment performance measurement;
 - d. Actuarial science;
 - e. Benefits structure and administration;
 - f. Disability retirements;
 - g. Due process in benefit determinations;



OCERS Board Policy Trustee Education Policy

- h. Pension law;
 - i. Organizational structure, methods, and practices;
 - j. Budgeting;
 - k. Governance and fiduciary duty; and
 - l. Ethics.
9. Trustees agree that at least two hours of education they receive will qualify as ethics training relevant to the Trustees' public service. Subject matter that qualifies for ethics training includes, but is not limited to:
- a. Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
 - b. Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
 - c. Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
 - d. Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
10. Educational tools for trustees include, but are not limited to:
- a. External conferences, seminars, workshops, roundtables, courses or similar sessions (henceforth referred to collectively as "conferences");
 - b. Industry association meetings or events;
 - c. In-house educational seminars or briefings;
 - d. Periodicals, journals, textbooks and similar materials; and
 - e. Electronic media including CD ROM-based education, Internet-based education and video-based education.
11. On an ongoing basis, the Chief Executive Officer and the Chief Investment Officer will identify appropriate educational opportunities, based on the needs of individual Trustees or the Board as a whole, and include details of such in Board meeting information packages for Trustee consideration. Trustees are encouraged to suggest educational opportunities that may provide value to the Board of Retirement.
12. Standards for determining the appropriateness of a potential educational opportunity shall include:
- a. The extent to which the opportunity is expected to provide Trustees with the knowledge they need to carry out their roles and responsibilities;
 - b. The extent to which the opportunity meets the requirements of this policy; and



OCERS Board Policy Trustee Education Policy

- c. The cost-effectiveness of the program in light of travel, lodging and related expenses.
13. Beginning January 1, 2013, Trustees will acquire a minimum of 24 hours of Trustee education within the first two (2) years of assuming office and for every subsequent 2-year period for which the Trustee serves on the Board.
 - a. Trustees will endeavor to complete 24 hours of education in the remainder of the first and second calendar year after appointment. For trustees who are appointed later in November or December, the first education year will commence on January 1 of the subsequent calendar year.
 - b. After the initial two years after assuming office, education hours will be tracked on a calendar year basis with each trustee required to complete 24 hours of education within each two year period.
 - c. OCERS staff will track hours on an odd and even year basis with trustees grouped according to the year of term commencement.
 - d. For example, if a trustee assumes office on April 1, 2016, he or she will be expected to complete 24 hours of education by December 31, 2017. Subsequent to January 1, 2018, his or her education will be tracked on a rolling basis with completion of the 24 hour requirement on December 31, 2019, 2021, 2023, etc.
 14. Trustees will attempt to meet the following minimum goals:
 - a. To secure, over time, a useful level of understanding in each of the topic areas listed in paragraph 8 above;
 - b. To attend at least one conference annually. In accordance with a. above, Trustees are encouraged to attend conferences, on occasion, that address pension topics other than investments; and
 - c. Participate in any in-house educational seminars or briefings that are organized by the Chief Executive Officer and Chief Investment Officer including:
 - i. The educational component of the annual Strategic Planning Session;
 - ~~ii. The Education Forum;~~
 - ~~iii.ii.~~ Individual sessions at regular Board meetings; and
 - ~~iv.iii.~~ Workshops available to Board and staff members.
 15. The Board shall maintain a record of Trustee compliance with this policy, and the Chief Executive Officer or his designee will ensure that the policy and annual compliance report are placed on the OCERS website.

Attendance at Conferences & Industry Association Meetings

16. Approval for attendance and reimbursement of travel expenses in connection with educational conferences and industry association meetings will be in accordance with the Travel Policy.
17. In furtherance of this policy, the Chief Executive Officer shall have discretionary authority to approve staff travel as necessary to carry out the administrative responsibilities of the OCERS,



OCERS Board Policy Trustee Education Policy

such as attendance at legislative meetings or hearings, conducting on-site visits as part of due diligence evaluation of existing and proposed service providers, participating in continuing education programs, and other duties as directed.

18. The Board will periodically review the programs, training or educational sessions that qualify for Trustee education.

Harassment Prevention Training

19. As an employer of over 5 employees, OCERS is required to provide two hours of harassment and abusive conduct prevention training to all "supervisory employees" every two years, and (effective calendar year 2020) one hour of prevention training to all nonsupervisory employees.
20. Trustees are considered "supervisory employees" for the purposes of the statute since Trustees may influence the terms and conditions of employment for OCERS employees.
21. The Chief Executive Officer working with the Legal Department and outside vendors will schedule appropriate training for Trustees every two years.

Orientation Program

22. Working with the Chief Investment Officer and OCERS' professional advisors, the Chief Executive Officer will hold an orientation program, covering the general topic areas outlined in paragraph 8 above, and designed to introduce new Trustees to all pertinent operations of the System and highlight the knowledge bases required of a Trustee. The aim of the orientation program will be to ensure that new Trustees are in a position to contribute fully to Board of Retirement and committee deliberations, and effectively carry out their fiduciary duties as soon as possible after joining the Board.
23. Prior to a Trustee's first official meeting with the Board of Retirement, he or she will endeavor to attend a Board meeting or a standing committee meeting in the role of an observer.
24. Within 30 days of a trustee's election or appointment to the Board, the Chair will designate an incumbent member of the Board to provide the new Trustee an orientation to current Board governance practices.
25. As part of the orientation process, new Trustees will, within 30 days of their election or appointment to the Board of Retirement:
 - a. Be briefed by the Chief Executive Officer on the history and background of OCERS;
 - b. Be oriented by the Chair on current issues before the Board;
 - c. Be introduced to members of senior management;
 - d. Be provided a tour of OCERS offices by the Chief Executive Officer;
 - e. Be briefed by the Board's fiduciary counsel on their fiduciary duties, conflict of interest guidelines, the County Employees Retirement Law of 1937, Proposition 162, The Brown Act, and other pertinent legislation; and



OCERS Board Policy Trustee Education Policy

- f. Be provided with an iPad (or other electronic device) with access to a document repository containing the following:
 - i. A Trustee Reference Manual (the contents of which are listed in the Appendix);
 - ii. A listing of upcoming recommended educational opportunities; and
 - iii. Other relevant information and documentation deemed appropriate by the Chief Executive Officer.
- 26. During the course of their first 12 months on the Board of Retirement, new Trustees will endeavor to attend a seminar on the principles of pension management or a comparable program.
- 27. The Chief Executive Officer will review, and if necessary, update all orientation material. It is the responsibility of Trustees to maintain their Trustee Reference Manuals, by ensuring that they contain the most up to date materials. A master copy of the Trustee Reference Manual will be available for use by Trustees at the OCERS office.

Policy Review

- 28. The Board of Retirement will review this policy at least every three years to ensure that it remains relevant and appropriate.

Policy History

- 29. This policy was adopted by the Board of Retirement on February 19, 2002.
- 30. The policy was revised on May 16, 2005, March 24, 2008, June 18, 2012, November 19, 2012, July 20, 2015, and December 19, 2016, September 25, 2019

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

10/21/19

Date

Steve Delaney
Secretary of the Board



OCERS Board Policy

APPENDIX 1

Trustee Reference Manual

A Trustee Reference Manual will include the following materials:

- a. OCERS Board Handbook;
- b. Relevant sections of the *County Employees Retirement Law of 1937*;
- c. The Brown Act and Proposition 162;
- d. Most recent plan description and member handbook;
- e. Copies of Board policies;
- f. Most recent Annual Report;
- g. Most recent actuarial valuation and financial statements;
- h. Most recent actuarial experience study;
- i. Most recent asset/liability study;
- j. Most recent investment performance report;
- k. Most recent Business Plan and budget;
- l. Organizational chart;
- m. Names and phone numbers of the trustees and the Chief Executive Officer;
- n. Listing of current committee assignments;
- o. Listing of current service providers; and
- p. Glossary of key pension administration terms and definitions.



OCERS Board Policy Monitoring and Reporting

Background

1. In keeping with the duty of the Board of Retirement to oversee the activities and performance of OCERS, the Board has established this Monitoring and Reporting Policy, which sets out the Board's expectations concerning the reports it is to receive on a regular basis.

Principles

2. Although it is prudent for the Board of Retirement to delegate certain of its responsibilities, it must nevertheless supervise those to whom it has delegated responsibilities using defined reporting and monitoring processes.

Guidelines

3. The Board of Retirement will be provided the routine reports outlined in Appendix 1 with a frequency also set out in Appendix 1. The Board will be provided other ad hoc reports as required.
4. Appendix 1 of this Policy will address the routine reporting needs of the Board of Retirement across a range of reporting areas including:
 - a. Governance;
 - b. Investments;
 - c. Funding;
 - d. Member Services and Disability;
 - e. Administration; and
 - f. Audit.
5. Board members are expected to review all reports provided to the Board of Retirement, and to question management about any issues of concern contained in any such report.
6. Management will work continuously to improve the format and content of routine reports provided to the Board to ensure they meet the needs of the Board, provide adequate and timely information and are understandable.
7. Routine reports will not only address performance measurement, but also compliance with OCERS' policies and procedures.

Investment Reports

8. For the purposes of Board reporting, investment performance of the Fund will be measured by an independent performance measurement firm.
9. Investment performance reports will be prepared in accordance with the *Performance Presentation Standards* prescribed by the CFA Institute, or comparable standards.
10. Investment performance benchmarks will be specified within the investment policy statement.



OCERS Board Policy Monitoring and Reporting

- 11. The primary performance benchmarks used to evaluate the performance of public market investments will be based on passive market indices or similar generally accepted benchmarks. For the alternative assets, appropriate benchmarks as specified within the investment policy statement will be used to evaluate performance. Peer comparisons of total fund performance will be considered when reviewing the performance of the investment program, but shall not constitute the primary investment benchmark.

Other Reports

- 12. Where feasible, performance measurement on administration and other matters – such as service quality to members – may be delegated to independent third-parties; however, due to the lack of standard measurement techniques and benchmarks, much of the performance measurement function may be performed internally for the foreseeable future. If available, appropriate peer group comparisons may be used as benchmarks in assessing the performance of the benefit administration function.

Policy Review

- 13. The Board of Retirement will review this policy, including Appendix 1, at least once every three (3) years to ensure that it remains relevant and appropriate.

Policy History

- 14. The Board of Retirement adopted this policy on Monday, November 18, 2002.
- 15. The policy was revised May 16, 2005, May 19, 2008, December 19, 2011, October 20, 2014, ~~and~~ January 16, 2019 and October 17, 2022.

Secretary’s Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

01/16/19

Steve Delaney
Secretary of the Board

Date



Appendix 1

Governance Reports

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Trustee Education	Summarizes the activities of the Board of Retirement with respect to education.	Quarterly	Chief Executive Officer
CEO Evaluation	Summarizes the performance assessment of the CEO	Annually	Chair / <u>Vice Chair/</u> Designated Third Party

Investment Reports

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Investment Performance	Enables Investment Committee to assess investment performance for total fund, each asset class, and by investment manager.	Quarterly	Investment Consultant
Investment Manager Portfolio Compliance	Enables Investment Committee to review investment manager compliance with respect to investment guidelines.	Quarterly	Investment Staff <u>Team</u>
Performance Review of Alternative Investments	Enables Investment Committee to evaluate performance of alternative investment classes such as private equity, venture capital and natural resource investments.	Semi-annually	Private Equity/Private Real Assets Consultant
Performance Review of Real Estate Investments	Enables Investment Committee to assess the performance of the system's real estate investments.	Quarterly <u>Semi Annually</u>	Real Estate Consultant
Portfolio Allocations	Enables Investment Committee to monitor the portfolio and the asset allocations.	Monthly <u>Quarterly</u>	Investment Staff <u>Team</u>



Appendix 1

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Portfolio Risk Review	Enables Investment Committee to assess risks in the system’s portfolio and current macro risks.	Quarterly	Risk Consultant
Investment Manager Compliance Report	Facilitates periodic review of Committee’s Watch list and staff’s portfolio surveillance activity.	Quarterly	Investment Staff <u>Team</u>
Asset Class and Sector Reviews	Assures periodic Investment Committee review of the structure and manager performance within sub asset classes.	1 or 2 per quarter	General Investment Consultants, Private Equity and Real Estate <u>Investment Team and Respective Asset Class Consultant</u>

Other Investment Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Annual review of CAFR investment items	Provides public information for review of various investment expenses and risk exposures.	Annually	Investment and Finance Staff
Annual Fee Report	Enables Investment Committee to monitor and evaluate OCERS’ manager fees for prior calendar year by manager and by asset class.	Annually	CI <u>Investment Team</u>
Annual Proxy Voting Report	Facilitates Board’s ongoing oversight of OCERS’ proxy voting policy, summary of OCERS’ proxy voting, and key governance trends for current proxy voting season.	Annually	Proxy Voting Service Provider <u>Investment Team</u>
Annual Vendor Reviews	Facilitates Board’s ongoing oversight of OCERS’ vendors such as custodian, cash overlay, etc.	Annually	Investment Team
Annual Vendor Reviews	Facilitates Board’s ongoing oversight of OCERS’ vendors such as custodian, cash overlay, etc.	Annually	Investment Team



Appendix 1

Funding Reports

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Actuarial Valuation	Establishes the financial position of the pension plan on a going concern and solvency basis, and determines the rates of contribution.	Annually	Consulting Actuary
Experience Analysis	Reviews the appropriate long-term economic assumptions such as investment return and wage and price inflation, and demographic assumptions such as disability rates and mortality rates.	Every three years	Consulting Actuary
Asset / Liability Study	A study of the relationship between OCERS's assets and liabilities to determine the appropriateness of OCERS' asset allocation policy.	At least every five years	Consulting Actuary / Investment Consultant

Member Services and Disability

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Applications for Retirement	Report on members who have applied for retirement	Monthly	Member Services
Payees who have died	Identifies payees who have died	Monthly	Member Services
Disability applications	Report on disability applications processed during the preceding year	Yearly	Disability



Appendix 1

Audit

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Actuarial Audit	An independent review of the validity of the analyses and methodologies used in preparing OCERS' actuarial valuation.	At least every five years	Independent Actuary
Business Continuity/ Disaster Recovery	Report on staff activities to ensure OCERS' preparedness	Quarterly	Assistant CEO of Internal Operations
Cybersecurity	Report on staff activities regarding cybersecurity	Quarterly	Director of Cybersecurity
Financial statements audit reports: "OCERS' Report to the Audit Committee for the Year Ended December 31, 20XX" and "Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards"	The external auditor's report on communications with the Audit Committee, including significant findings and other matters. The second report describes the scope of audit testing of internal control, compliance, and the results of testing.	Annually	External Auditor
Audit Plan	A description of planned audits and projects of Internal Audit approved by the Audit Committee.	At least annually	Internal Audit
Ethics, Compliance, and Fraud Hotline Usage Report	A description of the reports submitted using a third party hotline.	At least annually	Internal Audit



Appendix 1

Administrative Reports

Standard Reports

<u>ISSUE</u>	<u>REPORT DESCRIPTION AND PURPOSE</u>	<u>FREQUENCY</u>	<u>PREPARED BY</u>
Business Plan and Strategic Plan	Summarizes the status of each initiative contained in the Business Plan and sets out the multi-year Strategic Plan.	Annually	CEO
Budget	Operational Budget for both Administration and Investment.	Annually	CEO
Budget Variance	Summarizes the status of material variances from the operational budget.	Quarterly	Assistant CEO, Internal Operations
Financial Reports	Quarterly report on the financial position of OCERS, covering unaudited financial statements, progress on the audited financial statements, expenses and recaptured commissions.	Quarterly	Assistant CEO, Internal Operations
Audited Financial Statements & Auditor's Opinion	The audited financial statements, which indicate the financial position of OCERS.	Annually	Independent Auditor
Form 700 Filing Requirements	List of positions that are Designated Filers (under the OCERS Conflict of Interest Code) required to file Form 700 annually.	Annually in January	OCERS Form 700 Filing Officer
Vendor Contracts	List of all vendor contracts above \$50,000 annually with those due for renewal highlighted.	Annually	Budget Officer
Board Communications	Communications Policy Fact Sheet summarizes the policy for all Board communications.	Annually in January	CEO Board Secretary



Memorandum

DATE: October 17, 2022
TO: Members of the Board
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: NEW OCERS ADMINISTRATIVE PROCEDURE (OAP) DISABILITY FROM PERFORMANCE OF USUAL DUTY DETERMINATIONS

Recommendation

Approve a new OCERS Administrative Procedure for Disability Performance of Usual Duty Determinations

Background/Discussion

On August 15, 2022 the Disability Committee reviewed a new OCERS Administrative Procedure (OAP) regarding determining disability from the performance of usual duty determinations.

For a member to qualify for a disability retirement, the Board must find that the member is incapacitated for the performance of duty. OCERS will look to the member's usual and customary duties when evaluating incapacity. OCERS will consider whether the member's disability renders them incapable of performing the usual and customary duties of the job the member held at the time they became incapacitated. And by job, we mean any permanent position or assignment within the member's job classification.

To be incapacitated for the performance of duty, the member must be unable to substantially perform the usual and customary duties of any permanent position or assignment within the job classification they held at the time they became incapacitated, and that inability must be considered permanent.

The term "duty" is not defined in the Government Code, but OCERS is guided by the various court decisions that have interpreted what duty means in certain contexts. OCERS Team created this administrative procedure to help clarify the laws that govern disability from the performance of usual duty determinations.

The Disability Committee recommends that the Board adopt the OAP.

Submitted by:



SJ-Approved

Suzanne Jenike
Assistant Chief Executive Officer, External
Operations



OCERS Administrative Procedure (OAP) Disability – Performance of Duty

I. Purpose

The purpose of this OCERS administrative procedure (OAP) is to describe how OCERS' Board of Retirement (Board) and the Board’s Disability Committee evaluate incapacity for the performance of duty when determining eligibility for disability retirement. More specifically, how the member's "duty" is defined when assessing whether they are incapable of performing their job.

II. Authority

This OAP is established pursuant to the Chief Executive Officer (CEO) Charter, section 8.f., which directs the CEO to develop staff policies and procedures to ensure effective and efficient administration of member benefits. The OAP is in conformance with Board Policy, the County Employees Retirement Law (California Government Code section 31450, et seq.) (CERL), and the Public Employees’ Pension Reform Act (Government Code, sections 7522 - 7522.74) (PEPRA).

III. Overview

A member of OCERS may be eligible for a disability retirement allowance if they become permanently incapacitated for the performance of duty.¹ If the member is incapacitated for duty due to an injury or illness arising out of and in the course of their employment, the disability is

¹ Gov. Code, § 31720:

Permanent incapacity

Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:

- (a) The member's incapacity is a result of injury or disease arising out of and in the course of the member's employment, and such employment contributes substantially to such incapacity, or
- (b) The member has completed five years of service, and
- (c) The member has not waived retirement in respect to the particular incapacity or aggravation thereof as provided by Section 31009.



OCERS Administrative Procedure (OAP) Disability – Performance of Duty

service-connected. If the member is incapacitated because of an injury or illness that did not arise out of their employment, the disability is non-service connected. There are differences between service-connected and non-service-connected disability, including differences in the amount of the disability allowance, but those differences are not the topic of this OAP. The question of whether the member is permanently incapacitated from performing their usual and customary duties is the same for both.

The determination process for disability retirement is started once a member (or their employer) files an application for disability retirement with OCERS. The application must be filed while the member is still in service (still employed with the member employer), within four months of discontinuing from that service, within four months after the expiration of any period during which a presumption is extended beyond the discontinuance of service, or while, from the date of discontinuance to the time of application, the medical evidence shows they have been continuously unable to perform their regular job duties.²

It is the Board that must decide whether a member is permanently incapacitated for the performance of duty.³ This factual issue is determined from the available information, including a medical examination.⁴ If the proof received shows to the satisfaction of the Board that the member is permanently incapacitated, physically or mentally, for the performance of their duties, the Board will retire the member for disability. Usually, the disability retirement allowance is effective as of the date the application was filed.⁵

Finding permanent incapacity involves a two-step determination:

1. Is the member substantially incapacitated from performing their usual duties; and, if so,
2. Is the incapacity permanent?

² Gov. Code, §31722

³ Gov. Code, § 31725

⁴ Gov. Code, § 31723

⁵ But not earlier than the day following the last day for which they received regular compensation (Gov. Code, § 31724).



OCERS Administrative Procedure (OAP) Disability – Performance of Duty

The focus of this OAP is on what constitutes the member's "usual duties." A "permanent incapacity" is a disability that is either permanent or of extended and uncertain duration, as established by the medical evidence and determined by the Board.

IV. Evaluation of the Performance of Duty

Again, for a member to qualify for a disability retirement, the Board must find that the member is incapacitated for the performance of duty. The term "duty" is not defined in the Government Code, but OCERS is guided by the various court decisions that have interpreted what duty means in certain contexts.

OCERS will look to the member's usual and customary duties when evaluating incapacity. OCERS will consider whether the member's disability renders them incapable of performing the usual and customary duties of the job the member held at the time they became incapacitated. And by job, we mean any permanent position or assignment within the member's job classification.

In sum:

To be incapacitated for the performance of duty, the member must be unable to substantially perform the usual and customary duties of any permanent position or assignment within the job classification they held at the time they became incapacitated, and that inability must be considered permanent.

Furthermore, to establish disability, the member need not be incapable of performing *every single duty or task* that might arise within their job classification. Instead, the member's medical condition must result in a substantial inability to perform their usual duties.⁶ A usual duty is a task regularly involved in the work, not one that is an unusual or uncommon occurrence.

Thus, an inability to perform a job task that is a rare event does not demonstrate an incapacity for the performance of duty, unless the employer establishes that it is are unable to accommodate the inability to perform that task.

⁶ See *Mansperger vs. CalPERS* (1970) 6 Cal. App. 3d 873



OCERS Administrative Procedure (OAP) Disability – Performance of Duty

For example, consider a member whose job constitutes light work most of the time, but on rare occasions, they may have to lift heavy equipment without assistance from a co-worker. A medical limitation to avoid heaving lifting would not prove incapacitating because the medical limitation would not substantially interfere with performance of their usual duties.

It is also the case that an inability to perform a field assignment, which requires sustained standing and walking, does not necessarily establish incapacity when the employer offers an office assignment within the same job classification that does not include those physical requirements. The test is the ability to perform the job's usual duties, not whether the member can perform all the duties to which they might be assigned.⁷ The member need not be able to perform any and all duties of the job.

OCERS first looks to the employer's official job classification or job description document to detail what those usual duties are. This information may be supplemented by other documentation provided by the employer and the member.

Alternate Work

An employer may accommodate the employee's medical limitations within the member's existing job classification. If so, the member is not incapacitated if they can perform modified duties in their current assignment. In other words, OCERS will not consider the employee incapacitated even though they are unable to perform the "full range" of duties of a given job classification. The accommodation through modified duties, however, would have to be for an ongoing basis and not considered temporary.

For example, consider a member limited to light work due to their physical impairments, but heavy lifting is a usual duty of their job. As such, they could not perform the usual duties of their work. Their employer has a light-duty position within the member's job classification that the member can perform, but it is only temporary. Because it is a short-term assignment, the availability of that light-duty position would render the member eligible for disability retirement. On the other hand, if the employer permanently assigned them to that light job, the member would be denied disability retirement. By "permanent," we mean the position or assignment is not

⁷ See *Schrier v. San Mateo County Employees' Retirement Association* (1983) 142 Cal.App.3d 957, 963



OCERS Administrative Procedure (OAP) **Disability – Performance of Duty**

limited to a specific duration. For example, a position would not be permanent if it would only continue until the employer hires the disabled member's replacement or will last only to the end of the current fiscal year.

Hence, a member is not entitled to disability retirement if they are capable of modified work of ongoing and indeterminate duration within their job classification that is offered by their employer.

The standard for disability is whether the member has lost the capacity to do the job they were performing when they became incapacitated. Their ability to work for their employer in a different job classification would not disqualify them for disability retirement. OCERS considers a member incapacitated for the performance of duty if their impairments preclude them from doing the job they were performing, regardless of whether there may be other positions in different job classifications with their employer they could still do. For example, an agency's general manager cannot be denied a disability retirement by proof that the duties of a caseworker remain within their capacity.

Therefore, the usual duties of the member's position constitute the standard against which their incapacity is judged, not the functions of some other job to which they could be assigned.

Time Period Measured

An issue may arise as to what time period the Board will use to measure whether a member became incapacitated for the performance of duty. In circumstances where the member is an active on-leave employee, OCERS first measures their capacity at the point they were last performing their usual duties.⁸ That is also the case where the member takes a regular retirement pending the resolution of their disability application.⁹ There may be unusual circumstances where a member alleges that their disability began at some point after they were last on the job. If so, the latest time OCERS may measure to determine when the disability began is when the employer-

⁸ See *Meyers v. Board of Administration etc.* (2014) 224 Cal.App.4th 250

⁹ Per Gov. Code, § 31725.7, a disability applicant who retires for service pending the disability determination and who is found not to be entitled to disability retirement waives the right to be returned to duty.



OCERS Administrative Procedure (OAP) Disability – Performance of Duty

employee relationship last existed, i.e., the last point where the member still had a right to return to the job if they had not become disabled.

It is important to note that there is a distinction between the availability of a member's job and their capacity to perform it. That is to say, the elimination of a member's job does not necessarily extinguish the member's right to a disability retirement. In that case, the member must establish that they became permanently incapacitated for the performance of duty at a time before the employer eliminated the position.

For example, a member would still be eligible for disability if they suffered a permanently incapacitating injury, filed a disability application, and then, at some point later, the agency eliminated their position. However, if their injury occurred *after* the position was eliminated, they would be ineligible because they could not show they were disabled when the job existed.

The Americans with Disabilities Act (ADA) and Workers' Compensation

A member who files for disability retirement with OCERS may also have filed claims under the ADA or Workers' Compensation law. The rules that govern OCERS disability determinations are different than those of the ADA and Workers' Compensation. However, the terminology used may be similar and this could lead to confusion. OCERS disability determinations are governed by the CERL. The ADA is a federal law that requires covered employers to provide reasonable accommodations to employees with disabilities. The Board has no authority to enforce the ADA or to force an employer to provide reasonable accommodations to a member. However, in determining whether a member is permanently incapacitated for the performance of duty, the Board will consider those accommodations that have been or should be offered by the employer so that the member can continue to work in their position.

Also, the employer may find that the member is unable to perform an "essential job function," a standard under the ADA, and conclude that the employee is unable to continue working. The Board may determine, however, that the member is able to substantially perform their usual duties, even if they are unable to perform a duty the employer considers an essential job function.

In addition, the legal standards for disability retirement and those used in the Workers' Compensation context are different. A member's status or receipt of benefits in the Workers' Compensation system is not binding upon OCERS. For example, in Workers' Compensation, a "permanent and stationary" rating means the point in time when the employee has reached maximum medical improvement, in that their condition is unlikely to change substantially in the next year with or without medical treatment. It does not necessarily mean they are "permanently incapacitated" or even that they have any limitations at all, as they may have fully recovered.



OCERS Administrative Procedure (OAP)

Disability – Performance of Duty

Disability retirement with OCERS is under an entirely different regulatory scheme than the ADA and Workers' Compensation and thus uses distinct terminology and legal standards.

Where the employer accommodates or reemploys the employee by placing them in a different position, that member will still be considered incapacitated for the performance of duty for disability retirement purposes with OCERS. Should that different position have a lower rate of pay than the position for which the member was incapacitated, OCERS will pay a "supplemental disability allowance" in an amount equal to the difference in salary between the two positions rather than a disability retirement allowance.¹⁰ However, that allowance will not be greater than the disability retirement allowance to which the member would otherwise be entitled.

¹⁰ Gov. Code, § 31725.65



Memorandum

DATE: October 17, 2022
TO: Members of the Board
FROM: Gina M. Ratto, General Counsel
SUBJECT: **BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-10**

Recommendation

That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; *and/or*
 - ii. State or local officials continue to impose or recommend measures to promote social distancing;and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-10 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

Background/Discussion

In March of 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, Governor Newsom declared a state of emergency and issued a series of Executive Orders that modified certain requirements of the Brown Act. The orders waived several requirements for meetings conducted by teleconference, including the requirement that each teleconference location be accessible to the public, that agendas are posted at all teleconference locations, and that each teleconference location be accessible to the public.

On June 11, 2021, the Governor issued Executive Order N-08-21, rescinding the aforementioned modifications of the Brown Act effective September 30, 2021. On September 16, 2021, Assembly Bill 361 was signed into law as urgency legislation. AB 361 provides local agencies with the ability to meet remotely during proclaimed states of emergency under modifications to the Brown Act that are similar in many ways to the rules and procedures established by the Governor's Executive Orders. On September 20, 2021, the Governor signed an executive order waiving the application of AB 361 until October 1, 2021.

AB 361 amended the teleconference rules of the Brown Act and added new provisions for abbreviated teleconferencing procedures that deviate from the traditional teleconferencing procedures during a proclaimed state of emergency, subject to certain requirements specified in the statute.

More specifically, AB 361 amended the Brown Act to add subdivision (e) to Gov't Code § 54953. This subdivision describes the circumstances and procedures for adopting abbreviated teleconferencing procedures during a proclaimed state of emergency, such as the current continuing COVID-19 pandemic. Subdivision (e)(1) of the statute provides the circumstances and requirements under which a local legislative body may adopt the abbreviated teleconferencing procedures. Once a local legislative body meets the requirements for adopting teleconferencing procedures, subdivision (e)(2) provides the requirements for the abbreviated teleconferencing procedures that the local legislative body must implement.

Adopting Abbreviated Teleconferencing Procedures Under AB 361

A local legislative body, such as OCERS and its standing committees, may elect to use the abbreviated teleconferencing procedures under AB 361 where a state of emergency has been formally proclaimed, **provided that**:

- State or local officials have imposed or recommended measures to promote social distancing at the time the legislative body holds the meeting (Gov't Code § 54953(e)(1)(A)); **or**
- The legislative body holds a meeting for the first time for the purpose of determining by majority vote whether, as a result of proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees (Gov't Code § 54953(e)(1)(B)), **or**
- The legislative body has determined (per previous bullet) that, as a result of the proclaimed state of emergency, meeting in person would continue to present imminent risks to the health or safety of attendees (Gov't Code § 54953(e)(1)(C)).

AB 361 further imposes on local legislative bodies a duty to make factual findings to justify the election to continue to use the abbreviated teleconferencing procedures. (Gov't Code § 54953(e)(3).) Local legislative bodies who wish to consider using the AB 361 abbreviated teleconferencing procedures must make the following factual findings within 30 days after teleconferencing for the first time after the expiration of Executive Order N-29-20, and every 30 days thereafter:

- 1) The legislative body has reconsidered the circumstances of the state of emergency; and
- 2) **One or both** of the following circumstances exist:
 - a. The state of emergency continues to directly impact the ability of the members to meet safely in person; **and/or**
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Until January 1, 2024, public retirement boards and their Boards must reconsider the aforementioned circumstances and make factual findings by majority vote that the circumstances continue to exist in order for the local legislative body to elect and continue to use the abbreviated teleconferencing procedures. (Note that AB 361 was designed not only to deal with COVID-19 but also with other types of states of emergency, as defined in Gov't Code § 8625 of the California Emergency State Services Act.)

On June 20, 2022, the Board adopted Resolution 2022-06 to reflect the findings made by the Board pursuant to AB 361. The Board determined that because state and local officials continue to impose or recommend

measures to promote physical distancing, the Board would elect to continue to use the abbreviated teleconferencing procedures under Government Code section 54953(e)(3), and adopted Resolution 2022-06 after deleting the following language from Section 3 of the Resolution, "that the State of Emergency directly impacts the ability of the OCERS Board, its committees, members and staff to meet safely in person". At each of its monthly meetings following the June 20, 2022 meeting, the Board has adopted resolutions based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing.

Staff recommends the Board now reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic; and if the Board determines the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person *and/or* that state or local officials continue to impose or recommend measures to promote social distancing, that the Board renew its findings and adopt Resolution 2022-10 in order for the Board and its committees to continue to meet by teleconference. Like the resolutions adopted in June and thereafter, Resolution 2022-10 is based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing. That is, Resolution 2022-10 *does not* include a determination that the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person.

Reconsideration of the State of Emergency and Requisite Findings

The standards, guidance and recommendations of health officials set forth below support a determination by the Board that the state of emergency continues to directly impact the ability of the members of the Board and its committees to meet safely in person, and confirms that both state and local officials continue to impose or recommend measures to promote social distancing.

The COVID-19 Prevention Emergency Temporary Standards issued by the California Division of Occupational Safety and Health (Cal/OSHA) (codified at 8 C.C.R. § 3205-3205.4) recognizes that physical distancing decreases the spread of COVID-19 and requires it be considered under certain circumstances. For example, the Emergency Temporary Standards **require employers to evaluate whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, as much distance between persons as feasible, when there has been an outbreak at the workplace** (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period). On May 6, 2022, the Occupational Safety and Health Standards Board readopted the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards for the third time. The draft emergency standards include important revisions to make the workplace rules consistent with the latest requirements and recommendations from the California Department of Public Health (CDPH). The revised emergency standards were effective commencing May 6, 2022. In addition to the emergency temporary standards relevant to OCERS, a fact sheet about the revised emergency standards is attached to the Resolution.

In addition, OSHA has issued guidance on mitigating and preventing the spread of COVID-19 in the workplace that recommends physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers: "[a] **key way to protect such workers is to physically distance** them from other such people (workers or customers) – generally **at least 6 feet of distance is recommended**, although this is not a guarantee of safety, especially in enclosed or poorly ventilated spaces." (Emphasis added.) **The CDC currently recommends that**

“[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. **To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others.**”

Moreover, the County of Orange Health Officer’s “Orders and Strong Recommendations” (revised September 23, 2022) states at page 13 that, “[i]n general, the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, **social distancing** and wearing a mask when around people who don’t live in the same household, and practicing hand hygiene.” (Emphasis added.) The Health Officer also recognizes, at page 11 of the “Orders and Strong Recommendations”, the Center for Disease Control’s admonition that anyone infected with COVID-19 can spread it even if they do not have symptoms; and (at page 15) that **“the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap”** (Emphasis added.)

Based on the foregoing, if the Board determines either that (1) the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing, staff recommends that the Board renew its findings and adopt Resolution 2022-10 in order for the Board and its committees to continue to meet by teleconference.

Attachments

Submitted by:



Gina M. Ratto
General Counsel

**OCERS BOARD OF RETIREMENT
RESOLUTION NO. 2022-10**

RESOLUTION OF THE BOARD OF THE ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM:

- **RATIFYING (1) THE PROCLAMATION OF A LOCAL HEALTH EMERGENCY BY THE COUNTY OF ORANGE HEALTH OFFICER ON FEBRUARY 26, 2020; (2) THE PROCLAMATION OF A LOCAL EMERGENCY BY THE CHAIRWOMAN OF THE ORANGE COUNTY BOARD OF SUPERVISORS ON FEBRUARY 26, 2020; (3) RESOLUTIONS NO. 20-011 AND 20-012 OF THE ORANGE COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL HEALTH EMERGENCY AND THE LOCAL EMERGENCY; AND (4) THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020; AND**
- **AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS COMMITTEES THROUGH NOVEMBER 17, 2022, PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Board of the Orange County Employees Retirement System (OCERS Board) is a legislative body under Government Code section 54952; and

WHEREAS, OCERS is committed to preserving and nurturing public access and participation in meetings of the OCERS Board and its committees; and

WHEREAS, all meetings of the OCERS Board and its committees are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the OCERS Board and its committees conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a State of Emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the geographical boundaries within which the OCERS Board and its committees hold their meetings, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in Orange County, specifically, a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County was declared by the County of Orange Health Officer on February 26, 2020; a Local Emergency based on

the imminent and proximate threat to public health from the introduction of COVID-19 that created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County was proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; Resolutions No. 20-011 and No. 20-012 of the Orange County Board of Supervisors were adopted on March 2, 2020, ratifying the Local Health Emergency and Local Emergency; and a State of Emergency was proclaimed by Governor Newsom for the State of California on March 4, 2020 based on an outbreak of respiratory illness due to COVID-19; and

WHEREAS, the California Division of Occupational Safety and Health has issued COVID-19 prevention Emergency Temporary Standards recognizing that physical distancing decreases the spread of COVID-19 and requiring the evaluation of the need for physical distancing when there has been an outbreak at the workplace (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period); and

WHEREAS, the County of Orange Health Officer's Orders and Strong Recommendations, last revised on September 23, 2022, state that "the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap"; and

WHEREAS, the CDC currently recommends that "[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others"; and

WHEREAS, the OCERS Board does hereby find that the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons that are likely to be beyond the control of services, personnel, equipment, and facilities of OCERS; and

WHEREAS, in making the aforementioned finding, the OCERS Board acknowledges the proclamation of State of Emergency by the Governor of the State of California; the proclamation of Local Health Emergency by the County of Orange Health Officer; the proclamation of a Local Emergency by the Chairwoman of the Orange County Board of Supervisors; and the ratification of the Local Health Emergency and Local Emergency by the Orange County Board of Supervisors; as well as CalOSHA's prevention Emergency Temporary Standards requiring the evaluation of physical distancing when a COVID-19 outbreak occurs at the workplace; the County of Orange Health Officer's Orders and Strong Recommendations for at-risk persons to wear well-fitted masks in indoor settings when around others outside of their household and practice distancing; and the CDC's recommendation for unvaccinated persons to avoid crowded areas and maintain physical distance between yourself and others; and

WHEREAS, as a consequence of the State of Emergency, Local Health Emergency and Local Emergency, the OCERS Board does hereby find that conditions exist to enable the OCERS Board and its committees to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the OCERS Board and its committees will comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, members of the public who wish to observe or participate in the meeting may do so via the Zoom application or via telephone, as explained in the agenda for the meeting posted on the OCERS' website and at its business office location at least 72 hours prior to the meeting.

NOW, THEREFORE, THE OCERS BOARD DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Acknowledgement of Proclamation of State and Local Emergency. The OCERS Board hereby acknowledges that a State of Emergency has been proclaimed by the Governor of the State of California effective March 4, 2020; that a Local Health Emergency has been proclaimed by the Orange County Health Officer on February 26, 2020; that a Local Emergency has been proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; and that the Local Health Emergency and Local Emergency were ratified by the Orange County Board of Supervisors on March 2, 2020, all of which continue to exist within the geographical boundaries of the territory within which the OCERS Board and its committees hold meetings to conduct business.

Section 3. Determination Regarding Health and Safety Need to Continue Teleconferencing. The OCERS Board finds that state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Remote Teleconference Meetings. The staff and the OCERS Board and each of its committees are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution will take effect immediately upon its adoption and shall be effective until the earlier of November 18, 2022, or such time the OCERS Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the OCERS Board and its committees may continue to meet by teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of the Orange County Employees Retirement System this 17th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

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resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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DECLARATION OF A LOCAL HEALTH EMERGENCY


WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and likelihood of COVID-19 positive patients being identified in Orange County;

WHEREAS, based on the foregoing, there is an imminent and proximate threat of the introduction of COVID-19 in the County of Orange and a threat to the public health of the County residents;

THEREFORE, the County Health Officer hereby declares a health emergency.



Nichole Quick, MD, MPH
Health Officer

2/26/2020
Date

COUNTY OF ORANGE
STATE OF CALIFORNIA
PROCLAMATION OF A LOCAL EMERGENCY

REQUEST FOR GOVERNOR TO DECLARE A STATE OF EMERGENCY

WHEREAS, in accordance with Government Code Section 8630, a local emergency may be proclaimed by the Board of Supervisors of the County of Orange or by an official so designated by ordinance adopted by the Board of Supervisors; and

WHEREAS, Section 3-1-6(a) of the Codified Ordinances of the County of Orange provides that the Director of Emergency Services shall request the Board of Supervisors to proclaim a local emergency when the Board of Supervisors is in session and the Chair of the Emergency Management Council to so proclaim when the Board of Supervisors is not in session; and

WHEREAS, the Board of Supervisors is not currently in session, and the Director of Emergency Services has requested that the Chair of the Emergency Management Council proclaim a local emergency; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant

destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

WHEREAS, the above described events are creating a condition of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat;

IT IS HEREBY PROCLAIMED that a local emergency exists within the geographic area of Orange County;

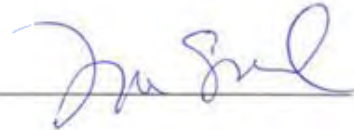
IT IS FURTHER PROCLAIMED AND ORDERED that as of this date all County departments and agencies take those actions, measures and steps deemed necessary to assure the safety and welfare of Orange County residents and property, including requesting mutual aid to the extent such aid is necessary and utilizing EOC Cal Cards and any other available funding stream to acquire resources determined by the DES or an authorized emergency purchaser as necessary to respond to this declared emergency.

ACCORDINGLY, THE CHAIR OF THE BOARD OF SUPERVISORS ACTING AS THE CHAIR OF THE EMERGENCY MANAGEMENT COUNCIL HEREBY REQUESTS that the Governor declare a State of Emergency and make all relevant funds available to the County of Orange and all eligible community members and businesses, including but not limited to, California Disaster Assistance Act funds and State Private Nonprofit Organizations Assistance Program funds, and that the Governor request that the President of the United States make a Presidential Declaration of Emergency in and for the County of Orange and make all relevant funds available to the County of Orange and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration.

Date:

2/26/20

Signed:



Michelle Steel,
Chairwoman of the Board of Supervisors Acting as
the Chair of the Emergency Management Council
County of Orange

Attachment A

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, on February 26, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named "COVID-19") in Orange County.

WHEREAS, under Health and Safety Code Section 101080, the local health emergency shall not remain in effect for more than seven days unless ratified by the Board of Supervisors;

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County for reasons set forth in the declaration of local health emergency by County's Health Officer, dated February 26, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Supervisors
that:


1. The local health emergency declared by the County's Health Officer on February 26, 2020 is hereby ratified. Under Health and Safety Code Section 101080, the local health emergency may remain in effect for no more than 30 days from the date of this Resolution.
2. The County's Health Officer is directed to bring for review by the Board of Supervisors the need for continuing the local health emergency no later than the date

coinciding with the expiration of this Resolution

3. The Board of Supervisors delegates authority to the County's Health Officer to terminate the local health emergency, pursuant to Health and Safety Code Section 101080, "at the earliest possible date that conditions warrant the terminations."
4. All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

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APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

Attachment C

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Government Code section 8630 and section 3-1-6(a) of the Codified Ordinances of the County of Orange empower the Director of Emergency Services to request the Chair of the Emergency Management Council to proclaim the existence or threatened existence of a local emergency, subject to ratification by the Board of Supervisors within seven days; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

Attachment C

WHEREAS, the above described events are creating conditions of extreme peril and such conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County, requiring the combined forces of other political subdivisions to combat;
and

WHEREAS, at the request of the Director of Emergency Services, the Chair of the Emergency Management Council, on February 26, 2020, did proclaim the existence of local emergency within the County of Orange; and

WHEREAS, the Board of Supervisors does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency;
and

WHEREAS, the Board of Supervisors also finds a local emergency does exist and shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby ratify the Chair of the Emergency Management Council's February 26, 2020, Proclamation of a Local Emergency.

BE IT FURTHER RESOLVED that all powers, functions, and duties of the emergency organization of the County of Orange shall be vested in such persons as prescribed by federal and state law, by County ordinances and resolutions, and by the Orange County Emergency Plan now in effect.


BE IT FURTHER RESOLVED that all County departments and agencies take those actions, measures, and steps deemed necessary to assure the safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

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Resolution No. _____ Item No. _____
Proclamation of a Local Emergency

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and



notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The



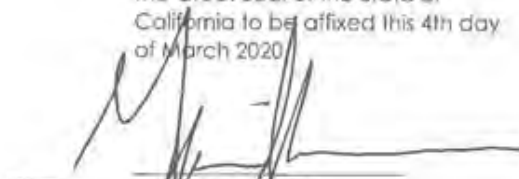
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020.


GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



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Subchapter 7. General Industry Safety Orders
Introduction

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§3205. COVID-19 Prevention.

(a) Scope.

(1) This section applies to all employees and places of employment, with the following exceptions:

(A) Work locations with one employee who does not have contact with other persons.

(B) Employees working from home.

(C) Employees with occupational exposure as defined by section 5199, when covered by that section.

(D) Employees teleworking from a location of the employee's choice, which is not under the control of the employer.

(2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.

(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.

(1) "Close contact" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the infectious period defined by this section, regardless of the use of face coverings, unless close contact is defined by regulation or order of the CDPH. If so, the CDPH definition shall apply.

EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the infectious period.

(2) "COVID-19" (Coronavirus Disease 2019) means the disease caused by SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2).

(3) "COVID-19 case" means a person who:

(A) Has a positive COVID-19 test; or

(B) Has a positive COVID-19 diagnosis from a licensed health care provider; or

(C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or

(D) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

(4) "COVID-19 hazard" means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids.

(5) "COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

(6) "COVID-19 test" means a test for SARS-CoV-2 that is:

(A) Cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); and

(B) Administered in accordance with the authorized instructions.

(C) To meet the return to work criteria set forth in subsection (c)(10), a COVID-19 test may be both self-administered and self-read only if another means of independent verification of the results can be provided (e.g., a time-stamped photograph of the results).

(7) "Exposed group" means all employees at a work location, working area, or a common area at work, where an employee COVID-19 case was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply:

(A) For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.

(B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

(C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the infectious period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.

Note: An exposed group may include the employees of more than one employer. See Labor Code sections 6303 and 6304.1.

(8) "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with

no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

(9) "Infectious period" means the following time period, unless otherwise defined by CDPH regulation or order, in which case the CDPH definition shall apply:

(A) For COVID-19 cases who develop COVID-19 symptoms, from two days before they first develop symptoms until all of the following are true: it has been 10 days since symptoms first appeared; 24 hours have passed with no fever, without the use of fever-reducing medications; and symptoms have improved.

(B) For COVID-19 cases who never develop COVID-19 symptoms, from two days before until 10 days after the specimen for their first positive test for COVID-19 was collected.

(10) "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

(11) "Returned case" means a COVID-19 case who returned to work pursuant to subsection (c)(10) and did not develop any COVID-19 symptoms after returning. A person shall only be considered a returned case for 90 days after the initial onset of COVID-19 symptoms or, if the person never developed COVID-19 symptoms, for 90 days after the first positive test. If a period of other than 90 days is required by a CDPH regulation or order, that period shall apply.

(12) "Worksite," for the limited purposes of sections 3205 through 3205.4 only, means the building, store, facility, agricultural field, or other location where a COVID-19 case was present during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter, locations where the worker worked by themselves without exposure to other employees, or to a worker's personal residence or alternative work location chosen by the worker when working remotely.

Note: The term worksite is used for the purpose of notice requirements in subsections (c)(3)(B)3. and 4. only.

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Prevention Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(1) System for communicating. The employer shall do all of the following in a form readily understandable by employees:

(A) Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible close contacts, and possible COVID-19 hazards at the workplace.

(B) Describe how employees with medical or other conditions that put them at increased risk of severe COVID-19 illness can request accommodations.

(C) Provide information about access to COVID-19 testing as described in subsection (c)(5)(I) when testing is required under this section, section 3205.1, or section 3205.2.

(D) In accordance with subsection (c)(3)(B), communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities

within or in contact with the employer's workplace.

Note: See subsection (c)(3)(C) for confidentiality requirements for COVID-19 cases.

(2) Identification and evaluation of COVID-19 hazards.

(A) The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards.

(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening indoors at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

(C) The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.

(D) The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing stationary work.

(E) For indoor locations, the employer shall evaluate how to maximize ventilation with outdoor air; the highest level of filtration efficiency compatible with the existing ventilation system; and whether the use of portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems, would reduce the risk of COVID-19 transmission.

(F) The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention. These orders and guidance are both information of general application, including Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments by CDPH, and information specific to the employer's industry, location, and operations.

(G) The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), (c)(6), and (c)(7).

(H) The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.

(3) Investigating and responding to COVID-19 cases in the workplace.

(A) Employers shall have an effective procedure to investigate COVID-19 cases in the workplace. This includes procedures for seeking information from employees regarding COVID-19 cases and close contacts, COVID-19 test results, and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.

2. Determine who may have had a close contact. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the infectious period.

Note: See subsection (c)(9) for exclusion requirements for employees after a close contact.

3. Within one business day of the time the employer knew or should have known of a COVID-19 case, the employer shall give written notice, in a form readily understandable by employees, that people at the worksite may have been exposed to COVID-19. The notice shall be written in a way that does not reveal any personal identifying information of the COVID-19 case, and in the manner the employer normally uses to communicate employment-related information. Written notice may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending. The notice shall include the cleaning and disinfection plan required by Labor Code section 6409.6(a)(4). The notice must be sent to the following:

a. All employees who were on the premises at the same worksite as the COVID-19 case during the infectious period. If the employer should reasonably know that an employee has not received the notice, or has limited literacy in the language used in the notice, the employer shall provide verbal notice, as soon as practicable, in a language understandable by the employee.

b. Independent contractors and other employers on the premises at the same worksite as the COVID-19 case during the infectious period.

4. Within one business day of the time the employer knew or should have known of the COVID-19 case, the employer shall:

a. provide the notice required by Labor Code section 6409.6(a)(2) and (c) to the authorized representative, if any, of the COVID-19 case and of any employee who had a close contact; and

b. provide the notice required by Labor Code section 6409.6(a)(4) to the authorized representative, if any, of any employee who was on the premises at the same worksite as the COVID-19 case during the infectious period.

5. Make COVID-19 testing available at no cost, during paid time, to all employees of the employer who had a close contact in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(9)(C).

Exception to subsection (c)(3)(B)5.: The employer is not required to make COVID-19 testing available to returned cases.

6. Investigate whether workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

(C) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee medical records required by this section or by sections 3205.1 through 3205.4, shall be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, and NIOSH immediately upon request, and when required by law.

(4) Correction of COVID-19 hazards. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard. This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted under subsections (c)(2) and (c)(3) and implementing the controls required by subsections (c)(6) and (c)(7).

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards, and how to participate in the identification and evaluation of COVID-19 hazards under subsection (c)(2)(A).

(B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local governmental requirements, the employer's own leave policies, leave guaranteed by contract, and this section.

(C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

(D) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.

(E) The employer's policies for providing respirators, and the right of employees to request a respirator for voluntary use as stated in this section, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use under this section or sections 3205.1 through 3205.4, the employer shall provide effective training and instruction to employees regarding:

1. How to properly wear the respirator provided;
2. How to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with a seal.

(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings primarily protect people around the user.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

(I) Information on the employer's COVID-19 policies; how to access COVID-19 testing and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

(J) The conditions under which face coverings must be worn at the workplace and that employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

(6) Face coverings.

(A) Employers shall provide face coverings and ensure they are worn by employees when required by orders from CDPH.

(B) Employers shall ensure that required face coverings are clean and undamaged, and that they are worn over the nose and mouth. Face shields are not a replacement for face coverings, although they may be worn together for additional protection.

(C) When employees are required to wear face coverings under this section or sections 3205.1 through 3205.4, the following exceptions apply:

1. When an employee is alone in a room or vehicle.
2. While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
3. Employees wearing respirators required by the employer and used in compliance with section 5144.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.
5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

(D) Employees exempted from wearing face coverings pursuant to subsection (c)(6)(C)4. due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it. If their condition or disability does not permit a non-restrictive alternative, the employee shall be tested at least weekly for COVID-19 during paid time and at no cost to the employee.

(E) Any employee not wearing a face covering, pursuant to the exception in subsection (c)(6)(C)5. shall be tested at least weekly for COVID-19 during paid time and at no cost to the employee. Employers may not use the provisions of subsection (c)(6)(E) as an alternative to face coverings when face coverings are otherwise required by this section.

(F) No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment.

(G) When face coverings are not required by this section or by sections 3205.1 through 3205.4, employers shall provide face coverings to employees upon request, regardless of vaccination status.

(H) Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises.

(7) Other engineering controls, administrative controls, and personal protective equipment.

(A) For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

(B) To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

(C) Personal protective equipment.

1. Employers shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.

2. Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are working indoors or in vehicles with more than one person. Whenever an employer makes respirators for voluntary use available, under this section or sections 3205.1 through 3205.4, the employer shall encourage their use and shall ensure that employees are provided with a respirator of the correct size.

3. Employers shall provide and ensure use of respirators in compliance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.

4. Employers shall provide and ensure use of eye protection and respiratory protection in compliance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

NOTE: Examples of work covered by subsection (c)(7)(C)4. include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

(D) Testing of symptomatic employees. Employers shall make COVID-19 testing available at no cost to employees with COVID-19 symptoms, during employees' paid time.

(8) Reporting, recordkeeping, and access.

(A) The employer shall report information about COVID-19 cases and outbreaks at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department. The employer shall report all information to the local health department as required by Labor Code section 6409.6.

(B) The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).

(C) The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

(D) The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test.

(9) Exclusion of COVID-19 cases and employees who had a close contact. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.

(A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(10) are met.

(B) Employers shall review current CDPH guidance for persons who had close contacts, including any guidance regarding quarantine or other measures to reduce transmission. Employers shall develop, implement, and maintain effective policies to prevent transmission of COVID-19 by persons who had close contacts.

(C) For employees excluded from work under subsection (c)(9), employers shall continue and maintain an employee's earnings, wages, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Employers may use employer-provided employee sick leave for this purpose to the extent permitted by law. Wages due under this subsection are subject to existing wage payment obligations and must be paid at the employee's regular rate of pay no later than the regular pay day for the pay period(s) in which the employee is excluded. Unpaid wages owed under this subsection are subject to enforcement through procedures available in existing law. If an employer determines that one of the exceptions below applies, it shall inform the employee of the denial and the applicable exception.

Exception 1: Subsection (c)(9)(C) does not apply where the employee received disability payments or was covered by workers' compensation and received temporary disability.

Exception 2: Subsection (c)(9)(C) does not apply where the employer demonstrates that the close contact is not work related.

(D) Subsection (c)(9) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(9)(C).

(10) Return to work criteria. The following return to work criteria shall apply to COVID-19 cases and employees excluded under sections 3205.1 and 3205.2. The employer must demonstrate it has met the applicable requirements below:

(A) COVID-19 cases, regardless of vaccination status or previous infection, who do not develop COVID-19 symptoms or whose COVID-19 symptoms are resolving, shall not return to work until:

1. At least five days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test;
2. At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever reducing medications; and
3. A negative COVID-19 test from a specimen collected on the fifth day or later is obtained; or, if unable to test or the employer chooses not to require a test, 10 days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test.

(B) COVID-19 cases, regardless of vaccination status or previous infection, whose COVID-19 symptoms are not resolving, may not return to work until:

1. At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication; and
2. Symptoms are resolving or 10 days have passed from when the symptoms began.

(C) Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case shall wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.

(D) The requirements in subsections (c)(10)(A) and (c)(10)(B) apply regardless of whether an employee has previously been excluded or other precautions were taken in response to an employee's close contact or membership in an exposed group.

(E) If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be in accordance with the return to work periods in subsection (c)(10).

(F) If no violations of local or state health officer orders for isolation, quarantine, or exclusion would result, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3, 144.6 and 6409.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 74, No. 43.
2. Governor Newsom issued Executive Order N-84-20 (2019 CA EO 84-20), dated December 14, 2020, which suspended certain provisions relating to the exclusion of COVID-19 cases from the workplace.
3. Editorial correction of punctuation errors in subsections (b)(1), (c)(3)(D), (c)(10)(C) and (c)(10)(E) (Register 2021, No. 24).
4. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567, 8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.
5. New section, including amendments, refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.
6. Editorial correction of History 5 (Register 2022, No. 9).

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California Code of Regulations, Title 8, Section 3205. COVID-19 Prevention.

7. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.

8. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

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§3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to a workplace covered by section 3205 if three or more employee COVID-19 cases within an exposed group, as defined by section 3205(b), visited the workplace during their infectious period at any time during a 14-day period.

(2) This section shall apply until there are no new COVID-19 cases detected in the exposed group for a 14-day period.

(b) COVID-19 testing.

(1) The employer shall make COVID-19 testing available at no cost to its employees within the exposed group, during employees' paid time, except:

(A) Employees who were not present at the workplace during the relevant 14-day period(s) under subsection (a).

(B) For returned cases who did not develop COVID-19 symptoms after returning to work pursuant to subsection 3205(c)(10), no testing is required.

(2) COVID-19 testing shall consist of the following:

(A) Immediately upon being covered by this section, the employer shall make testing available to all employees in the exposed group, regardless of vaccination status, and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine, isolation, or exclusion period required by, or orders issued by, the local health department.

(B) After the first two COVID-19 tests required by subsection (b)(2)(A), employers shall make COVID-19 testing available once a week at no cost, during paid time, to all employees in the exposed group who remain at the workplace, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2).

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California Code of Regulations, Title 8, Section 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

(C) Employees who had close contacts shall have a negative COVID-19 test taken within three and five days after the close contact or shall be excluded and follow the return to work requirements of subsection 3205(c)(10) starting from the date of the last known close contact.

(c) Employers shall make additional testing available at no cost to employees, during employees' paid time, when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.

(d) The employer shall continue to comply with all applicable provisions of section 3205, and shall also do the following:

(1) Employees in the exposed group shall wear face coverings when indoors, or when outdoors and less than six feet from another person, unless one of the exceptions in subsection 3205(c)(6)(C) applies.

(2) Employers shall give notice to employees in the exposed group of their right to request a respirator for voluntary use under subsection 3205(c)(7)(C)2.

(3) Employers shall evaluate whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, as much distance between persons as feasible.

(e) COVID-19 Investigation, review and hazard correction. The employer shall immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19. The investigation and review shall be documented and include:

(1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.

(2) The review shall be updated every 30 days that this section continues to apply, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.

(3) The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as feasible, requiring respiratory protection in compliance with section 5144, and other applicable controls.

(f) In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and, if so, shall implement their use to the degree feasible.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day.

2. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567,

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California Code of Regulations, Title 8, Section 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.

4. Editorial correction of History 5 (Register 2022, No. 9).

5. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.

6. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

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§3205.2. Major COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to any workplace covered by section 3205 if 20 or more employee COVID-19 cases in an exposed group, as defined by section 3205(b), visited the workplace during their infectious period within a 30-day period.

(2) This section shall apply until there are fewer than three COVID-19 cases detected in the exposed group for a 14-day period.

(b) Employers shall continue to comply with section 3205.1, except that the COVID-19 testing described in section 3205.1(b) shall be required of all employees in the exposed group, regardless of vaccination status, twice a week or more frequently if recommended by the local health department. Employees in the exposed group shall be tested or shall be excluded and follow the return to work requirements of subsection 3205(c)(10) starting from the date that the outbreak begins.

(c) In addition to the requirements of sections 3205 and 3205.1, the employer shall take the following actions:

(1) The employer shall provide a respirator for voluntary use in compliance with subsection 5144(c)(2) to employees in the exposed group and shall determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.

(2) Any employees in the exposed group who are not wearing respirators required by the employer and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not feasible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.

(3) The employer shall evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.

(4) Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day.
2. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567, 8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 1-5-2022 as an emergency; operative 1-14-2022 (Register 2022, No. 1). A Certificate of Compliance must be transmitted to OAL by 4-14-2022 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of History 5 (Register 2022, No. 9).
5. Emergency filed 1-5-2022 extended an additional 21 calendar days pursuant to Executive Order N-5-22. A Certificate of Compliance must be transmitted to OAL by 5-5-2022 or emergency language will be repealed by operation of law on the following day.
6. New section, including amendments, refiled 5-5-2022 as an emergency pursuant to EO N-23-21; operative 5-5-2022 pursuant to EO N-23-21 (Register 2022, No. 18). Pursuant to EO N-23-21, a Certificate of Compliance must be transmitted to OAL by 12-31-2022 or emergency language will be repealed by operation of law on the following day.

 [Go Back to General Industry Safety Orders, Introduction](#)



What Employers and Workers Need to Know about COVID-19 Isolation & Quarantine

May 6, 2022

This fact sheet provides employers and workers not covered by the **Aerosol Transmissible Diseases standard** with information on when and for how long workers must be excluded from the workplace if they test positive or are exposed to someone who has COVID-19. The chart below reflects the new California Department of Public Health (CDPH) isolation and quarantine periods guidance from April 6, 2022 and the third re-adoption of the Cal/OSHA COVID-19 Prevention Emergency Regulation effective May 6, 2022.

More information is available on [Cal/OSHA's ETS FAQs](#) and [CDPH's Isolation and Quarantine Guidance](#).

Employees who test positive for COVID-19 must be excluded from the workplace as described in Table 1. For employees who had a close contact, employers must review [CPDH guidance](#) and implement quarantine and other measures in the workplace to prevent COVID-19 transmission in the workplace. Please refer to table 2 and table 3 below for CDPH quarantine guidance after close contact.

Where the tables below refer to action to be taken on a specified day (e.g. "day 5" or "day 10"), day 1 is the first day following the onset of symptoms or, if no symptoms develop, the day following the first positive test.

Table 1: Exclusion Requirements for Employees Who Test Positive for COVID-19

<p>Requirements apply to all employees, regardless of vaccination status, previous infection, or lack of symptoms.</p>	<ul style="list-style-type: none"> • Employees who test positive for COVID-19 must be excluded from the workplace for at least 5 days after start of symptoms or after date of first positive test if no symptoms. • Isolation can end and employees may return to the workplace after day 5 if symptoms are not present or are resolving, and a diagnostic specimen* collected on day 5 or later tests negative. • If an employee's test on day 5 (or later) is positive, isolation can end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications. • If an employee is unable to or choosing not to test ⁱ, isolation can end, and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications. • If an employee has a feverⁱⁱ, isolation must continue and the employee may not return to work until 24 hours after the fever resolves without the use of fever-reducing medications.ⁱⁱⁱ • If an employee's symptoms other than fever are not resolving, they may not return to work until their symptoms are resolving or until after day 10. • Employees must wear face coverings around others for a total of 10 days. Please refer the FAQs regarding face coverings for additional information <p>*Antigen test preferred.</p>
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ⁱ An employer may require a test. More information is available in the [Department of Fair Employment and Housing FAQ](#).

ⁱⁱ A fever is a measured body temperature of 100.4 degrees Fahrenheit or higher.

ⁱⁱⁱ A fever resolves when 24 hours have passed with no fever, without the use of fever-reducing medications.

Table 2: CDPH Guidance for Close Contacts – Employees Who Are Exposed to Someone with COVID-19. (Applies to All Employees Except those in High-Risk Settings)

<p>For employees who are asymptomatic. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> Exposed employees must test within three to five days after their last close contact. Persons infected within the prior 90 days do not need to be tested unless symptoms develop. Employees must wear face coverings around others for a total of 10 days after exposure. Please refer to the FAQs on face coverings for additional information. If an exposed employee tests positive for COVID- 19, they must follow the isolation requirements above in Table 1. Employees are strongly encouraged to get vaccinated and boosted
<p>For employees who are symptomatic. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> Symptomatic employees must be excluded and test as soon as possible. Exclusion must continue until test results are obtained. If the employee is unable to test or choosing not to test, exclusion must continue for 10 days. If the employee tests negative and returns to work earlier than 10 days after the close contact, the employee must wear a face covering around others for 10 days following the close contact. CDPH recommends continuing exclusion and retesting in 1-2 days if testing negative with an antigen test, particularly if tested during the first 1-2 days of symptoms. For symptomatic employees who have tested positive within the previous 90 days, using an antigen test is preferred.

Table 3: CDPH Guidance for Close Contacts – Specified High-Risk Settings

<p>Applies to employees who are:</p> <ul style="list-style-type: none"> Not fully vaccinated, OR Not infected with SARS-CoV-2 within the prior 90 days. <p>AND who work in the following high-risk settings:</p> <ul style="list-style-type: none"> Emergency Shelters Cooling and Heating Centers Long Term Care Settings & Adult and Senior Care Facilities* Local correctional facilities and detention centers* Healthcare settings* <p>* Please note that some employees in these high-risk settings are covered by the Aerosol Transmissible Diseases standard (section 5199) and are subject to different requirements. Please see the Scope of Coverage section of the FAQ for additional information.</p>	<ul style="list-style-type: none"> Exposed employees must be excluded from work for at least five days after the last known close contact. Exclusion can end and exposed employees may return to the workplace after day 5 if symptoms are not present and a diagnostic specimen collected on day 5 or later tests negative. If an employee is unable to test or choosing not to test, and symptoms are not present, work exclusion can end and the employee may return to the workplace after day 10. Employees in these settings must wear a face covering while indoors and around others in accordance with CDPH’s universal masking guidance. Employees are strongly encouraged to get vaccinated or boosted. If employees develop symptoms after returning to work, they must be excluded from the workplace and test as soon as possible. If employees test positive, they must follow the isolation requirements in Table 1.
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Commonly Asked Questions

When do workers need to be paid exclusion pay if exposed to COVID-19?

When workers are required to be excluded from work due to work-related COVID-19 exposure, they must be paid exclusion pay. Workers should speak with their employers about available exclusion pay. Some exceptions apply, for example if the worker can work from home, or they are receiving disability pay or Workers' Compensation Temporary Disability Payments.

What does CDPH guidance require if a worker was exposed to COVID-19 but tests are not available?

If a worker in a non-high-risk setting cannot be tested as required but never develops symptoms, the worker may continue to work but must wear a face covering for 10 days after the close contact. If the worker works in a high-risk setting, they should continue isolation for 10 days, as explained in the table.

This guidance is an overview, for full requirements see Title 8 sections [3205](#), [3205.1](#), [3205.2](#), [3205.3](#), [3205.4](#)

Update History

- January 19, 2022 – Updated to clarify this fact sheet does not apply to workplaces covered by the Aerosol Transmissible Diseases Standard.
- May 6, 2022 – Updated to align with new CDPH guidance for general population and adding high-risk settings.



For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or InfoCons@dir.ca.gov

For Consultation information or publications, access the following link or copy the site address:
[DOSHConsultation www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html)



How to Protect Yourself and Others

Updated Aug. 11, 2022

COVID-19 Prevention Actions

There are many ways your actions can help protect you, your household, and your community from severe illness from COVID-19. [CDC's COVID-19 Community Levels](#) provide information about the amount of severe illness in the community where you are located to help you decide when to take action to protect yourself and others.



COVID-19 County Check

Find community levels and prevention steps by county. Data updated we

Select a Location (all fields required)

[State] [County]

Prevention Actions to Use at All COVID-19 Community Levels

In addition to basic health and hygiene practices, like [handwashing](#), CDC recommends some prevention actions at all COVID-19 Community Levels, which include:

- Staying Up to Date with COVID-19 Vaccines
- Improving Ventilation
- Getting Tested for COVID-19 If Needed
- Following Recommendations for What to Do If You Have Been Exposed
- Staying Home If You Have Suspected or Confirmed COVID-19
- Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick
- Avoiding Contact with People Who Have Suspected or Confirmed COVID-19

Staying Up to Date with COVID-19 Vaccines



COVID-19 vaccines help your body develop protection from the virus that causes COVID-19. Although vaccinated people sometimes get infected with the virus that causes COVID-19, [staying up to date](#) on COVID-19 vaccines significantly lowers the risk of getting very sick, being hospitalized, or dying from COVID-19. CDC recommends that everyone who is eligible get a booster and [stay up to date on their COVID-19 vaccines](#), especially [people with weakened immune systems](#).

If you are moderately or severely immunocompromised or severely allergic to COVID-19 vaccines: Talk with a healthcare provider about whether you are eligible for a medicine called Evusheld that you can take before you are exposed to the virus. This medicine is a combination of two monoclonal antibodies provided together. Evusheld can help prevent infection from the virus that causes COVID-19 for 6 months. See [additional information](#) for making a COVID-19 plan to protect yourself from infection.

To find COVID-19 vaccine locations near you: Search [vaccines.gov](https://www.vaccines.gov), text your ZIP code to 438829, or call 1-800-232-0233.

Improving Ventilation and Spending Time Outdoors



Improving ventilation (moving air into, out of, or within a room) and **filtration** (trapping particles on a filter to remove them from the air) can help prevent virus particles from accumulating in indoor air. Improving ventilation and filtration can help protect you from getting infected with and spreading the virus that causes COVID-19. Spending time outside when possible instead of inside can also help: Viral particles spread between people more readily **indoors than outdoors**.


Actions that can **improve ventilation and filtration** include:

- Bringing in as much outdoor air as possible—for example, opening windows.
- Increasing air filtration in your heating, ventilation, and air conditioning (HVAC) system, such as by changing filters frequently and using filters that are properly fitted and provide higher filtration.
- Using portable high-efficiency particulate air (HEPA) cleaners.
- Turning on exhaust fans and using other fans to improve air flow.
- Turning your thermostat to the “ON” position instead of “AUTO” to ensure your HVAC system provides **continuous airflow and filtration**.

CDC’s interactive ventilation tools can help you see how much you can improve ventilation in your **home** or **school**.

Moving indoor activities outdoors

You are less likely to be infected with COVID-19 during outdoor activities because virus particles do not build up in the air outdoors as much as they do indoors. As the COVID-19 Community Level rises, consider increasing the number of group activities you move outside.

[Financial support](#)  may be available to certain entities, like schools, to make ventilation improvements.

Getting Tested for COVID-19 If Needed



[Get tested](#) if you have [COVID-19 symptoms](#). A viral test tells you if you are infected with the virus that causes COVID-19. There are two types of viral tests: rapid tests and laboratory tests. These tests might use samples from your nose or throat, or saliva. Knowing if you are infected with the virus that causes COVID-19 allows you to take care of yourself and take actions to reduce the chance that you will infect others.

CDC's [Viral Testing Tool](#) is an online, mobile-friendly tool that asks a series of questions and recommends actions and resources based on your responses. It can help you interpret what your test result means.

You can also access tests the following ways:

- Order free self-tests at [COVIDtests.gov](https://www.covidtests.gov) [↗](#) . Free tests are also available through [local health departments](#).
- If you have Medicare Part B, including those enrolled in a Medicare Advantage plan, Medicare will cover up to 8 free self-tests each calendar month from participating pharmacies and providers. Private health insurance may also reimburse the cost of purchasing self-tests. Visit [FDA's website](#) [↗](#) for a list of authorized tests.
- Call your healthcare provider, visit a [community testing site](#) [↗](#) , or call your local health department for more options.

Following Recommendations for What to Do If You Have Been Exposed

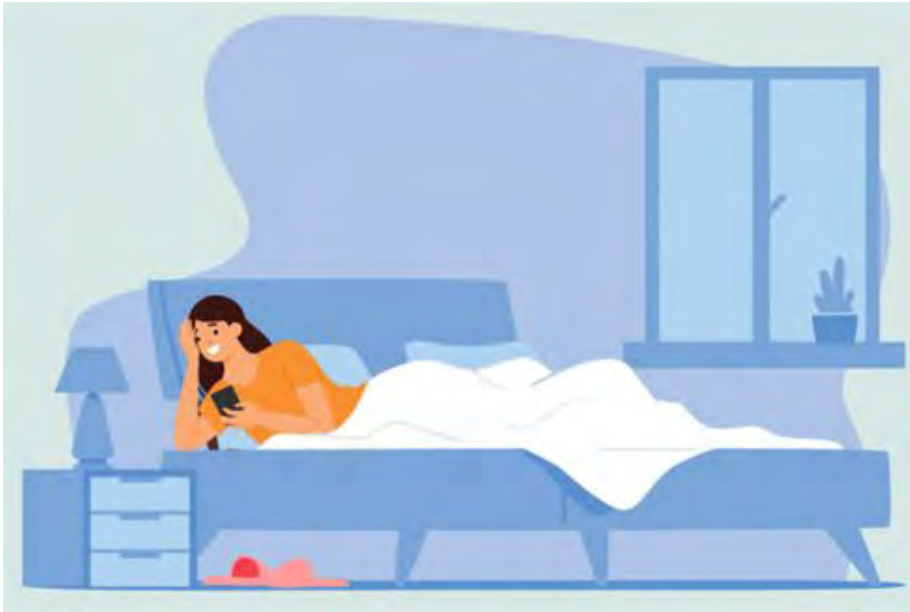
If



you were exposed to someone with COVID-19, you may have been infected with the virus. Follow CDC's recommendations for [what to do if you were exposed](#). This includes wearing a high-quality mask when indoors around others (including inside your home) for 10 days, testing, and monitoring yourself for symptoms.

Staying Home When You Have Suspected or Confirmed COVID-19

If



you have COVID-19, you can spread it to others, even if you do not have symptoms. If you have symptoms, get tested and stay home until you have your results. If you have tested positive (even without symptoms), follow CDC's [isolation recommendations](#). These recommendations includes staying home and away from others for at least 5 days (possibly more, depending on how the virus affects you) and wearing a high-quality mask when indoors around others for a period of time.

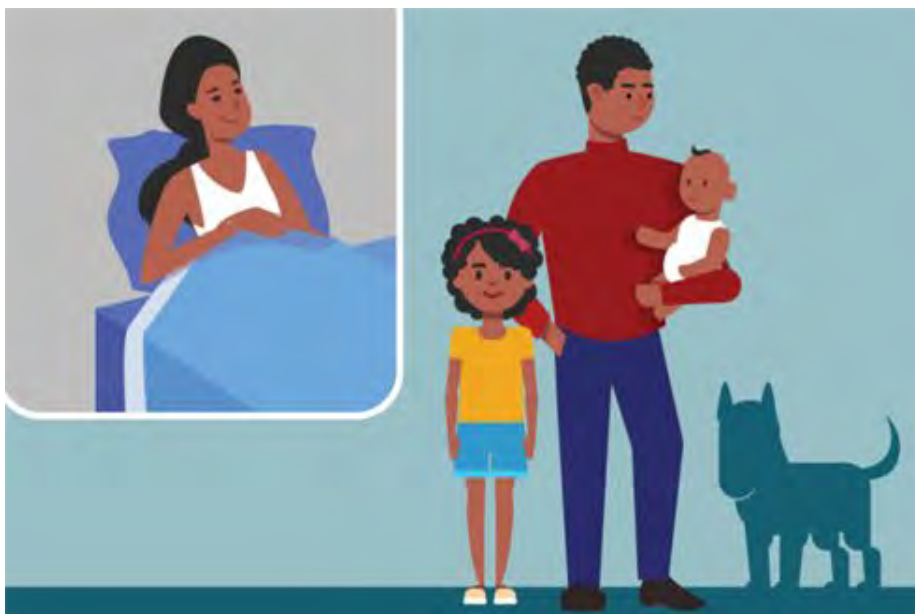
Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick



Effective treatments are now widely available and free, and you may be eligible.

- Contact your healthcare provider, [health department](#), or [Community Health Center](#) [↗](#) to learn about [treatment options](#).
- Don't delay! Treatment must be started within a few days after you first develop symptoms to be effective.
- If you don't have timely access to a healthcare provider, check if a [Test to Treat location](#) [↗](#) is in your community. You can get tested, receive a prescription from a healthcare provider (either onsite or by telehealth), and have it filled all at one location.

Avoiding Contact with People Who Have Suspected or Confirmed COVID-19



Avoiding contact with people who have COVID-19, whether or not they feel sick, can reduce your risk of catching the virus from them. If possible, avoid being around a person who has COVID-19 until they can [safely end home isolation](#). Sometimes it may not be practical for you to stay away from a person who has COVID-19 or you may want to help take care of them. In those situations, use as many prevention strategies as you can, such as practicing hand hygiene, consistently and correctly wearing a high-quality mask, improving ventilation, and keeping your distance, when possible, from the person who is sick or who tested positive.

Prevention Actions to Add as Needed

There are some additional prevention actions that may be done at any level, but CDC especially recommends considering in certain circumstances or at medium or high [COVID-19 Community Levels](#).

- [Wearing Masks or Respirators](#)
- [Increasing Space and Distance](#)

Wearing Masks or Respirators



Masks are made to contain droplets and particles that you breathe, cough, or sneeze out. A variety of masks are available. Some masks provide a higher level of protection than others.

Respirators (for example, N95) are made to protect you by fitting closely on the face to filter out particles, including the virus that causes COVID-19. They can also block droplets and particles you breathe, cough, or sneeze out so you do not spread them to others. Respirators (for example, N95) provide higher protection than masks.

When wearing a mask or respirator (for example, N95), it is most important to choose one that you can wear correctly, that fits closely to your face over your mouth and nose, that provides good protection, and that is comfortable for you.

Increasing Space and Distance



Small particles that people breathe out can contain virus particles. The closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others. These actions also protect people who are at [high risk for getting very sick from COVID-19](#) in settings where there are [multiple risks for exposure](#).

Additional Resources

[COVID-19 Community Levels](#)

[Science Brief: SARS-CoV-2 Transmission](#)

[Science Brief: Indicators for Monitoring COVID-19 Community Levels and Making Public Health Recommendations](#)

[Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2](#)

[Science Brief: COVID-19 Vaccines and Vaccination](#)

Last Updated Aug. 11, 2022
Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\)](#), Division of Viral Diseases



← OCGOV HOME (<http://www.ocgov.com>) TRANSLATE

(<https://www.ocgov.com>)

[Home \(/\)](#) / **OC Health Officer's Orders & Recommendations**

OC Health Officer's Orders & Recommendations

For the PDF English version, click [here \(/sites/virus/files/2022-09/9.16.22 Health Officer Orders and Recommendations Final Version 2.pdf\)](/sites/virus/files/2022-09/9.16.22%20Health%20Officer%20Orders%20and%20Recommendations%20Final%20Version%202.pdf).

For translation, please click on the black "Translate" button on the top right to translate the same order displayed below.



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**COUNTY OF ORANGE HEALTH OFFICER'S
ORDERS AND STRONG RECOMMENDATIONS
(Revised September 23, 2022)**



In light of recent updated COVID-19 State Public Health Officer Orders on masking guidance, vaccine requirements and testing recommendations, the following Orders and Strong Recommendations shall revise and replace the prior Orders and Strong Recommendations of the County Health Officer that were issued on September 16, 2022. The Orders and Strong Recommendations issued on September 16, 2022, are no longer in effect as of September 23, 2022.

Pursuant to California Health and Safety Code sections 101030, 101040, 101470, 120175, and 120130, the County Health Officer for County of Orange orders and strongly recommends the following:

ORDERS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories of Orange County, California:

I. Self-Isolation of Persons with COVID-19 Order

***NOTE:** This Self-Isolation Order DOES NOT in any way restrict access by first responders to an isolation site during an emergency.*

1. Persons who are symptom-free but test positive for COVID-19.

If you do not have any COVID-19 symptoms (as defined below in this Order) but test positive for COVID-19, you shall immediately isolate yourself in your home or another suitable place for at least 5 days from the date you test positive and may end your self-isolation after day 5:

- If you continue not having any COVID-19 symptoms and a diagnostic specimen collected on day 5 or later tests negative.
 - While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.

Exceptions.

- If you are unable or choose not to test on day 5 or after, or if you test positive after day 5, you shall continue your self-isolation through day 10 from the date of your initial positive test and may end your self-isolation after 10 days from the date of your initial positive test.
- If you develop COVID-19 symptoms during the time of your self-isolation, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your



isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

All persons who test positive for COVID-19 should continue to wear a well-fitting mask at all times around other people through day 10.

2. Persons who have COVID-19 symptoms.

If you have COVID-19 symptoms, you shall immediately isolate yourself in your home or another suitable place for 10 days from the date of your symptom(s) onset and may end your self-isolation sooner under any of the following conditions:

- If a diagnostic specimen collected as early as the date of your symptom(s) onset tests negative.
 - While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.
 - Note: A negative PCR or antigen test collected on day 1-2 of symptom onset should be repeated in 1-2 days to confirm negative status. While isolation may end after the first negative test, it is strongly recommended to end isolation upon negative results from the repeat test.
- If you obtain an alternative diagnosis from a healthcare provider.

Exception:

If you have COVID-19 symptoms and test positive for COVID-19, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your self-isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

You are not required to self-isolate for more than 10 days from the date of your COVID-19 symptom(s) onset regardless of whether your symptoms are present on Day 11.

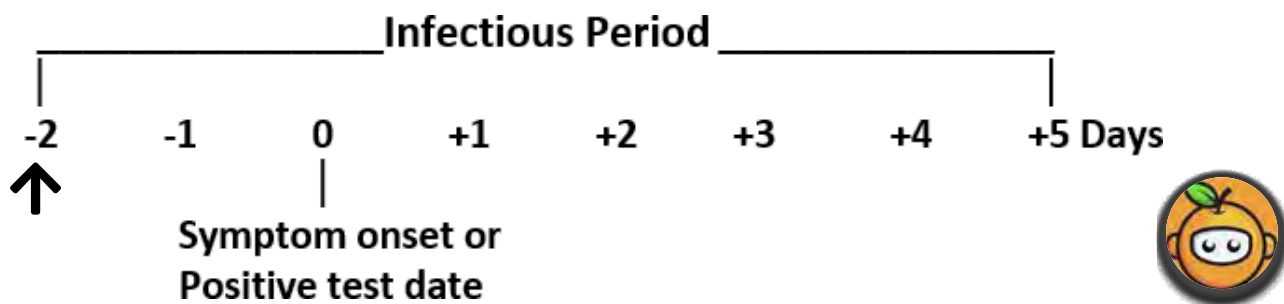
All persons who have COVID-19 symptoms should continue to wear a well-fitting mask at all times around other people through at least Day 10.



3. Additional Considerations for Self-Isolation.

- A person who is self-isolated may not leave his or her place of isolation except to receive necessary medical care.
- If a more specific and individualized isolation order is issued by the County Health Officer for any county resident, the resident shall follow the specific order instead of the order herein.
- People who are severely ill with COVID-19 might need to stay in self-isolation longer than 5 days and up to 20 days after symptoms first appeared. People with weakened immune systems should talk to their healthcare provider for more information.
- Rebound: Regardless of whether an individual has been treated with an antiviral agent, risk of transmission during COVID-rebound can be managed by following CDC's guidance on isolation (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html> (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>)). An individual with rebound may end re-isolation after 5 full days of isolation with resolution of their fever for 24 hours without the use of fever-reducing medication and if symptoms are improving. The individual should wear a mask for a total of 10 days after rebound symptoms started.
 - More information can be found at <https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/CAHAN-Paxlovid-Recurrence-06-07-22.aspx> (<https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/CAHAN-Paxlovid-Recurrence-06-07-22.aspx>).

Timing for "Day 0" - As noted in CDPH Isolation and Quarantine Q&A (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Isolation-Quarantine-QA.aspx>), the 5-day clock for isolation period starts on the date of symptom onset or (day 0) for people who test positive after symptoms develop, or initial test positive date (day 0) for those who remain asymptomatic. If an asymptomatic person develops symptoms, and test positive, date of symptom onset is day 0.



NOTE: In workplaces, employers and employees are subject to the Isolation and quarantine requirements as stated in the CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol transmissible Diseases (ATD) Standard.

Information about CalOSHA COVID-19 Emergency Temporary Standards (ETS) can be found at <https://www.dir.ca.gov/dosh/coronavirus> (<https://www.dir.ca.gov/dosh/coronavirus>).

Definition.

Whenever the term "symptom" or "*COVID-19 symptom*" is used, it shall mean COVID-19 symptom. People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. Anyone can have mild to severe symptoms. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea
- The list above does not include all possible symptoms.

II. Face-Coverings/Masks:



To help prevent the spread of droplets containing COVID-19, all County residents and visitors are required to wear face coverings in accordance with the Guidance for the Use of Face Coverings issued by CDPH, dated September 20, 2022. The Guidance is attached herein as Attachment "A" and can be found at:

A: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>).



NOTE: For Correctional Facilities and Detention centers, when utilizing COVID-19 Community levels to determine masking requirements, an outbreak in these settings is defined as three suspected, probable, or confirmed COVID-19 cases within a 14-day period among residents and/or staff.

No person shall be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

Exemptions to masks requirements.

The following individuals are exempt from this mask order:

- Persons younger than two years old.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Additional exceptions to masking requirements in high-risk settings can be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Face-Coverings-QA.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Face-Coverings-QA.aspx>).

↑ workplaces, employers and employees are subject to either the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) or the Cal/OSHA Aerosol Transmissible Disease (ATD) Standard and should consult those regulations for additional applicable requirements.



III. COVID-19 Vaccine Requirement Order

- Health Care Workers COVID-19 Vaccine Requirement Order:

To help prevent transmission of COVID-19, all workers who provide services or work in facilities described below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the September 13, 2022, State Health Officer Order. A copy of the State Health Officer Order is attached herein as Attachment "**B**" and can be found at the following link:



B: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>
(<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>)

Facilities covered by this order include:

- General Acute Care Hospitals
- Skilled Nursing Facilities (including Subacute Facilities)
- Intermediate Care Facilities
- Acute Psychiatric Hospitals
- Adult Day Health Care Centers
- Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
- Ambulatory Surgery Centers
- Chemical Dependency Recovery Hospitals
- Clinics & Doctor Offices (including behavioral health, surgical)
- Congregate Living Health Facilities
- Dialysis Centers
- Hospice Facilities
- Pediatric Day Health and Respite Care Facilities
- Residential Substance Use Treatment and Mental Health Treatment Facilities

The word, "worker," as used in this Order shall have the same meaning as defined in the State Health Officer's Order, dated September 13, 2022.

• **Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement.**



To prevent the further spread of COVID-19 in local correctional facilities and detention centers, all individuals identified in the State Health Officer Order, effective September 13, 2022, shall comply with the State Health Officer's Order with regards to obtaining COVID-19 vaccination and booster doses. A copy of the State Health Officer Order is attached herein as Attachment "C" and can be found at the following link:

C: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>
(<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Correctional-Facilities-and-Detention-Centers-Health-Care-Worker-Vaccination-Order.aspx>)

- **Adult Care Facilities and Direct Care Worker Vaccination Requirements.**

To help prevent transmission of COVID-19, all individuals specified below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the September 13, 2022, State Health Officer Order. A copy of the State Health Officer Order is attached herein as Attachment "D" and can be found at the following link:

D: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Adult-Care-Facilities-and-Direct-Care-Worker-Vaccine-Requirement.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Adult-Care-Facilities-and-Direct-Care-Worker-Vaccine-Requirement.aspx>)

Individuals covered by this order include:

- All workers who provide services or work in Adult and Senior Care Facilities licensed by the California Department of Social Services;
- All in-home direct care services workers, including registered home care aides and certified home health aides, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;
- All waiver personal care services (WPCS) providers, as defined by the California Department of Health Care Services, and in-home supportive services (IHSS) providers as defined by the California Department of Social Services, except for those workers who only



provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;

- All hospice workers who are providing services in the home or in a licensed facility; and
- All regional center employees, as well as service provider workers, who provide services to a consumer through the network of Regional Centers serving individuals with developmental and intellectual disabilities, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services.

IV. Seasonal Flu Vaccination Order:

Seasonal Flu Vaccination for Certain County Residents.

All individuals who reside or work in Orange County and fall under one of the following categories, shall obtain the seasonal flu vaccination unless a medical or religious exemption applies: (i) current providers for congregate settings; (ii) current health care providers; and (iii) current emergency responders. However, nothing herein shall be construed as an obligation, on the part of employers, public or private, to require employees obtain the seasonal flu vaccination as a term or condition of employment.

- *Emergency responder* shall mean military or national guard; law enforcement officers; correctional institution personnel; fire fighters; emergency medical services personnel; physicians; nurses; public health personnel; emergency medical technicians; paramedics; emergency management personnel; 911 operators; child welfare workers and service providers; public works personnel; and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency; as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- *Health care provider* shall mean physicians; psychiatrists; nurses; nurse practitioners; nurse assistants; medical technicians; any other person who is employed to provide diagnostic services, preventive services, treatment services or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care; and employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services; and employees who do not provide health care services to a patient but are otherwise integrated into and necessary to the those services – for example, a laboratory technician who processes medical test results to aid in



the diagnosis and treatment of a health condition. A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals, building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital of a similar health care facility.

STRONG RECOMMENDATIONS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories in Orange County, California:

1. Self-quarantine of Persons Exposed to COVID-19

- If you are known to be exposed to COVID-19 (regardless of vaccination status, prior disease, or occupation), it is strongly recommended to follow CDPH Quarantine guidance found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>).
- **K-12 Schools and Child Care**
 - Schools/school districts are advised to follow CDPH COVID-19 Public Health Guidance for K-12 Schools in California, 2022-2023 School Year found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2022-23-School-Year.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2022-23-School-Year.aspx>)
 - Child care providers and programs are advised to follow CDPH Guidance for Child Care Providers and Programs found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Child-Care-Guidance.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Child-Care-Guidance.aspx>).
- **Workplaces**
 - In workplaces, employers and employees are subject to the Quarantine requirement as stated in the CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the



the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard.

Exposed to COVID-19 or exposure to COVID-19 means sharing the same indoor space (e.g. home, clinic waiting room, airplane, etc.) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5- minute exposures for a total of 15 minutes) during an infected person's (laboratory-confirmed or a clinical diagnosis) infectious period.

2. **For Vulnerable Populations.** In general, the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, social distancing and wearing a mask when around people who don't live in the same household, and practicing hand hygiene. For more information see <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>).

3. **COVID-19 Vaccination for County Residents.** All Orange County residents should receive COVID-19 vaccination in accordance with the Federal Food and Drug Administration (FDA) and CDC guidance. Minors, who are eligible to receive COVID-19 vaccination in accordance with the applicable CDC guidelines, should be vaccinated in the presence of their parent or legal guardian.

CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html> (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>) and <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html> (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>)

4. **Seasonal Flu Vaccination for County Residents.** All County residents who are six months of age or older should obtain the seasonal flu vaccination unless a medical or religious exemption applies.

5. **COVID-19 Vaccination and Testing for Emergency Medical Technicians, Paramedics and Home Healthcare Providers.** To help prevent transmission of COVID-19, it is strongly recommended that all Emergency Medical Technicians, Paramedics, and Home Healthcare Providers (including In Home Supportive Services Program workers) remain up-to-date as defined by CDC with COVID-19 vaccination. CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html> (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>)



GENERAL PROVISIONS

1. The Orders and Strong Recommendations, above, shall not supersede any conflicting or more restrictive orders issued by the State of California or federal government. If any portion of this document or the application thereof to any person or circumstance is held to be invalid, the remainder of the document, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the orders and strong recommendations are severable.
2. The Orders contained in this document may be enforced by the Orange County Sheriff or Chiefs of Police pursuant to California Health and Safety Code section 101029, and California Government Code sections 26602 and 41601. A violation of a health order is subject to fine, imprisonment, or both (California Health and Safety Code section 120295).

REASONS FOR THE ORDERS AND STRONG RECOMMENDATIONS

1. On February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County.
2. On February 26, 2020, the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County.
3. On March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above.
4. On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
5. As of September 23, 2022, the County has reported a total of 664,185 recorded confirmed COVID-19 cases and 7,432 of COVID-19 related deaths.
6. Safe and effective authorized COVID-19 vaccines are recommended by the CDC. According to CDC, anyone infected with COVID-19 can spread it, even if they do NOT have symptoms. The novel coronavirus is spread in 3 ways: 1) Breathing in air when close to an infected person who is exhaling small droplets and particles that contain the virus. 2) Having these small droplets and particles that contain virus land on the eyes, nose, or mouth, especially through splash sprays like a cough or sneeze. 3) Touching eyes, nose, or mouth with hands that have



on them.

See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>
(<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>)

and <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>
(<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>).

7. The CDPH issued a revised Guidance for the Use of Face Coverings, effective April 20, 2022, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>)
8. According to the CDC and CDPH, older adults, individuals with medical conditions, and pregnant and recently pregnant persons are at higher risk of severe illness when they contract COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html> (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>)
9. The Orders and the Strong Recommendations contained in this document are based on the following facts, in addition to the facts stated under the foregoing paragraphs: (i) Safe and effective FDA authorized COVID-19 vaccines have been widely available, but certain populations have been slow to getting vaccinated or boosted (ii) the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap (iii) some individuals who contract COVID-19 have no symptoms or have only mild symptoms and so are unaware that they carry the virus and are transmitting it to others; (iv) current evidence shows that the novel coronavirus can survive on surfaces and can be indirectly transmitted between individuals; (v) older adults and individuals with medical conditions are at higher risk of severe illness; (vi) sustained COVID-19 community transmission continues to occur; (vii) the age, condition, and health of a portion of Orange County's residents place them at risk for serious health complications, including hospitalization and death, from COVID-19; (viii) younger and otherwise healthy people are also at risk for serious negative health outcomes and for transmitting the novel coronavirus to others.
10. The orders and strong recommendations contained in this document are necessary and less restrictive preventive measures to control and reduce the spread of COVID-19 in Orange County, help preserve critical and limited healthcare capacity in Orange County and save the lives of Orange County residents.



- 11. The California Health and Safety Code section 120175 requires the County of Orange Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the County to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
- 12. The California Health and Safety Code sections 101030 and 101470 require the county health officer to enforce and observe in the unincorporated territory of the county and within the city boundaries located with a county all of the following: (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters; (b) Orders, including quarantine and other regulations, prescribed by the department; and (c) Statutes relating to public health.
- 13. The California Health and Safety Code section 101040 authorizes the County of Orange Health Officer to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. "Preventive measure" means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.
- 14. The California Health and Safety Code section 120130 (d) authorizes the County of Orange Health Officer to require strict or modified isolation, or quarantine, for any case of contagious, infectious, or communicable disease, when such action is necessary for the protection of the public health.

IT IS SO ORDERED:

Date: September 23, 2022



Regina Chinsio-Kwong, DD
 County Health Officer
 County of Orange



Additional Resources



COVID-19 in California
(<https://covid19.ca.gov/>)



Centers for Disease Control and Prevention
(<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>)



World Health Organization
(<https://www.who.int/>)



County Directory Assistance
855.886.5400

Navigation



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Social Media Links





Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **OCERS 2023-2025 STRATEGIC PLAN**

Recommendation

Approve the OCERS 2023-2025 Strategic Plan as modified, and direct staff to update the 2023 Business Plan to reflect modified language.

Background

The OCERS Board reviewed the proposed 2023-2025 Strategic Plan in September, comparing the OCERS plan to similar plans from more than a dozen other public pension systems.

The review showed that the OCERS Strategic Plan is thematically similar to all of the other plans, but did provide basis for a thorough discussion of current goals and objectives.

A redline version of the 2023-2025 Strategic Plan is attached to reflect modifications made based on those discussions. A clean version showing all modifications accepted is also attached.

On Monday, October 17, I will walk us through each of the proposed modifications.

Also attached is the Strategic Plan comparison presentation from that September 2022 workshop discussion.

Attachments (3)

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

Orange County Employees Retirement System
2223 East Wellington Avenue | Santa Ana | 92701

2023-2025
STRATEGIC PLAN



MISSION, VISION AND VALUES

MISSION STATEMENT:

We provide secure retirement and disability benefits with the highest standards of excellence.

VISION STATEMENT:

To be a trusted partner providing premier pension administration, distinguished by consistent, quality member experiences and prudent financial stewardship.

VALUES:

- **O**pen and Transparent
- **C**ommitment to Superior Service
- **E**ngaged and Dedicated Workforce
- **R**eliable and Accurate
- **S**ecure and Sustainable

2 – ~~2022-2024~~2023-2025

STRATEGIC PLAN

2023-2025 STRATEGIC GOALS

- Fund Sustainability
- Excellent Service and Support
- Risk Management
- Talent Management
- Effective Governance

3 - ~~2022-2024~~2023-2025

FUND SUSTAINABILITY

STRENGTHEN THE LONG-TERM STABILITY OF THE PENSION FUND

Objective A: Mitigate the risk of significant investment loss

Objective B: Prudent Use and Security of Resources

4 – ~~2022-2024~~2023-2025

EXCELLENT SERVICE AND SUPPORT

ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

- Objective A:** Provide accurate and timely benefits
- Objective B:** Provide education to our members and employers
- Objective C:** Continuously improve business processes and procedures to be efficient and effective

RISK MANAGEMENT

CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Objective A: ~~Provide system and data security and a robust business continuity solution~~ Enhance governance of technology risk

Objective B: On enterprise scale, continuously assess technology environment and address risks

Objective C: Ensure compliance with industry frameworks and best practices

Objective ~~B~~D: Ensure a safe and secure workplace and public service facility

TALENT MANAGEMENT

RECRUIT, RETAIN AND ~~INSPIRE~~ EMPOWER A HIGH-PERFORMING WORKFORCE

Objective A: Recruit and retain a diverse, high-performing, knowledgeable workforce to meet organizational priorities

Objective B: Develop and empower every member of the team

Objective C: Cultivate a collaborative, inclusive and creative culture

7 – ~~2022-2024~~2023-2025

EFFECTIVE GOVERNANCE

IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY ~~CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING~~ IMPLEMENTING BEST PRACTICES IN BOARD AND ORGANIZATIONAL GOVERNANCE

Objective A: ~~Employ a governance structure that supports a dynamic System~~ Identify and Implement Leading Practices in Board Governance, Pension Administration, and Investment Management

8 - ~~2022-2024~~ 2023-2025

~~Objective B: Improve the governance and management of OCERS' records~~

LOOKING AHEAD 5-10 YEARS

Objective A: Investment best practices as fund approaches \$35 billion

Address by developing investment technology and team resources needed to manage the anticipated Portfolio

Objective B: Preparing for the new pension administration system

Address by determining how to maximize current pension administration system while determining level of next generation technology, including Artificial Intelligence (AI) capabilities to be added to new system.

~~Objective C: Investigate OCERS management/oversight of member medical coverage upon retirement~~

Objective DC: Short Term (Next 5 Years) – Multi-Factor Authentication for Member and

9 – ~~2022-2024~~2023-2025

Employer Accounts

Objective **ED**: Long Term (Next 10 Years) – Use of Artificial Intelligence and Machine Learning to Detect Fraudulent Activity and Transactions



10 – ~~2022-2024~~2023-2025

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
www.ocers.org

11 - ~~2022-2024~~2023-2025

Orange County Employees Retirement System
2223 East Wellington Avenue | Santa Ana | 92701

2023-2025 STRATEGIC PLAN



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Address by determining how to maximize current pension administration system while determining level of next generation technology, including Artificial Intelligence (AI) capabilities to be added to new system.

Objective C: Short Term (Next 5 Years) – Multi-Factor Authentication for Member and Employer Accounts

Objective D: Long Term (Next 10 Years) – Use of Artificial Intelligence and Machine Learning to Detect Fraudulent Activity and Transactions



ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
www.ocers.org



Proposed 2023-2025 Strategic Plan

Steve Delaney

CEO, OCERS

September 15, 2022



MISSION, VISION AND VALUES



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STRATEGIC PLAN



2022-2024 STRATEGIC GOALS

- Fund Sustainability
- Excellent Service and Support
- Risk Management
- Talent Management
- Effective Governance





FUND SUSTAINABILITY



Strengthen the long-term stability of the Pension Fund

Objective A: Mitigate the risk of significant investment loss

Objective B: Prudent Use and Security of Resources





FUND SUSTAINABILITY (OTHER EXAMPLES 1)



- **Trusted Stewards**
 - Ensure a well-governed, financially sound trust fund
- **Pension Sustainability**
 - Strengthen the long-term sustainability of the pension fund
- **Fortify Agency financial resilience and adaptability**
 - Establish and implement a framework to monitor and mitigate funding risk to the system
- **Funding Integrity and Sustainability**
 - Prudent and effective funding policies and practices that assist in producing low contribution rate volatility and plan sustainability
- **Investment Planning and Growth**
 - An investment program that meets OCERS assumed rate of return over time and carefully manages investment risk
- **Trust Fund Sustainability**
 - Managing an investment program that will maintain the diversification of Trust Fund assets and gain exposure to the long-term growth of the economy while minimizing the risk of loss and maximizing returns.
- **Financial Health**
 - Achieve and maintain a funding level that sustains the plan





FUND SUSTAINABILITY (OTHER EXAMPLES 2)



- **Fund Sustainability**
 - Fund designed to be sustainable and adaptive to meet the needs of our members, employers and retirees
- **Achieve Investment Goals**
 - Design, implement and maintain an investment management program that maximizes rates of return for acceptable levels of risk
- **Achieve and Maintain a Funding Level that Ensures the Long Term Sustainability of the Retirement System**
 - Actuarial Funding
 - Investment Program
 - Plan Sponsor and Stakeholder Relationships
- **Sustainable Organization**
 - Fully integrate a unified environmental, social and governance ethos in all we do
- **Maintain Sustainable Benefit Plans**
 - Ensure cost-effectiveness and sustainability
- **Sustain a Financially Sound Pension System**
 - Improve communication regarding pension funding needs





EXCELLENT SERVICE AND SUPPORT



ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

- Objective A:** Provide accurate and timely benefits
- Objective B:** Provide education to our members and employers
- Objective C:** Continuously improve business processes and procedures to be efficient and effective





EXCELLENT SERVICE AND SUPPORT (OTHER EXAMPLES 1)



- **Leading Innovation and managing change**
 - Innovate to grow resiliency and efficiency in service of our members
- **Member Experience**
 - Ensure member satisfaction through accuracy, responsiveness, and respect
- **Stakeholder Engagement**
 - Promote collaboration, support and transparency
- **Elevate Agency Identity among Stakeholders to that of a Partner in providing valued retirement security options**
 - Clarify role and value to members, retirees, beneficiaries and related constituency groups
- **Quality Delivery Methods**
 - Improve members' online experience and access to secure content
- **Excellence in Providing Member Services**
 - Provide superior customer service and ensure a positive member experience by timely and accurate benefit payments, effective communication and education, and customer service culture that fosters a positive member experience
- **Provide High-Quality Stakeholder Services, Education and Experience**
 - Service Delivery
 - Education
 - Engagement





EXCELLENT SERVICE AND SUPPORT (OTHER EXAMPLES 2)



- Improve retirement security outcomes through “best fit” products, services and education
 - Align education, products and services to respond to member and employer needs
- Customer Engagement
 - Foster and maintain engaged members and employers
- Customer Service and Experience
 - Customers satisfied with timely, friendly, convenient, an accurate pension administration services
- Service Delivery
 - Responsive and shaped by the needs of those we serve
- Continuously Improve our Benefit Delivery
 - Improve the customer service experience for members and employers
- Stakeholder Communications and Outreach
 - Transparent communication among stakeholders to support clear understanding of roles and responsibilities, and the value of defined benefit pensions
- Communications and Engagement
 - Communications and stakeholder engagement promotes awareness, transparency, accountability and trust





RISK MANAGEMENT



CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Objective A: Provide system and data security and a robust business continuity solution

Objective B: Ensure a safe and secure workplace and public service facility





RISK MANAGEMENT (OTHER EXAMPLES)



- **Organizational Excellence**
 - Cultivate a diverse, risk-intelligent, and innovative culture through our team and processes
- **Data Reliability**
 - Establish members as the primary quality check point on their data of record
- **Data Constancy**
 - Ensure data remains static after it is used in a transaction or payment
- **Enterprise Capability and Technology**
 - Enterprise cross-functional capabilities and technology platforms, continuously enhanced to improve performance, productivity and efficiency
- **Responsibly Manage the Risks of the System**
 - Enterprise Risk
 - Cyber and Information Security
 - Risk Awareness
- **Enhance Risk Management Capabilities**
 - An enterprise risk-management program that identifies, manages, and mitigates risks associated with data security, privacy protection, and cash controls
- **Modernization of Information Technology**
 - Ensure a robust, secure, and reliable information technology network. Assess available technologies and applications to increase efficiencies in operations and improve customer service





TALENT MANAGEMENT



RECRUIT, RETAIN AND INSPIRE A HIGH-PERFORMING WORKFORCE

- Objective A:** Recruit and retain a high-performing workforce to meet organizational priorities
- Objective B:** Develop and empower every member of the team
- Objective C:** Cultivate a collaborative, inclusive and creative culture





TALENT MANAGEMENT (OTHER EXAMPLES)



- **Workforce Development**
 - Develop and support culture of workforce excellence and effective leadership practices
- **Identify Opportunities to Capitalize on Organizational Strengths**
 - Assessment
 - Talent Management
 - Investment Internal Innovation
- **Workforce**
 - To recruit, retain, mentor, empower, and promote a high-performing workforce
- **Ensure Operational Continuity**
 - Recruit, retain and develop a high-performing and engaged workforce capable of achieving agency goals, and implement workforce plans that prepare future leaders and ensure continuity in key positions
- **High Performing Workforce**
 - Attract, develop and maintain a skilled and adaptable workforce
- **Culture**
 - Promotes a high-performing team driven by mission and continuous improvement
- **Ensure People, Processes and Technology Align to Achieve Excellence in the Delivery of Services to Members**
 - Attract, retain and develop a diverse and highly competent staff
- **Workforce Engagement**
 - Foster and maintain an engaged workforce





EFFECTIVE GOVERNANCE

IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING

- Objective A:** Employ a governance structure that supports a dynamic System
- Objective B:** Improve the governance and management of OCERS' records



EFFECTIVE GOVERNANCE (OTHER EXAMPLES FOR THE BOARD)



- Governance
 - To uphold good governance practices which affirm transparency, accountability and fiduciary duty
- Identify and Implement Leading Practices in Board Governance, Pension Administration, and Investment Management
 - Governance
 - Administration
 - Investment Management





EFFECTIVE GOVERNANCE (OTHER EXAMPLES FOR THE AGENCY)



- **Strengthen organizational health and performance**
 - Enhance the organization’s ability to manage change
- **Organizational Communication**
 - Foster and enhance transparency, relevancy, and employee satisfaction with internal communications
- **Organizational Development and Culture**
 - A high performance organizational structure and workforce that is not dependent on any one person
- **Effective Administrative Governance**
 - Focus on the following areas: records management, business continuity planning, data analytics for continuous improvement, strong internal control environment
- **Operational Excellence**
 - Provide world class customer service at a reasonable cost
- **Operations**
 - Systems and processes foster organization wide efficiency, agility, and accountability
- **Organization**
 - To increase organizational effectiveness, efficiency and resiliency
- **Optimize Operational Effectiveness**
 - Manage budgets and implement strategies designed to improve operational effectiveness and make agency more cost-effective





LOOKING AHEAD 5-10 YEARS



Objective A: Investment best practices as fund approaches \$35 billion

- Address by developing investment technology and team resources needed to manage the anticipated Portfolio

Objective B: Preparing for the new pension administration system

- Address by determining how to maximize current pension administration system while determining level of next generation technology, including Artificial Intelligence (AI) capabilities to be added to new system.





LOOKING AHEAD 5-10 YEARS

Objective C: Investigate OCERS management/oversight of member medical coverage upon retirement

Objective D: Short Term (Next 5 Years) – Multi-Factor Authentication for Member and Employer Accounts

Objective E: Long Term (Next 10 Years) – Use of Artificial Intelligence and Machine Learning to Detect Fraudulent Activity and Transactions



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **2023 PROPOSED STAFFING PLAN – PERSONNEL COMMITTEE RECOMMENDATIONS**

Recommendation

The Personnel Committee recommends the Board of Retirement approve the following items related to the 2023 Staffing Plan at the October 17, 2022 Board meeting:

1. **Add 14 New Positions to the 2023 Budgeted Headcount**
 - A. Add one Project Manager position to the Executive Division
 - B. Add three positions to the Legal Division
 - i) Chief Compliance Officer
 - ii) Staff Attorney
 - iii) Executive Secretary I
 - C. Add one Investment Officer position to the Investments Division
 - D. Add three Retirement Program Specialists to the Member Services Division
 - E. Add one Information Security Analyst (Staff Analyst) position to the Information Security Department
 - F. Add three positions to the IT Department
 - i) IT Systems Technician
 - ii) Testing Coordinator (Manager Level)
 - iii) Automation Developer (Manager Level)
 - G. Add two positions to the Human Resources Department
 - i) Staff Analyst
 - ii) Staff Assistant
2. **Approve the Creation of Three Career Ladders in the Finance and Internal Audit Departments (no change to headcount)**
 - A. Finance Department
 - i) Senior Accountant to Staff Analyst
 - ii) Accountant Auditor to Senior Accountant
 - B. Internal Audit Department

- i) Internal Auditor to Senior Internal Auditor

3. Approve the Following Add/Drop

- A. Add a Director of Communications and drop a Communications Manager position in the Communications department (no change to headcount).

The total estimated Personnel Cost to be added with the 2023 budget is **\$2,376,000**.

Background/Discussion

The 2023 budget process is underway with the first review having been presented at the September annual Strategic Planning Workshop. Due to numerous projects that are in progress, I am asking the Personnel Committee to approve the addition of 14 new positions to our budgeted headcount.

If approved, these 14 positions would increase OCERS’ headcount from 113 positions to 127. A description of each of the 14 requested positions and the circumstances related to each follow. Additionally, for each of the 14 positions, a justification memo from the supervising manager is attached.

The estimated budget impact for 2023 is **\$2,376,000**.

1A. ADD ONE PROJECT MANAGER POSITION TO THE EXECUTIVE DIVISION

OCERS is developing several cross-department projects that require the rigor of professional project management to plan, organize, and oversee the completion of specific projects while ensuring they use limited resources in the most effective manner possible. VISION 2030 alone will need project management guidance as it has several major projects under that banner – a Master Repository of Processes and Procedures, initial introduction of Robotic Process Automation uses cases, an overview of existing processes with a view to simplification and implementation of LEAN, a call center guided by Machine Learning, and the eventual construction of a new Pension Administration System. Ultimately, there is a need for a Project Management Office (PMO) to achieve the project oversight that is required for success. The Project Manager position being requested for 2023 is the foundation of the future PMO. Creating a PMO will also address an observation from the last IT General Controls Audit, where Internal Audit reported that OCRS IT does not maintain a formal project management methodology for technology-related projects. This observation is true across the entire organization. The Project Manager will be responsible for implementing a project management methodology and consistent project management processes that will address Internal Audit’s observation.

Attachment A2-1 shows the proposed structure reporting to the CEO but may be moved to report to the Assistant CEO of Internal Operations in the future. The anticipated hiring date is in the first quarter of 2023.

Position Title (Add classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Fringe)	Annual Cost (Salary and Benefits)
Project Manager	Executive	OCERS	\$132,533- \$205,426	\$303,000	\$303,000

1B. ADD THREE POSITIONS TO THE LEGAL DIVISION

1. Chief Compliance Officer

In consultation with the Chief Executive Officer, the General Counsel proposes the creation of an Office of Enterprise Compliance and the addition and hiring of a Chief Compliance Officer (CCO). This would be a new, OCERS Direct position and result in the addition of one position to OCERS’ headcount. The CCO will develop a compliance program and staff and lead the new OCERS Office of Enterprise Compliance. The CCO and new Office of Enterprise Compliance will serve as the third leg (with Legal and Internal Audits) of a robust risk mitigation program, enhancing compliance with the law, policies, and procedures throughout the organization.

OCERS does not currently have a dedicated compliance function/program. Compliance is currently dispersed among the Legal team, the Internal Auditors, and the Operational Risk Management Committee. Savings are anticipated in the form of regulatory, litigation and reputational risk avoidance and mitigation. The estimated hiring salary is \$190,000 per annum. The anticipated hiring date is in the third quarter of 2023 (targeted for July 1).

Position Title (add classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Chief Compliance Officer	Legal	OCERS	\$142,473 - \$220,833	\$139,000	\$278,000

2. Staff Attorney

The General Counsel proposes the addition of a third Staff Attorney (an existing OCERS classification). This would be an OCERS direct position and would result in an increase in headcount by one position. This Staff Attorney would be assigned to support the Investments Division and to staff the Legal Division’s ethics and conflicts of interest workload. Among other assignments, they would participate alongside external counsel in the negotiation and documentation of new investment transactions; handle post-closing amendments and Most Favored Nations elections, both of which are currently handled by external counsel; perform the work of the Legal Division in connection with Securities Litigation matters including monitoring and reporting claims and monitoring cases where OCERS serves as lead plaintiff; and be responsible for periodic updates to the OCERS Conflict of Interest Code, updating the Board on Form 700 filing requirements, reviewing potential conflicts of interest, assisting with the new Form 700 Review Process, and monitoring FPPC regulatory changes.

Savings will be achieved by partially reducing our reliance on external counsel in connection with negotiation and documentation of new investment transactions and eliminating our reliance on external counsel in connection with post-closing amendments and Most Favored Nations elections.

In addition, the Staff Attorney will reduce legal, regulatory, and reputational risks by enhancing OCERS’ compliance with ethical rules and conflicts of interest laws and regulations. The estimated hiring salary is \$180,000 per annum. The anticipated hiring date is in the second quarter of 2023 (targeted for April 1).

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Staff Attorney	Legal	OCERS	\$123,286 - \$191,094	\$195,000	\$261,000

3. Executive Secretary I

The General Counsel proposes the addition of a second Executive Secretary I (an existing classification). The Executive Secretary I is a County position, and this addition would result in an increase in headcount by one position. This Executive Secretary I would be assigned to support the Legal Division and the new Chief Compliance Officer/Office of Enterprise Compliance and be responsible for staffing the meetings and needs of the Governance Committee and Audit Committee. They would serve as back up to the Executive Secretary II and the other Executive Secretary I, and also serve as back up to the Legal Analyst in connection with administrative hearings work and in responding to Public Records Act requests.

Growth in workload for this position is anticipated as a result of the addition of a new Chief Compliance Officer and Office of Enterprise Compliance. In addition, the sharing of an Executive Secretary by the Member Services Division and the Legal Division has proven to be unmanageable. There is too much workload for only one person to handle and the workload will only increase with the addition of a CCO.

Savings will be achieved by reducing the need for extra help positions in the future. The addition of administrative support dedicated to the Legal Division will improve efficiencies by allowing the attorneys to spend less time editing their own documents and more time focused on the work that only they can do (legal work). This in turn makes it possible to bring more legal work in house. A dedicated Executive Secretary will reduce the risk of untimely responses to Public Records Act requests and reduce the risk of something falling through the cracks during the absence of the Legal Analyst. They will enhance our ability to meet committee meeting posting deadlines and will improve Legal Division efficiencies.

Estimated hiring salary is \$67,600 per annum. The anticipated hiring date is in the third quarter of 2023 (targeted for July 1).

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Executive Secretary I	Legal	County	\$55,640 - \$74,547	\$51,000	\$102,000

1C. ADD ONE INVESTMENT OFFICER POSITION TO THE INVESTMENTS DIVISION

As OCERS has expanded into more private markets strategies and added co-investments, the investment team workload has increased dramatically. Throughout 2022 and projected into 2023, portfolio and operational coverage has been tested by departures and family leave requests. As a result, a request to add a new investment officer position is essential to ensure that investment processes continue with the highest quality and efficiency.

This added position is consistent with the investment department 10-year staffing plan. Additionally, the position request aligns with current AUM and future AUM growth of plan assets. The anticipated hiring date is in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Investment Officer	Investments	OCERS	\$123,286- \$191,094	\$218,000	\$218,000

1D. ADD THREE RETIREMENT PROGRAM SPECIALISTS TO THE MEMBER SERVICES DIVISION

Member Services is anticipating another year of increased workloads (calls, counseling appointments, retirement transactions, etc.) in 2023 due to the current trend of inflation that will impact the COLA adjustment for retirements on and before April 1, 2023. We project retirements for 2023 to be up to 15% higher than those of 2022. We encountered over 800 retirement applications filed between January to June of 2022, the highest amount recorded, and our estimations would put our 2023 retirements at approximately 920 between January and June of 2023. For the first time ever, we processed over 600 benefits in May and June 2022 using estimated salary figures and are in the process of recalculating all the benefits to get the members paid the amounts they are entitled to. On top of these elevated workloads, Member Services has three major projects ahead of us in 2023:

1. Member Services has over 600 retirement recalculations to complete as a result of the *Alameda* decision. Each of these recalculations take approximately 3-4 days to complete and QA before applying the change to payroll.
2. Member Services Subject Matter Experts (SME) will be required to work with the vendor hired to manage and complete our OCERS Policy and Procedure documentation project. Each of our SMEs on various processes will need to work directly with the professional writers to document and improve our processes to complete this project.

3. Member Services team members will also need to work with our vendor that will assist us in the requirements gathering for the selection and replacement of our V3 Pension Administration System (PAS).

Given the projected number of retirements, and the work that will be required to respond to the 2023 initiatives listed above, Member Services anticipates the need for (3) additional Retirement Program Specialist positions to support the service levels for our members. These team members will be allocated between our Call Center Team, Processing Team and our Quality Assurance Team as needed to support our senior team members when they need to be available for the projects above. The anticipated hiring date is in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Three Retirement Program Specialists	Member Services	County	\$51,209-\$68,556	\$342,000	\$342,000

1E. ADD ONE INFORMATION SECURITY ANALYST (STAFF ANALYST) POSITION TO THE INFORMATION SECURITY DEPARTMENT

Since the creation of OCERS’ Information Security Department in 2018, it has been anticipated that an additional staff member would be required by the fifth year of the program (2023) to meet the needs associated with the continued growth of OCERS, which has experienced a 35% increase in staff over the previous four years. With each new staff member, OCERS’ attack surface (the sum of all possible malicious points of entry on a network) grows in the form of additional hardware, software, user accounts, etc. Furthermore, continued growth is expected in 2023.

Since the establishment of the Information Security program, the Information Technology Department has acted as its operational arm, charged with actively remediating security concerns identified by the Information Security team. The Information Security team has attempted to remain focused on the strategic implementation of security controls and providing consultative services around security decisions to the rest of the organization. While this model has been tenable in previous years, the continuing growth of OCERS has made it necessary to add an Information Security Analyst position to handle day-to-day operational responsibilities for the Information Security department. Further details and justification for the addition of this position is contained within the accompanying “2023 Staffing Plan – Information Security Analyst” memo to CEO Steve Delaney. The anticipated hiring date is in the second quarter of 2023.

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Information Security Analyst (Staff Analyst)	Information Security	OCERS	\$79,885 - \$115,833	\$131,000	\$175,000

1F. ADD THREE POSITIONS TO THE IT DEPARTMENT

1. Information Technology Systems Technician I (Help Desk)

Entry level County position to provide first level end user on premise and remote work technical support, and day to day operational support of IT operations activities and IT projects. Freeing up existing staff to have more availability to work on current workloads will increase the timely completion of high-risk activities such as vulnerability and patch management, systems administration, replacement of end-of-life systems and support for other projects within the department or organization. The anticipated hiring date is in the first quarter of 2023.

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Information Technology Systems Technician I	Information Technology	County	\$53,955 - \$72,259	\$119,000	\$119,000

2. Testing Coordinator (Manager Level)

Testing is a becomes a vital to ensuring that our applications and tools function as designed and provide the expected results. The testing coordinator will be responsible for coordinating the efforts of each department involved in testing and use of OCERS pension administration solution, including recording defects and tracking defect remediation. In addition, the testing coordinator will oversee the quality assurance and regression testing of OCERS, and third party developed automation scripts and their integration with OCERS systems to make sure that everything works together seamlessly and continues throughout their use. The anticipated hiring date is in the first quarter of 2023.

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Retirement Analyst (Working Title Testing Coordinator)	Information Technology	OCERS	\$106,684 - \$165,360	\$247,000	\$247,000

3. Automation Developer (Manager Level)

In support of OCERS Robotic Process Automation initiative, OCERS Information Technology department is requesting a new position to hire an Automation developer. This position would be dedicated to the design, development, testing and deployment of automated scripts, procedures, and tools to automate recurring manual tasks and activities identified by various departments. This effort will standardize processing, streamline efficiencies, reduce errors, boost productivity, hit accuracy goals with reliable consistency, and create a better customer service experience. As we roll out OCERS Robotic Process Automation initiative, much of the initial large deliveries will probably be contracted to a third party, but it is OCERS intent to eventually bring automation development in-house. To do this, we need to bring on board individuals with the specific skillset and aptitude early on in the project and have them work alongside our third-party team before assuming the primary development role in two to three years. The anticipated hiring date is in the first quarter of 2023.

Position Title (existing classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Retirement Analyst (Working Title Automation Developer)	Information Technology	OCERS	\$106,684 - \$165,360	\$233,000	\$233,000

1G. ADD TWO POSITIONS TO THE HUMAN RESOURCES DEPARTMENT

The Human Resources department requests the addition of the following two positions:

1. Staff Analyst - OCERS Direct position (Recruiter)
2. Staff Assistant - County position (Support for Learning and Development Manager)

HR is operating in a challenging environment as we continue to handle the ongoing Covid Pandemic. At the same time, the organization has continued to grow in both headcount and fund size. The need to hire additional HR team members is crucial to the ongoing success of the agency. The department currently has five (5) team members in the department. There is a need to add two (2) positions to support the Talent Management Business Initiatives.

1. HR Staff Analyst - Recruiter

The first position the department would like to add is a Staff Analyst assigned to the recruiting functions. The steps for hiring new talent include job advertisement, screening applications, pre-employment testing, interviews, job offers, background checks, and employee onboarding. The facilitation of these steps requires focus and 100% accuracy. Therefore, we are requesting an additional staff member to assist with these duties.

OCERS has one dedicated HR Analyst assigned to recruiting. Due to the increased demand for the recruiting function, other department employees are currently stepping in to assist in this area. However, they must also maintain the core responsibilities of their assigned job duties. More duties create a larger than usual workload for the department employees. The addition of an HR Staff Analyst will allow for the recruiting function to be split between two employees and keep pace with the agency’s demand to source diverse, high performing talent. The salary range for the Staff Analyst position is \$79,885-\$115,833, with a hiring range of \$85,000-

\$90,000. The total cost with benefits is estimated at \$156,000. The anticipated hiring date is in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Staff Analyst (HR)	Human Resources	OCERS	\$79,885- \$115,833	\$156,000	\$156,000

2. HR Staff Assistant with a Career Ladder to Staff Specialist – LOD

The second position the department would like to add is a Staff Assistant position that will support the Learning and Organizational Development Manager (LOD).

Learning and development provide growth opportunities within the agency, allowing employees to become more effective while also increasing job satisfaction and reducing employee turnover. Training is important as it provides OCERS with the opportunity to strengthen the skills of current employees and create learning experiences that allow employees to gain new skills. Research has shown that training helps to boost individual and organizational performance.

As the agency continues to grow, we have added business initiatives such as the need for automation, the implementation of a new Pension Administration Software (PAS) system, and the OCERS 2030 plan. We understand that as we grow our fund and headcount, we must strengthen and cultivate the skills of new and current employees by providing customized training in many of OCERS specialized areas. While we currently have a LOD Manager assigned to the training function, we have an increased demand for more learning initiatives from department heads and employees. The current LOD Manager needs assistance with maintaining the learning function.

The newly added Staff Assistant will be assigned to support the Learning Manager and assist the agency with the continued growth of the learning and development department (e.g., future technical training, career pathing, compliance training, performance management, and organizational initiative management). This will create additional opportunities, which will in turn expand the duties of the Staff Assistant. Therefore, we think a career ladder to Staff Specialist will be appropriate to allow this position to grow in the future.

The proposed Staff Assistant position would be a career ladder position to the Staff Specialist position. The Staff Assistant position is a County position with an annual salary range of \$49,546 - \$66,414. The Staff Specialist position is a County position with an annual salary range of \$58,323 - \$77,979. The estimated total cost to add a Staff Assistant with the 2023 Staffing Plan, including fringe benefits, is \$101,000.

We anticipate the recruiting for these two positions will be advertised in November of 2022, so that the positions can start in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
Staff Assistant (HR)	Human Resources	County	\$49,546 - \$66,414	\$101,000	\$101,000

2. APPROVE THE CREATION OF THE FOLLOWING 3 CAREER LADDERS IN THE FINANCE AND INTERNAL AUDIT DEPARTMENT (NO CHANGE TO HEADCOUNT)

2A. Finance Department

1. Senior Accountant to Staff Analyst
2. Accountant Auditor to Senior Accountant

Finance Staff Analyst and Sr. Accountant Auditor (Career Ladder Positions)

Finance will be involved in several significant projects and business initiatives in the near future, including the Custodian Bank RFP, Master Repository Project, federal tax withholding changes, calculations for the new Investment bonus structure, continuation of the Alameda Project, and a new Pension Administration System (PAS). The retention of subject matter experts (SMEs) will be critical to the success of these projects and to help reduce or eliminate burn-out, we need to start cross-training functions for individuals who will be participating as SMEs, so that these positions will readily be able to be back-filled by experienced OCERS team members.

Not only is the retention of long-term employees who are considered subject matter experts in various areas of OCERS operations the key to success for these current and upcoming projects, but so is succession planning and the ability to have staff start learning and assuming responsibility for higher level work. Our two Finance Managers perform many hands-on tasks that could, and should, be delegated, providing the opportunity to prepare the next generation of OCERS employees for leadership roles. This delegation would also result in a trickle-down of assignments to other positions.

To help OCERS successfully complete its goals and business initiatives, as well as provide a balance to the organizational structure of the Finance department and allow equal opportunity to hire and promote staff with a similar level skill set across all business functions, the Finance Director proposes the creation of two career ladder positions:

1. Staff Analyst

The proposed OCERS Direct Staff Analyst position would be a career ladder position for the existing County Senior Accountant Auditor position. The Senior Accountant Auditor position has an annual salary range of \$71,214 to \$99,882. If approved, the Staff Analyst position would be an OCERS-direct position with an annual salary range of \$79,885-\$115,833. The net annual budget impact, assuming a 10% salary increase upon promotion of a Senior Accountant Auditor at the top of the salary range, would be \$9,988, plus fringe of \$6,305, for a total net increase of approximately \$16,000. In addition to these costs, an additional cost of approximately \$12,000 could be incurred if a current Accountant/Auditor II is promoted to the existing Senior Accountant Auditor career ladder position. This addition will not result in an increase in head count. The budget impact is anticipated to begin in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Career Ladder (current classification)	Ladder Position Salary Range	2023 Budget Impact and Annual Cost (Salary and Benefits)
Staff Analyst	Finance	OCERS	Sr. Accountant Auditor (County)	\$79,885-\$115,833	\$16,000

2. Senior Accountant Auditor

The proposed County Senior Accountant Auditor position would be a career ladder position for the existing County Accountant Auditor II position. The Accountant Auditor II position has an annual salary range of \$66,667 to \$89,877. If approved, the Senior Accountant Auditor position would have an annual salary range of \$71,214 to \$99,882. The net annual budget impact, assuming a 10% salary increase upon promotion of an Accountant Auditor II at the top of the salary range, would be \$8,988, plus fringe of \$3,803, for a total net increase of approximately \$13,000. This addition will not result in an increase in head count. The budget impact is anticipated to begin in the first quarter of 2023.

Position Title (Add existing classification)	Department	Position Type	Career Ladder (current classification)	Ladder Position Salary Range	2023 Budget Impact and Annual Cost (Salary and Benefits)
Sr. Accountant Auditor	Finance	County	Accountant/Auditor II	\$71,214-\$99,882	\$13,000

2B. Internal Audit

1. Internal Auditor to Senior Internal Auditor

Senior Internal Auditor (Career Ladder Position)

Talent Management is part of the OCERS Strategic Plan with a goal to recruit, retain and inspire a high performing workforce. A strategy that was implemented several years ago was to create career ladder positions that can be utilized as a tool for retention of high performing staff. A career ladder position is created with the approval of an additional classification without an increase in total headcount. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations, increased job knowledge and skills and the ability to progress into the next level of job duties and responsibilities.

The Internal Audit Director proposes the creation of a Senior Internal Auditor classification in the Internal Audit Department as a career ladder for the existing Internal Auditor position. The Internal Auditor position is an OCERS-direct position with an annual salary range of \$85,876 to \$133,108. If approved, the Senior Internal Auditor position would also be an OCERS-direct position with an annual salary range of \$106,684 to \$165,360. The net annual budget impact, assuming a 10% salary increase upon promotion of an Internal Auditor at the top

of the Internal Auditor salary range would be approximately \$21,000. The budget impact is anticipated to begin in the first quarter of 2023.

Position Title (Add classification)	Department	Position Type	Career Ladder (current classification)	Ladder Position Salary Range	2023 Budget Impact and Annual Cost (Salary and Benefits)
Senior Internal Auditor	Internal Audit	OCERS	Internal Auditor	\$106,684- \$165,360	\$21,000

3. APPROVE THE FOLLOWING ADD/DROP

3A. Add a Director of Communications, and drop a Communications Manager position, in the Communications department (no change to headcount).

The Director of Communications will be responsible for creating and distributing public information about OCERS. Develop, manage, and distribute global and specific creative concepts. Oversee design and branding for print, website, annual report, presentations, and video of all OCERS communications. Conduct research of members and employers through surveys and focus groups, connect with stakeholders through online and social media platforms. Manage the strategic direction, development, and implementation of all OCERS communications and stakeholder relations. The budget impact is anticipated to begin in the first quarter of 2023.

Positions Title (ADD/DROP Classification)	Department	Position Type	Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
ADD Director of Communications	Communications	OCERS	\$132,533- \$205,426	\$232,000	\$231,352
DROP Communications Manager	Communications	OCERS	\$92,317- \$143,091	(\$141,000)	\$(214,594)

In summary, I am requesting 14 new positions, the creation of three career ladders and one add/drop of a position with the 2023 Staffing Plan. The cost of each position is listed above with an estimated increase to the Personnel Cost budget in 2023 in the amount of \$2,376,000. Refer to Appendix A for a detailed summary of the proposed 2023 Staffing Plan and annual budget impact.

Appendix A

14 New Positions:

Department	Title	Direct or County	2023 Proposed Budgeted Costs			Annualized		
			Proposed Budget Salary	Fringe Benefits	Total Personnel Cost	Proposed Budget Salary	Fringe Benefits	Total Personnel Cost
Executive	Project Manager	Direct	200,000	103,033	303,033	200,000	103,033	303,033
Legal	Chief Compliance Officer	Direct	95,000	43,916	138,916	190,000	87,831	277,831
Legal	Staff Attorney	Direct	135,000	60,443	195,443	180,000	80,591	260,591
Legal	Executive Secretary I	County	35,828	15,282	51,110	71,656	30,564	102,220
Investments	Investment Officer	Direct	140,005	78,423	218,428	140,005	78,423	218,428
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Information Security	Staff Analyst	Direct	78,000	52,988	130,988	104,000	70,651	174,651
Information Technology	IT Systems Technician	County	72,259	46,877	119,136	72,259	46,877	119,136
Information Technology	Testing Coordinator	Direct	160,000	86,625	246,625	160,000	86,625	246,625
Information Technology	Automation Developer	Direct	150,000	82,523	232,523	150,000	82,523	232,523
Human Resources	Staff Analyst	Direct	101,920	54,470	156,390	101,920	54,470	156,390
Human Resources	Staff Assistant	County	66,144	34,685	100,829	66,144	34,685	100,829
			1,439,826	795,371	2,235,197	1,641,654	892,379	2,534,034

3 Career Ladders:

Department	Title	Direct or County	Career Ladder (Current Classification)	2023		Total Annual Budget Impact
				Current Salary and Benefits	Proposed Salary and Benefits	
Finance	Staff Analyst	Direct	Senior Accountant Auditor (County)	165,702	181,995	16,293
Finance	Senior Accountant	County	Accountant/Auditor II	136,083	148,874	12,791
Internal Auditor	Senior Internal Auditor	Direct	Internal Auditor	237,983	259,268	21,285
				539,769	590,137	50,369

1 Add/Drop:

Department	Title (ADD/DROP Classification)	Direct or County	2023	
			Proposed Salary and Benefits	Total Annual Budget Impact
Communications	ADD: Director of Communications	Direct	231,352	231,352
Communications	DROP: Communications Manager	Direct	(140,507)	(214,594)
			90,845	16,758

Attachments:

- 1A Executive Division
 - Memo
 - Proposed Organization Chart
- 1B Legal Division
 - Memo
 - Proposed Organization Chart
- 1C Investments Division
 - Memo
 - Proposed Organization Chart
- 1D Member Services Division
 - Memo
 - Proposed Organization Chart
- 1E Information Security Department
 - Memo
 - Brief Description
 - Proposed Organization Chart
 - Presentation
- 1F IT Department
 - Memo- IT Systems Technician
 - Memo- Testing Coordinator
 - Memo- Automation Developer
 - Proposed Organization Chart
- 1G Human Resources Department
 - Memo
 - Current Organization Chart
 - Proposed Organization Chart
- 2A Finance Department
 - Memo
 - Career Ladder Explanation
 - Proposed Organization Chart
 - Presentation
- 2B Internal Audit Department
 - Memo
 - Career Ladder Explanation
 - Proposed Organization Chart
 - Presentation
- 3A Communications Department
 - Memo
 - Proposed Organization Chart

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

REGULAR BOARD MEETING

2023 OCERS STAFFING PLAN

STEVE DELANEY, CEO

OCTOBER 17, 2022



2023 Staffing Plan

REQUEST FOR **14** NEW POSITIONS IN THE FOLLOWING DEPARTMENTS:

14 New Positions:

- Executive (1)
- Legal (3)
- Investments (1)
- Member Services (3)
- Information Security (1)
- Information Technology (3)
- Human Resources (2)

3 Career Ladders:

- Finance (2)
- Internal Audit (1)

1 Add/Drop:

- Communications (1)

RECOMMENDATIONS

- **1. Add the following 14 new positions to the 2023 Budgeted Headcount:**
- 1A) Add one Project Manager position to the Executive department [Base Salary \$200,000 w/Benefits \$303,000]
- 1B) Add three positions to the Legal Department **1.** Chief Compliance Officer [6-months Base Salary \$95,000 w/Benefits \$139,000], **2.** Staff Attorney [9-months Base Salary \$135,000, w/Benefits \$195,000, **3.** Executive Secretary I [6-months Base Salary \$36,000, w/Benefits \$51,000].
- 1C) Add one Investment Officer position to the Investments department [12-months Base Salary \$140,000, w/Benefits \$218,000]
- 1D) Add three Retirement Program Specialists to the Member Services department [\$69,000 w/Benefits \$114,000, total for three \$342,000]
- 1E) Add one Staff Analyst position to the Information Security department [9-months Base Salary \$78,000, w/Benefits \$131,000].
- 1F) Add three positions to the IT department **1.** IT Systems Technician [12-months Base Salary \$72,000, w/Benefits \$119,000]. **2.** Testing Coordinator (Manager Level) [12-months Base Salary \$160,000, w/Benefits \$247,000]. **3.** Automation Developer (Manager Level) [12-months Base Salary \$150,000, w/Benefits \$233,000].
- 1G) Add two positions to the HR department **1.** Staff Analyst [12-months Base Salary \$101,000, w/Benefits \$156,000]. **2.** Staff Assistant [12-months Base Salary \$66,000, w/Benefits \$101,000].

RECOMMENDATIONS

2. Approve the creation of the following Career Ladders (no change to headcount)

A) Finance Department Total Cost \$29,000

- Senior Accountant to Staff Analyst [10% promotion increase, cost \$16,000]
- Accountant Auditor to Senior Accountant [10% promotion increase, cost \$13,000]

B) Internal Audit

- Internal Auditor to Senior Internal Auditor [10% promotion increase, cost \$21,000]

3. Approve to Add a Director of Communications and Drop a Communications Manager in the Communications department (no change to headcount)

A) \$160,000 12-month annual base salary, overlap cost difference \$91,000

14 new positions, the creation of 3 career ladders and 1 add/drop of a position at an estimated cost of \$2,376,000

1A. EXECUTIVE DEPARTMENT



Project Manager- Director Level

- OCERS is developing a number of cross-department projects that require the rigor of professional project management to plan, organize, and oversee the completion of specific projects while ensuring they use limited resources in the most effective manner possible.
- VISION 2030 alone will need project management
- Master Repository of Processes and Procedures
- Initial introduction of Robotic Process Automation
- Implementation of LEAN
- A Call center guided by Machine Learning
- New Pension Administration System

Minimal Qualifications

- A “Project Manager Professional” (PMP), Agile or Scrum certification will be required. 3 years managing projects and obtain a 4-year college degree.

Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$132,533-\$205,426	\$303,000	\$303,000 ₅

1A. EXECUTIVE - ORG CHART



Proposed 2023 Executive Board Organization Chart

Proposed Org Chart

Total Proposed Budgeted Executive Board Employees 2023: 7
County – 1; OCERS Direct – 6

- OCERS Direct Employees
- County Employees
- Proposed OCERS Direct



1B. CHIEF COMPLIANCE OFFICER

- Create new Office of Enterprise Compliance (OEC)
- Hire a Chief Compliance Officer (CCO) – target July 1, 2023)
- The CCO would develop an enterprise-wide compliance program and lead the new OEC
- The OEC would be the 3rd leg of Legal, Compliance and Audit stool
- Resulting in enhanced compliance with the law, policies and procedures



Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$142,473 - \$220,833	\$139,000	\$278,000

1B. STAFF ATTORNEY

- Assigned to support the Investments Division and staff the Legal Division's ethics and conflicts of interest work
- Participate alongside outside counsel on negotiation and documentation of investment transactions
- Handle post-closing transaction amendments and MFN elections
- Oversee OCERS' claims and participation in Securities Litigation matters
- Respond to ethics and conflicts of interest questions, assist with Form 700 review process, advise on FPPC regulatory changes



Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$123,286 - \$191,094	\$195,000	\$261,000

1B. EXECUTIVE SECRETARY I

- Dedicated to serve the Legal Division and Office of Enterprise Compliance
- Secretary to the Governance Committee and Audit Committee
- Serve as back up to Legal Analyst on Administrative Hearing work and Public Records Act requests
- Serve as back up to the Executive Secretary I and the Executive Secretary II

▪ Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$55,640 - \$74,547	\$51,000	\$102,000

1B. LEGAL



1C. INVESTMENTS DEPARTMENT



Investment Officer

- Expanded into more private markets strategies and added co-investments
- Investment team workload has increased dramatically
- Essential to ensure that investment processes continue with the highest quality and efficiency
- Investment department 10-year staffing plan. Aligns with current AUM and future AUM growth of plan assets

▪ Cost:

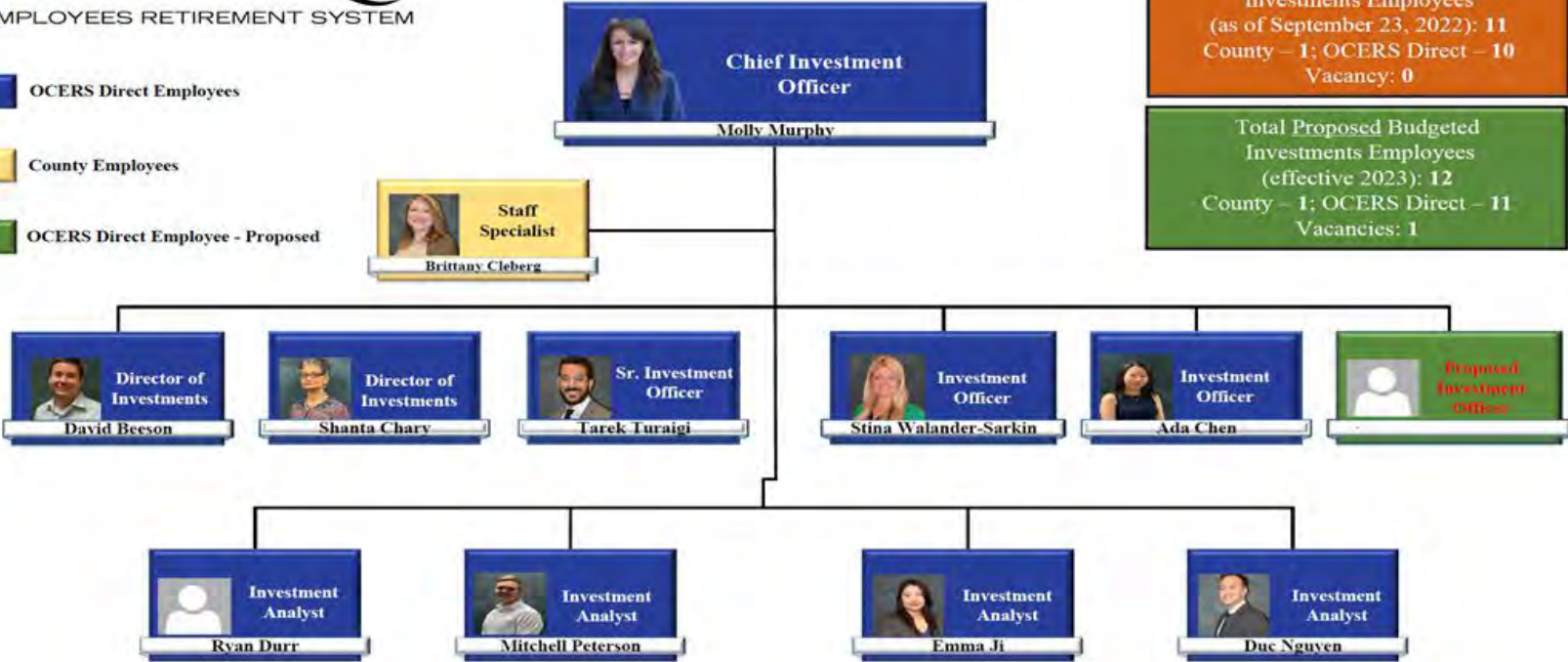
Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$123,286-\$191,094	\$218,000	\$218,000

1C. INVESTMENTS



2023 Investments Organization Chart

- OCERS Direct Employees
- County Employees
- OCERS Direct Employee - Proposed



Proposed Org Chart Effective 2023

Total Budgeted Investments Employees (as of September 23, 2022): 11
County – 1; OCERS Direct – 10
Vacancy: 0

Total Proposed Budgeted Investments Employees (effective 2023): 12
County – 1; OCERS Direct – 11
Vacancies: 1

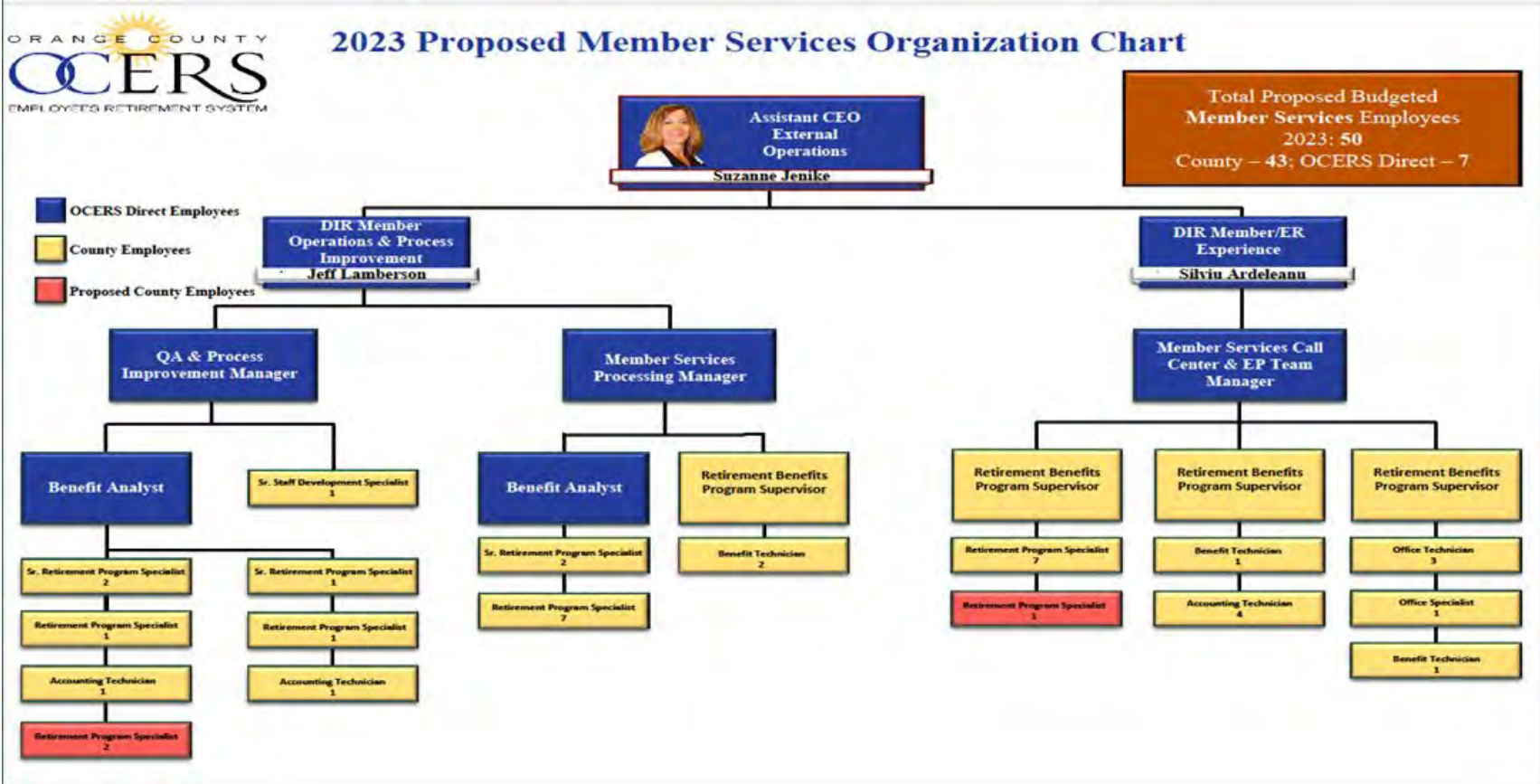
1D. MEMBER SERVICES

- **Member Services has three major projects ahead of us in 2023:**
 1. Member Services has over 600 retirement recalculations to complete as a result of the Alameda decision. Each of these recalculations take approximately 3-4 days to complete and QA before applying the change to payroll.
 2. Member Services Subject Matter Experts (SME) will be required to work with the vendor hired to manage and complete our OCERS Policy and Procedure documentation project. Each of our SMEs on various processes will need to work directly with the professional writers to document and improve our processes to complete this project.
 3. Member Services team members will also need to work with our vendor that will assist us in the requirements gathering for the selection and replacement of our V3 Pension Administration System (PAS).
- **Request for 3 Retirement Program Specialist**
- **Cost:**



Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$51,209-\$68,556	\$342,000	\$342,000 ¹³

1D. MEMBER SERVICES- ORG CHART



1E. INFORMATION SECURITY DEPARTMENT

Information Security Analyst:

Increase in attack surface due to growth has led to:

- InfoSec placing significant demands on IT for Security Operations
- InfoSec shifting to SecOps; diverting from original mission

Security Operations Functions




- Threat Analysis
- Vulnerability Remediation
- Incident Detection & Investigation
- Security Systems Administration
- Security Control Implementation & Assessment

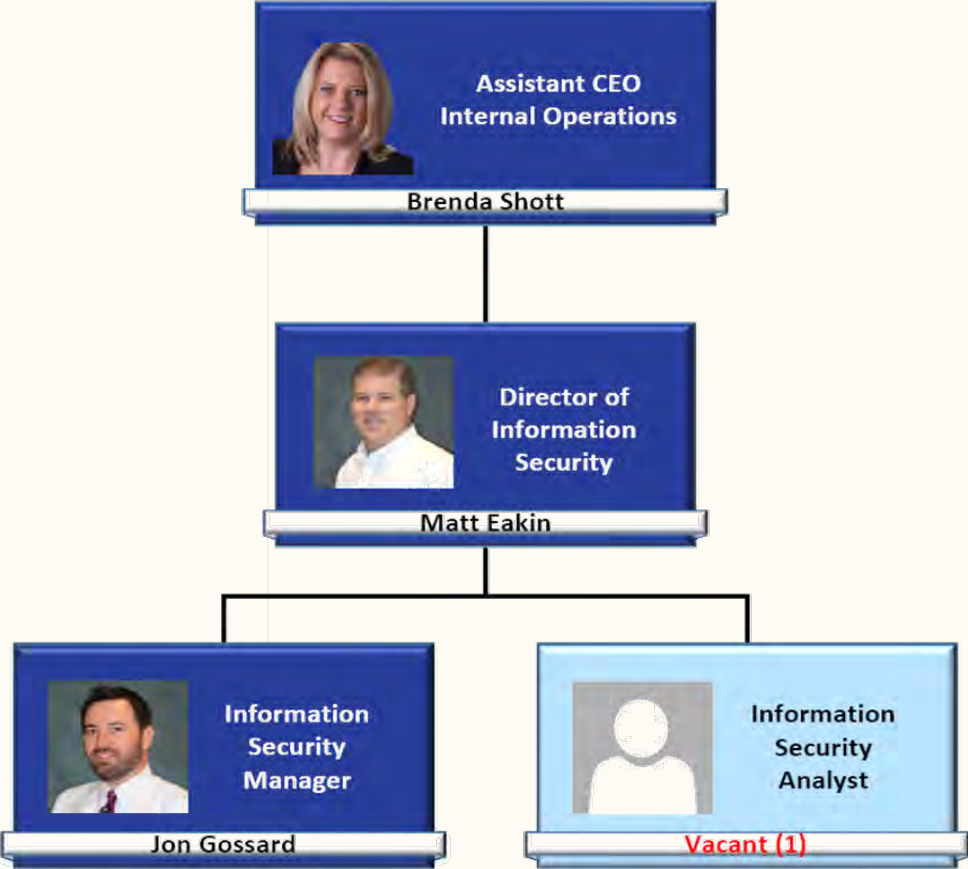
Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$79,885 - \$115,833	\$131,000	\$175,000



1E. INFORMATION SECURITY

-  OCERS Direct Employees
-  OCERS Direct Employees - Proposed
-  County Employees



1F. INFORMATION TECHNOLOGY

Request for 3 New Positions

1. Automation Developer

Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$106,684 - \$165,360	\$233,000	\$233,000

2. IT Helpdesk Technician

Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$53,955 - \$72,259	\$119,000	\$119,000

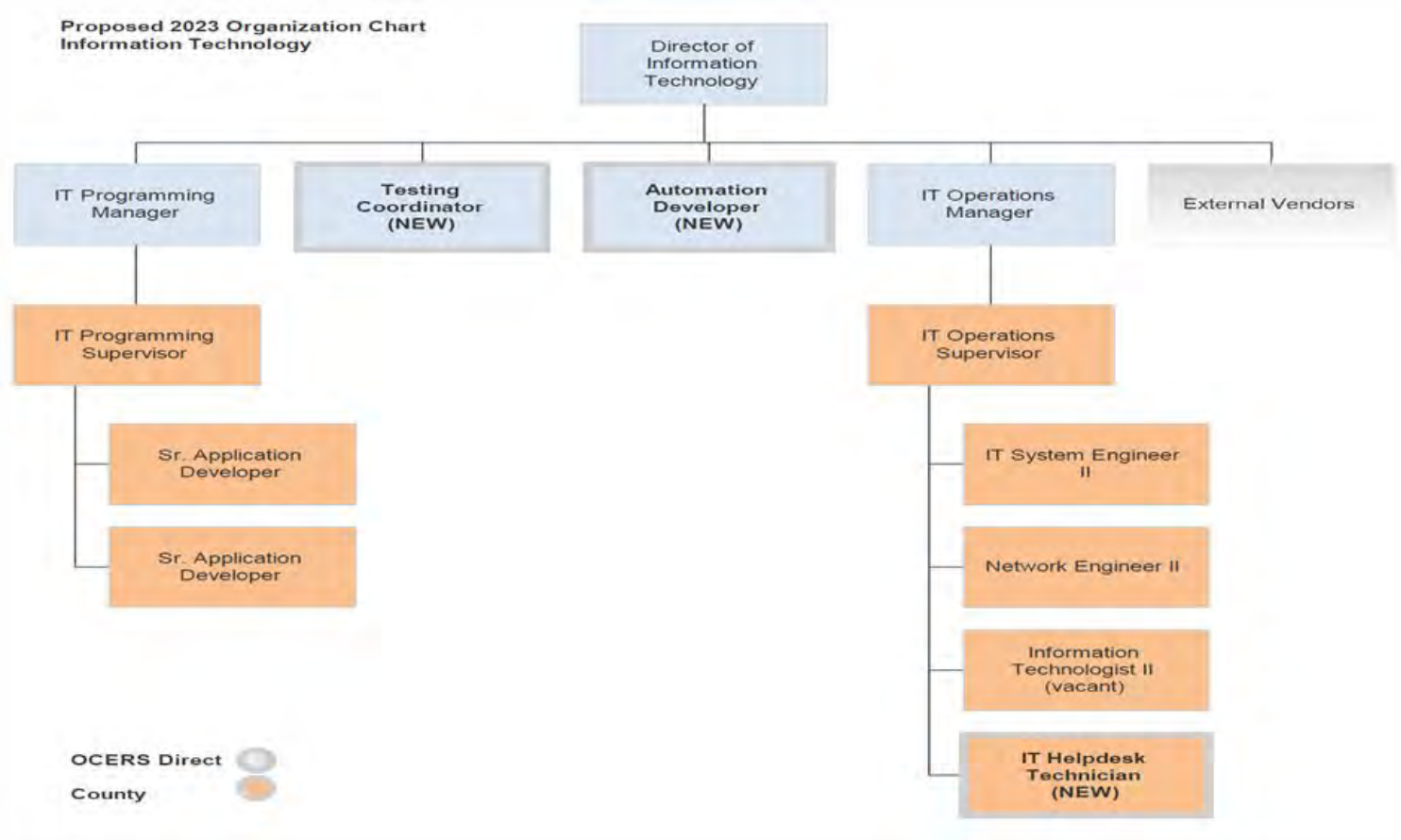
3. Testing Coordinator

Cost:

Position Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$106,684 - \$165,360	\$247,000	\$247,000



1F. INFORMATION TECHNOLOGY



1G. HUMAN RESOURCES DEPARTMENT

1. STAFF ANALYST (RECRUITER)

- Assist with demand for Talent Acquisition
- 1 employee dedicated to the recruiting function
- Follow all County’s Merit and Selection Rules
- Agency Growth and Demand for staffing with internal promotions and turnover

Cost:

Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$79,885-\$115,833	\$156,000	\$156,000

2. STAFF ASSISTANT (LOD)

- Support LOD Manager and OCERS Learning initiatives
- Next Level Leadership (NLL) program, OCERS University, the Administration of Eureka, OCERS Diversity, Equity, and Inclusion program, and many requests for customized learning



Cost:

Salary Range	2023 Budget Impact (Salary and Benefits)	Annual Cost (Salary and Benefits)
\$49,546 - \$66,414	\$101,000	\$101,000

1G. HUMAN RESOURCES



- OCERS Direct Employees
- County Employees
- OCERS Direct Employee - Proposed
- County Employee - Proposed
- Career Ladder - Proposed

2023 Proposed Human Resources Organization Chart

Proposed Org Chart Effective 2023

Total Budgeted Human Resources Employees (as of September 19, 2022): 5
 County – 1; OCERS Direct – 4
 Vacancy – 0

Total Proposed Budgeted Human Resources Employees (effective 2023): 7
 County – 2; OCERS Direct – 5
 Vacancies: 2



2. CAREER LADDERS (FINANCE AND INTERNAL AUDIT)

- Implemented by OCERS several years ago
- Tool for the retention of high-performing staff
- Employee has demonstrated consistent performance that exceeds expectations and has increased job knowledge, skills, and the ability to progress to the next level of job duties and responsibilities
- A career ladder position is created with the approval of an additional classification without an increase in headcount



2A. FINANCE DEPARTMENT



Finance Career Ladders:

Two career ladder positions, OCERS Direct Staff Analyst and County Senior Accountant Auditor in the Finance department.

Finance Career Ladders

- Part of the OCERS Strategic Plan to recruit and retain a high performing workforce
- OCERS Direct Staff Analyst and County Senior Accountant Auditor are additional classifications but not a change in headcount

Benefits

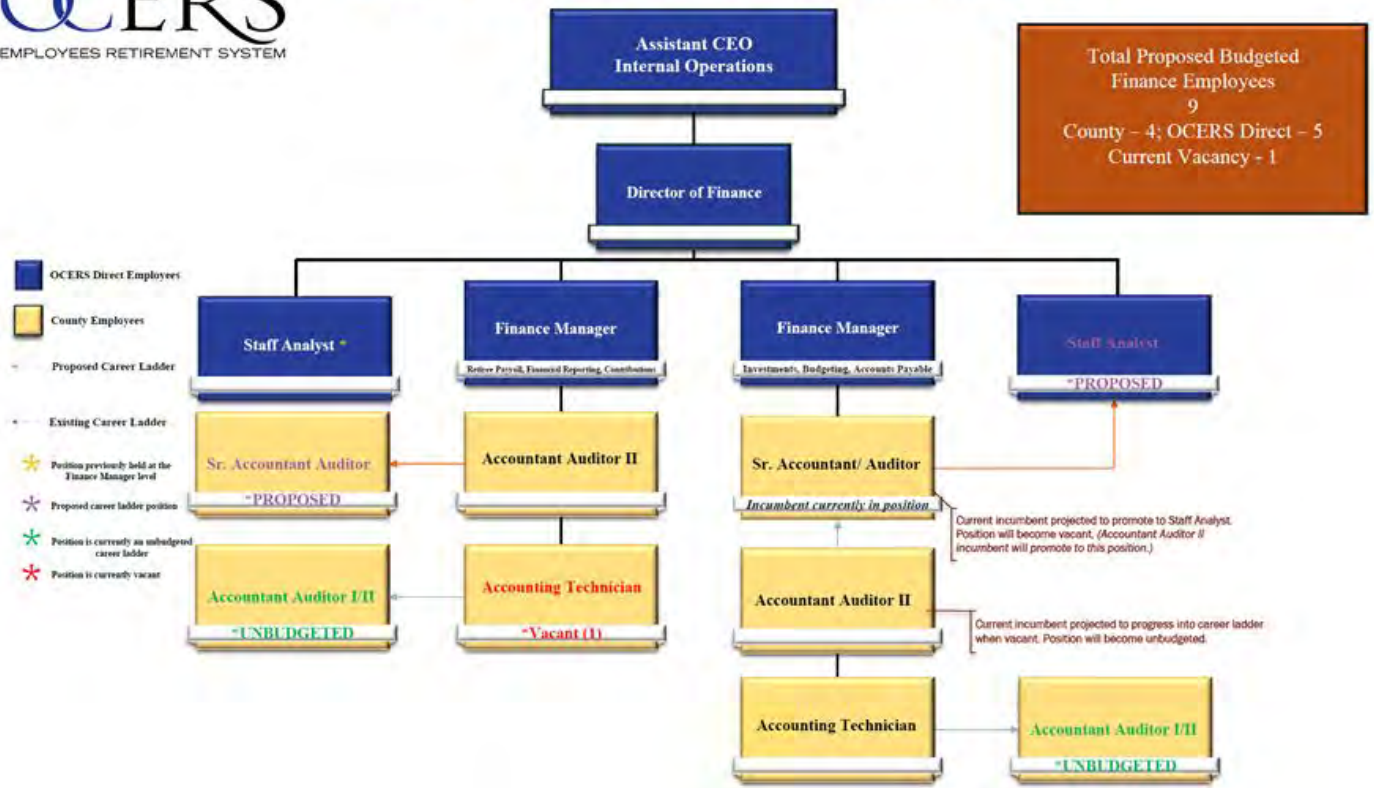
- Balanced Organizational Structure, Delegate hands-on tasks performed by Finance Managers
- Retain SMEs for upcoming projects
- Cross-train and transition duties for future OCERS leadership
- Cost:

Position Title (Add Classification)	Position Type	Career Ladder (Current Classification)	Ladder Position Salary Range	2023 Budget Impact and Annual Cost (Salary and Benefits)
Staff Analyst	Direct	Sr. Accountant Auditor (County)	\$79,885- \$115,833	\$16,000
Sr. Accountant Auditor	County	Accountant/Auditor II	\$71,214- \$99,882	\$13,000

2A. FINANCE



2023 Proposed Finance Organization Chart



2B. INTERNAL AUDIT CAREER LADDER

Recommendation

- Approve the addition of a career ladder position, classified as Senior Internal Auditor in the Internal Audit department.
- Internal Audit Career Ladder
- Part of the OCERS Strategic Plan to recruit and retain a high performing workforce
- Senior Internal Auditor position is an additional classification but not a change in headcount
- Retention tool for Internal Audit Department

Additional Responsibilities

- Assist with the development of the Annual Audit Plan
- Plan and organize audit programs
- Lead and perform highly technical and complex audit programs
- Train incoming Internal Audit staff
- Cost:



Position Title (Add Classification)	Position Type	Career Ladder (Current Classification)	Ladder Position Salary Range	2023 Budget Impact and Annual Cost (Salary and Benefits)
Senior Internal Auditor	Direct	Internal Auditor	\$106,684 - \$165,360	\$21,000 24




2B. INTERNAL AUDIT

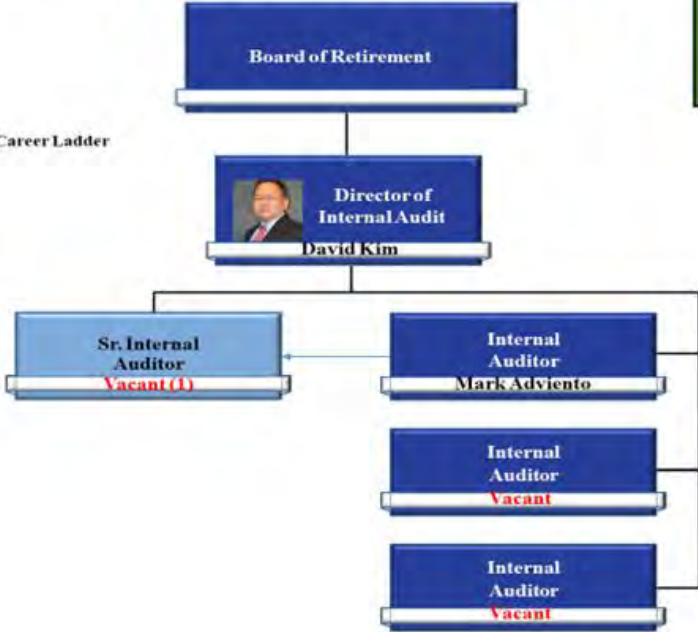


Proposed Internal Audit Organization Chart

Proposed Org Chart

Total Proposed Budgeted Internal Audit Employees
4
County – 0; OCERS Direct – 4

-  OCERS Direct Employees – Proposed Career Ladder
-  OCERS Direct Employees
-  County Employees



3A. COMMUNICATIONS ADD/ DROP A POSITION – NO CHANGE TO HEADCOUNT



CURRENT TO PROPOSED BUDGETED HEADCOUNT

Current

- Total Budgeted Headcount 113
- OCERS Direct 47
- County 66
- Extra Help OCERS Direct 2
- Extra Help County 3

***Proposed**

- Total Budgeted Headcount 127
- OCERS Direct 56
- County 71
- Extra Help OCERS Direct 2
- Extra Help County 3

*Includes 2023 Career Ladders

RECOMMENDATIONS

- **1. Add the following 14 new positions to the 2023 Budgeted Headcount:**
- 1A) Add one Project Manager position to the Executive department [Base Salary \$200,000 w/Benefits \$303,000]
- 1B) Add three positions to the Legal Department **1.** Chief Compliance Officer [6-months Base Salary \$95,000 w/Benefits \$139,000], **2.** Staff Attorney [9-months Base Salary \$135,000, w/Benefits \$195,000, **3.** Executive Secretary I [6-months Base Salary \$36,000, w/Benefits \$51,000].
- 1C) Add one Investment Officer position to the Investments department [12-months Base Salary \$140,000, w/Benefits \$218,000]
- 1D) Add three Retirement Program Specialists to the Member Services department [\$68,000 w/Benefits \$114,000, total for three \$342,000]
- 1E) Add one Staff Analyst position to the Information Security department [9-months Base Salary \$78,000, w/Benefits \$131,000].
- 1F) Add three positions to the IT department **1.** IT Systems Technician [12-months Base Salary \$72,000, w/Benefits \$119,000]. **2.** Testing Coordinator (Manager Level) [12-months Base Salary \$160,000, w/Benefits \$247,000]. **3.** Automation Developer (Manager Level) [12-months Base Salary \$150,000, w/Benefits \$233,000].
- 1G) Add two positions to the HR department **1.** Staff Analyst [12-months Base Salary \$101,000, w/Benefits \$156,000]. **2.** Staff Assistant [12-months Base Salary \$66,000, w/Benefits \$101,000].

RECOMMENDATIONS

2. Approve the creation of the following Career Ladders (no change to headcount)

A) Finance Department Total Cost \$29,000

- Senior Accountant to Staff Analyst [10% promotion increase, cost \$16,000]
- Accountant Auditor to Senior Accountant [10% promotion increase, cost \$13,000]

B) Internal Audit

- Internal Auditor to Senior Internal Auditor [10% promotion increase, cost \$21,000]

3. Approve to Add a Director of Communications and Drop a Communications Manager in the Communications department (no change to headcount)

A) \$160,000 12-month annual base salary, overlap cost difference \$91,000

14 new positions, the creation of 3 career ladders and 1 add/drop of a position at an estimated cost of \$2,376,000

Appendix A

2023 Proposed Budget and Annual Budget Impact

Appendix A

14 New Positions:			2023 Proposed Budgeted Costs			Annualized		
Department	Title	Direct or County	Proposed Budget Salary	Fringe Benefits	Total Personnel Cost	Proposed Budget Salary	Fringe Benefits	Total Personnel Cost
Executive	Project Manager	Direct	200,000	103,033	303,033	200,000	103,033	303,033
Legal	Chief Compliance Officer	Direct	95,000	43,916	138,916	190,000	87,831	277,831
Legal	Staff Attorney	Direct	135,000	60,443	195,443	180,000	80,591	260,591
Legal	Executive Secretary I	County	35,828	15,282	51,110	71,656	30,564	102,220
Investments	Investment Officer	Direct	140,005	78,423	218,428	140,005	78,423	218,428
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Member Services	Retirement Program Specialist	County	68,557	45,369	113,926	68,557	45,369	113,926
Information Security	Staff Analyst	Direct	78,000	52,988	130,988	104,000	70,651	174,651
Information Technology	IT Systems Technician	County	72,259	46,877	119,136	72,259	46,877	119,136
Information Technology	Testing Coordinator	Direct	160,000	86,625	246,625	160,000	86,625	246,625
Information Technology	Automation Developer	Direct	150,000	82,523	232,523	150,000	82,523	232,523
Human Resources	Staff Analyst	Direct	101,920	54,470	156,390	101,920	54,470	156,390
Human Resources	Staff Assistant	County	66,144	34,685	100,829	66,144	34,685	100,829
			1,439,826	795,371	2,235,197	1,641,654	892,379	2,534,034

3 Career Ladders:			2023	Total Annual
Department	Title	Direct or County	Current Salary and Benefits	Budget Impact
Finance	Staff Analyst	Direct	165,702	16,293
Finance	Senior Accountant	County	136,083	12,791
Internal Auditor	Senior Internal Auditor	Direct	237,983	21,285
			539,769	50,369

1 Add/Drop:			2023	Total Annual
Department	Title (ADD/DROP Classification)	Direct or County	Proposed Salary and Benefits	Budget Impact
Communications	ADD: Director of Communications	Direct	231,352	231,352
Communications	DROP: Communications Manager	Direct	(140,507)	(214,594)
			90,845	16,758

Questions





Memorandum

DATE: September 09, 2022
TO: Members of the Personnel Committee
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: 2023 REQUEST FOR NEW PROJECT MANAGER POSITION

Background/Discussion

The Executive department requests the addition of the following position:

1. Project Manager - OCERS Direct position

The requested position will add support to the Executive department.

OCERS is developing a number of cross-department projects that require the rigor of professional project management to plan, organize, and oversee the completion of specific projects while ensuring they use limited resources in the most effective manner possible. VISION 2030 alone will need project management guidance as it has a number of major projects under that banner – a Master Repository of Processes and Procedures, initial introduction of Robotic Process Automation use cases, an overview of existing processes with a view to simplification and implementation of LEAN, a call center guided by Machine Learning, and the eventual construction of a new Pension Administration System. Ultimately, there is a need for a Project Management Office (PMO) to achieve the project oversight that is required for success. The Project Manager position being requested for 2023 is the foundation of the future PMO. Creating a PMO will also address an observation from the last IT General Controls Audit, where Internal Audit reported that OCERS IT does not maintain a formal project management methodology for technology-related projects. This observation is true across the entire organization. The Project Manager will be responsible for implementing a project management methodology and consistent project management processes that will address Internal Audit’s observation.

Per Salary.com “The average salary for someone with a Project Management Professional (PMP) in the United States is between \$69,069 and \$253,748 as of August 29, 2022. Salary ranges can vary widely depending on the actual position requiring a Project Management Professional (PMP).” I anticipate we will need a position of \$200,000 plus benefits to meet the varied agency wide projects that would call upon this individual for direction and guidance.

Annual Cost Impact

Assuming the Project Manager is hired at the average of \$200,000, the annual cost (salary plus benefits) is approximately \$304,000.



Submitted by:



SD - approved

Steve Delaney

Chief Executive Officer

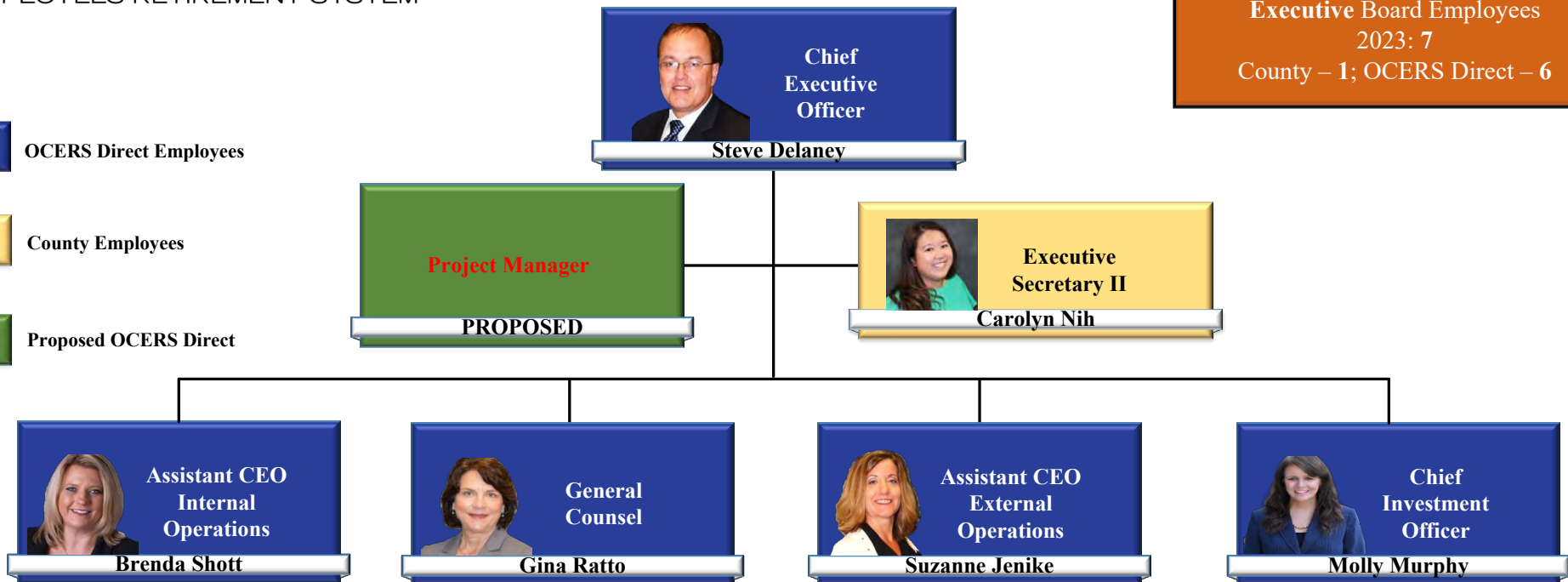


Proposed 2023 Executive Board Organization Chart

Proposed Org Chart

Total Proposed Budgeted Executive Board Employees 2023: 7
County – 1; OCERS Direct – 6

- OCERS Direct Employees
- County Employees
- Proposed OCERS Direct





Memorandum

DATE: September 9, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: Gina M. Ratto, General Counsel
SUBJECT: **2023 Staffing Plan**

I propose the addition of three positions in 2023:

1. Chief Compliance Officer (CCO)

- a) The CCO would be an OCERS direct position
- b) This addition would result in an increase in headcount
- c) It represents a new classification in OCERS
- d) The CCO will develop a compliance program and staff and lead the new OCERS Office of Enterprise Compliance
- e) OCERS does not currently have a dedicated compliance function/program. Compliance is currently dispersed among the Legal team, the Internal Auditors and the Operational Risk Management Committee.
- f) New workload is a necessary outcome of the creation of a new compliance program
- g) Savings are anticipated in the form of regulatory, litigation and reputational risk avoidance and mitigation
- h) The CCO and new Office of Enterprise Compliance will serve as the third leg (with Legal and Internal Audits) of a robust risk mitigation program, enhancing compliance with the law, policies and procedures throughout the organization.
- i) Estimated hiring salary of \$190,000 per annum
- j) Targeted hiring date of July 1, 2023

2. Staff Attorney

- a) The Staff Attorney is an OCERS direct position
- b) This addition would result in an increase in headcount
- c) This is an existing classification in OCERS; OCERS currently has two other Staff Attorneys
- d) The Staff Attorney would be assigned to support the Investments Division and to staff the Legal Division's ethics and conflicts of interest workload:
 - i. They would participate alongside external counsel in the negotiation and documentation of new investment transactions. This work is currently performed by the General Counsel.
 - ii. They would handle post-closing amendments and Most Favored Nations elections, both of which are currently handled by external counsel.
 - iii. They would perform the work of the Legal Division in connection with Securities Litigation matters including monitoring and reporting claims and monitoring cases where OCERS serves as lead plaintiff. This work is currently performed by the General Counsel and the Deputy General Counsel.
 - iv. They would be responsible for periodic updates to the OCERS Conflict of Interest Code, updating the Board on Form 700 filing requirements, reviewing potential conflicts of interest, assisting with the new Form 700 Review Process, and monitoring FPPC regulatory changes.

- e) This work is currently performed by external counsel and internal counsel in the Legal Division.
- f) Growth in workload will result both from bringing legal work inside and from enhancing the legal services provided to OCERS by the Legal Division
- g) Savings will be achieved by reducing our reliance on external counsel in connection with negotiation and documentation of new investment transactions, post-closing amendments and Most Favored Nations elections
- h) The Staff Attorney will reduce legal, regulatory, and reputational risks by enhancing OCERS' compliance with ethical rules and conflicts of interest laws and regulations.
- i) Estimated hiring salary of \$180,000 per annum
- j) Targeted hiring date of April 1, 2023

3. Executive Secretary I

- a) The Executive Secretary I is a County position
- b) This addition would result in an increase in headcount
- c) This is an existing classification in OCERS; OCERS currently has one other Executive Secretary I position (it is currently vacant)
- d) The Executive Secretary I would be assigned to support the Legal Division and the new Chief Compliance Officer/Office of Enterprise Compliance and be responsible for staffing the meetings and needs of the Governance Committee and Audit Committee. They would serve as back up to the Executive Secretary II and the other Executive Secretary I, and also serve as back up to the Legal Analyst in connection with administrative hearings work and in responding to Public Records Act requests.
- e) This work is currently shared by the existing Executive Secretary I (vacant) and Executive Secretary II.
- f) Growth in workload for this position is anticipated as a result of the addition of a new Chief Compliance Officer and Office of Enterprise Compliance. In addition, the sharing of an Executive Secretary by the Member Services Division and the Legal Division has proven to be unmanageable. There is too much workload for only one person to handle and the workload will only increase with the addition of a CCO.
- g) Savings will be achieved by reducing the need for extra help positions in the future. The addition of administrative support dedicated to the Legal Division will improve efficiencies by allowing the attorneys to spend less time editing their own documents and more time focused on the work that only they can do (legal work). This in turn makes it possible to bring more legal work in house.
- h) A dedicated Executive Secretary will reduce the risk of untimely responses to Public Records Act requests and reduce the risk of something falling through the cracks during the absence of the Legal Analyst. They will enhance our ability to meet committee meeting posting deadlines and will improve Legal Division efficiencies.
- i) Estimated hiring salary of \$67,600 per annum
- j) Targeted hiring date of July 1, 2023

An organizational chart for the Legal Division including the three new positions is attached.

Submitted by:

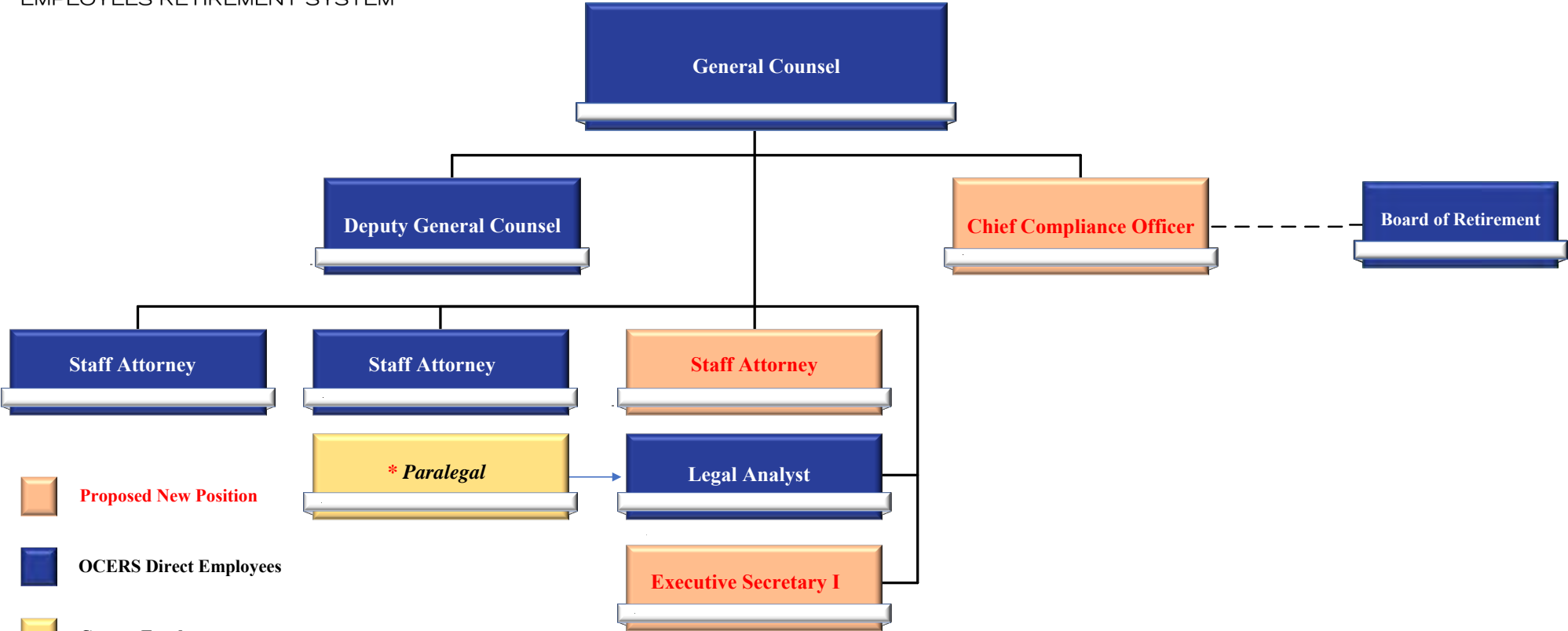


Gina M. Ratto
General Counsel



Proposed Legal Organization Chart

Total Proposed Budgeted
Legal Employees
8
County – 1; OCERS Direct – 7



- Proposed New Position
- OCERS Direct Employees
- County Employees
- * Unbudgeted



Memorandum

DATE: September 9, 2022
TO: Steve Delaney
FROM: Molly A. Murphy, CFA, Chief Investment Officer
SUBJECT: 2023 REQUEST FOR NEW INVESTMENT OFFICER POSITION

Background

As OCERS has expanded into more private markets strategies and added co-investments, the investment team workload has increased dramatically. Throughout 2022 and projected into 2023, portfolio and operational coverage has been tested by departures and family leave requests. As a result, a request to add a new investment officer position is essential to ensure that investment processes continue with the highest quality and efficiency.

This added position is consistent with the investment department 10-year staffing plan. Additionally, the position request aligns with current AUM and future AUM growth of plan assets.

Annual Cost Impact

Assuming the investment officer is hired at the average of OCERS' current investment officers, the annual cost (salary plus benefits) is approximately \$219,000.

Submitted by:



MAM - approved
Molly A. Murphy, CFA
Chief Investment Officer



2023 Investments Organization Chart

Proposed Org Chart Effective 2023

Total Budgeted Investments Employees (as of September 23, 2022): 11
 County – 1; OCERS Direct – 10
 Vacancy: 0

Total Proposed Budgeted Investments Employees (effective 2023): 12
 County – 1; OCERS Direct – 11
 Vacancies: 1

- OCERS Direct Employees
- County Employees
- OCERS Direct Employee - Proposed

Chief Investment Officer
Molly Murphy

Staff Specialist
Brittany Cleberg

Director of Investments
David Beeson

Director of Investments
Shanta Chary

Sr. Investment Officer
Tarek Turaigi

Investment Officer
Stina Walander-Sarkin

Investment Officer
Ada Chen

Proposed Investment Officer

Investment Analyst
Ryan Durr

Investment Analyst
Mitchell Peterson

Investment Analyst
Emma Ji

Investment Analyst
Duc Nguyen



Memorandum

DATE: September 28, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: Suzanne Jenike, Asst. CEO, External Operations
SUBJECT: **Member Services Staffing Plan - 2023**

Request

Add three (3) Retirement Program Specialist positions to Member Services for 2023

Background/Discussion

Member Services is anticipating another year of increased workloads (calls, counseling appointments, retirement transactions, etc.) in 2023 due to the current trend of inflation that will impact the COLA adjustment for retirements on and before April 1, 2023. We project retirements for 2023 to be up to 15% higher than those of 2022. We encountered over 800 retirement applications filed between January to June of 2022, the highest amount recorded, and our estimations would put our 2023 retirements at approximately 920 between January and June of 2023. For the first time ever, we processed over 600 benefits in May and June 2022 using estimated salary figures and are in the process of recalculating all of the benefits to get the members paid the amounts they are entitled to. On top of these elevated workloads, Member Services has three major projects ahead of us in 2023:

1. Member Services has over 600 retirement recalculations to complete as a result of the *Alameda* decision. Each of these recalculations take approximately 3-4 days to complete and QA before applying the change to payroll.
2. Member Services Subject Matter Experts (SME) will be required to work with the vendor hired to manage and complete our OCERS Policy and Procedure documentation project. Each of our SMEs on various processes will need to work directly with the professional writers to document and improve our processes to complete this project.
3. Member Services team members will also need to work with our vendor that will assist us in the requirements gathering for the selection and replacement of our V3 Pension Administration System (PAS).

Given the projected number of retirements, and the work that will be required to respond to the 2023 initiatives listed above, Member Services anticipates the need for (3) additional Retirement Program Specialist positions to support the service levels for our members. These team members will be allocated between our Call Center Team, Processing Team and our Quality Assurance Team as needed to support our senior team members when they need to be available for the projects above.

Historically, Member Services has utilized the assistance of temporary employees, retirees, and overtime to meet all of our business challenges. In 2022 we had two retirees answering phones, two temporary employees assisting with customer service needs, two former OCERS employees working after hours on non-Alameda benefit recalculations as well as two team members from the Communications department helping with calls and customer service. We expect the trend of high volume retirements to continue for the foreseeable future,

and the long term business initiatives will span many years and require significant staff time in order to be successful. Finally, we do not want to repeat 2022 and set up benefits based on estimated salary figures.

We are in the process of filling the final seven (7) vacancies in Member Services and expect to be fully staffed prior to December 31, 2022. We believe that adjusting the staffing level of the department by these additional team members is appropriate and necessary.

The cost associated to this request on a fully loaded basis is approximately \$114,000 per position, so this would add \$342,000 to the 2023 administrative budget.

Submitted by:



SJ-APPROVED

Suzanne Jenike
Asst. CEO, External Operations



2023 Proposed Member Services Organization Chart

Total Proposed Budgeted
 Member Services Employees
 2023: 50
 County – 43; OCERS Direct – 7

Assistant CEO
 External
 Operations
 Suzanne Jenike

- OCERS Direct Employees
- County Employees
- Proposed County Employees

DIR Member
 Operations & Process
 Improvement
 Jeff Lamberson

DIR Member/ER
 Experience
 Silviu Ardeleanu

QA & Process
 Improvement Manager

Member Services
 Processing Manager

Member Services Call
 Center & EP Team
 Manager

Benefit Analyst

Sr. Staff Development Specialist
 1

Benefit Analyst

Retirement Benefits
 Program Supervisor

Retirement Benefits
 Program Supervisor

Retirement Benefits
 Program Supervisor

Retirement Benefits
 Program Supervisor

Sr. Retirement Program Specialist
 2

Retirement Program Specialist
 1

Accounting Technician
 1

Retirement Program Specialist
 2

Sr. Retirement Program Specialist
 1

Retirement Program Specialist
 1

Accounting Technician
 1

Sr. Retirement Program Specialist
 2

Retirement Program Specialist
 7

Benefit Technician
 2

Retirement Program Specialist
 7

Retirement Program Specialist
 1

Benefit Technician
 1

Accounting Technician
 4

Office Technician
 3

Office Specialist
 1

Benefit Technician
 1



Memorandum

DATE: September 28, 2022
TO: Steve Delaney, CEO
FROM: Matt Eakin, Director of Information Security
SUBJECT: 2023 Staffing Plan – Information Security Analyst

Background/Discussion

Since the creation of OCERS' Information Security Department in 2018, it has been anticipated that an additional staff member would be required by the fifth year of the program (2023) to meet the needs associated with the continued growth of OCERS, which has experienced a 35% increase in staff over the previous four years. With each new staff member, whether permanent, temporary, extra help or consultant, OCERS' attack surface (the sum of all possible malicious points of entry on a network) grows in the form of additional hardware (laptops and mobile devices), software, user accounts and logins, etc. Furthermore, continued growth is expected in 2023.

Since the establishment of the Information Security program, the Information Technology Department has acted as its operational arm, charged with actively remediating security concerns identified by the Information Security team, including upgrading out-of-date operating systems or applications, applying patches or modifying configurations to address vulnerabilities, and installing newly adopted security applications. The Information Security team has attempted to remain focused on the strategic implementation of security controls and providing consultative services around security decisions to the rest of the organization.

While this model has been tenable in previous years, the continuing growth of OCERS has raised two significant issues that indicate it is an appropriate time to add an Information Security Analyst position to handle day-to-day operational responsibilities for the Information Security department:

1. Each year, Information Security has placed increasing demands on the Information Technology department for security-related operations. Information Technology's workload and responsibilities have also increased proportional to the growth of OCERS and with them, the number of projects assigned to the IT Department. This dual utilization of IT resources has unfortunately led to delay or postponement of important security operations functions.
2. Due to the aforementioned over-utilization of IT resources, current Information Security staff have had to shift from the strategic/consultative role noted above to an operational role, hence delaying the implementation of additional security controls.

The Information Security Analyst role will be more operational in nature, allowing current Information Security staff to refocus on original responsibilities while significantly lightening the security-related load on the Information Technology team. Therefore, we are proposing the addition of an Information Security Analyst to the 2023 budget to address present and future needs:

Security Operations

- **Threat Analysis.** Information Security staff receive 20-30 security bulletins per day from various threat intelligence feeds. These bulletins need to be reviewed and analyzed to determine if there are potential impacts to OCERS. It is not always immediately known what the impact may be, so further investigation is often required. This is a time-consuming task that takes current Information Security staff away from higher level activities.
- **Vulnerability Remediation.** Multiple new vulnerabilities are identified every day. Vulnerability remediation is prioritized by criticality, meaning more critical vulnerabilities need to be remediated within a 24 to 72 hour time frame, with a goal to remediate nearly all vulnerabilities within 30 days. Current structure, workloads and priorities prevent some vulnerabilities from being addressed for several months, increasing the risk of those vulnerabilities being exploited, which increases the risk of a data breach.
- **Incident Detection and Investigation.** When our systems alert us to potential security events and incidents, investigation and triaging is required by Information Security staff. As we gain greater visibility into system and network activity, and the number of alerts increase from new systems that have been implemented, more time is being spent on these operational-level incident investigation and response activities.
- **Security Systems Administration.** Several new security systems have been implemented in the past four years (email security, incident detection and response, vulnerability management, patch management, privileged access management, identity and access management, cybersecurity asset management, internet security, etc.). Each one of these systems increases the Information Security daily operational overhead required to manage, operate, and troubleshoot these systems. These systems divert current Information Security staff resources away from other priorities.
- **Security Control Implementation and Assessment.** Currently, formal assessments (penetration tests and audits) are conducted at specific points during the year. We would like to move to a more “continuous assessment” model, where security controls are tested on a regular basis by internal staff. Adding additional personnel to the Information Security department would be required to achieve this goal.

Agency Growth

A key factor behind the request for one additional headcount is to keep pace with the growth of the agency from 2018 to 2023, along with projected future growth beyond 2023. As noted above, more employees and more devices mean OCERS has an ever-expanding attack surface that needs to be managed. Further direct engagement with employees and their devices is necessary to follow-up on security alerts in a timely manner and mitigate potential system vulnerabilities.

Technological Complexity / Emerging Technologies

In the last four years, there has been an increasing number of systems and applications deployed within OCERS, many being cloud-based systems. With each system added, there are additional technology complexities that need to be secured appropriately. With the introduction of Vision 2030, OCERS is making a commitment to move away from manual processes to automated technology solutions utilizing Artificial Intelligence, Machine Learning, Robotic Process Automation, and other technologies. This will increase the number of systems required, as well as the complexity of those interconnected system, further contributing to a more complex technology landscape that needs to be properly secured.

Approving this personnel decision will increase the existing approved headcount in the Information Security Department from two to three. The Information Security Analyst is anticipated to be an OCERS Direct position with a new classification that will result in approximately \$110,000 in additional salary expenses annually.

Submitted by:



ME - Approved

Matt Eakin
Director of Information Security

Brief Summary – Information Security Analyst Position




Since the creation of OCERS’ Information Security Department in 2018, it has been anticipated that an additional staff member would be required by the fifth year of the program (2023) to meet the needs associated with the continued growth of OCERS, which has experienced a 35% increase in staff over the previous four years. With each new staff member, OCERS’ attack surface (the sum of all possible malicious points of entry on a network) grows in the form of additional hardware, software, user accounts, etc. Furthermore, continued growth is expected in 2023.

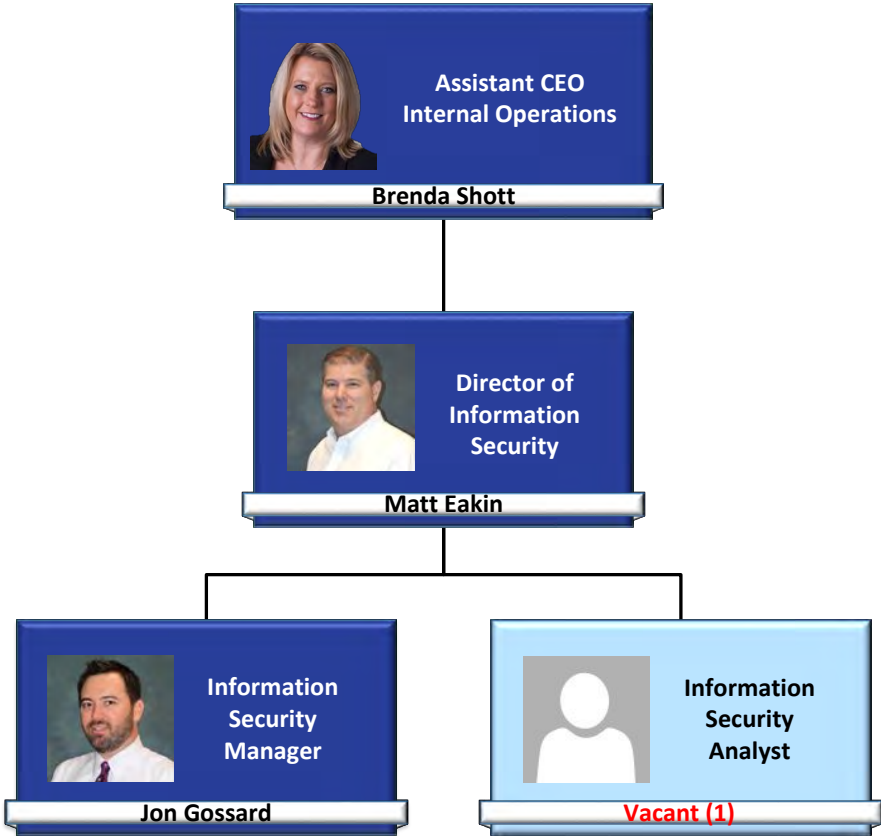
Since the establishment of the Information Security program, the Information Technology Department has acted as its operational arm, charged with actively remediating security concerns identified by the Information Security team. The Information Security team has attempted to remain focused on the strategic implementation of security controls and providing consultative services around security decisions to the rest of the organization. While this model has been tenable in previous years, the continuing growth of OCERS has made it necessary to add an Information Security Analyst position to handle day-to-day operational responsibilities for the Information Security department. Further details and justification for the addition of this position is contained within the accompanying “2023 Staffing Plan – Information Security Analyst” memo to CEO Steve Delaney.



2023 Proposed Information Security Organization Chart

Total Proposed Budgeted Information Security Employees for 2023: 3
OCERS Direct - 3
County - 0

-  OCERS Direct Employees
-  OCERS Direct Employees - Proposed
-  County Employees








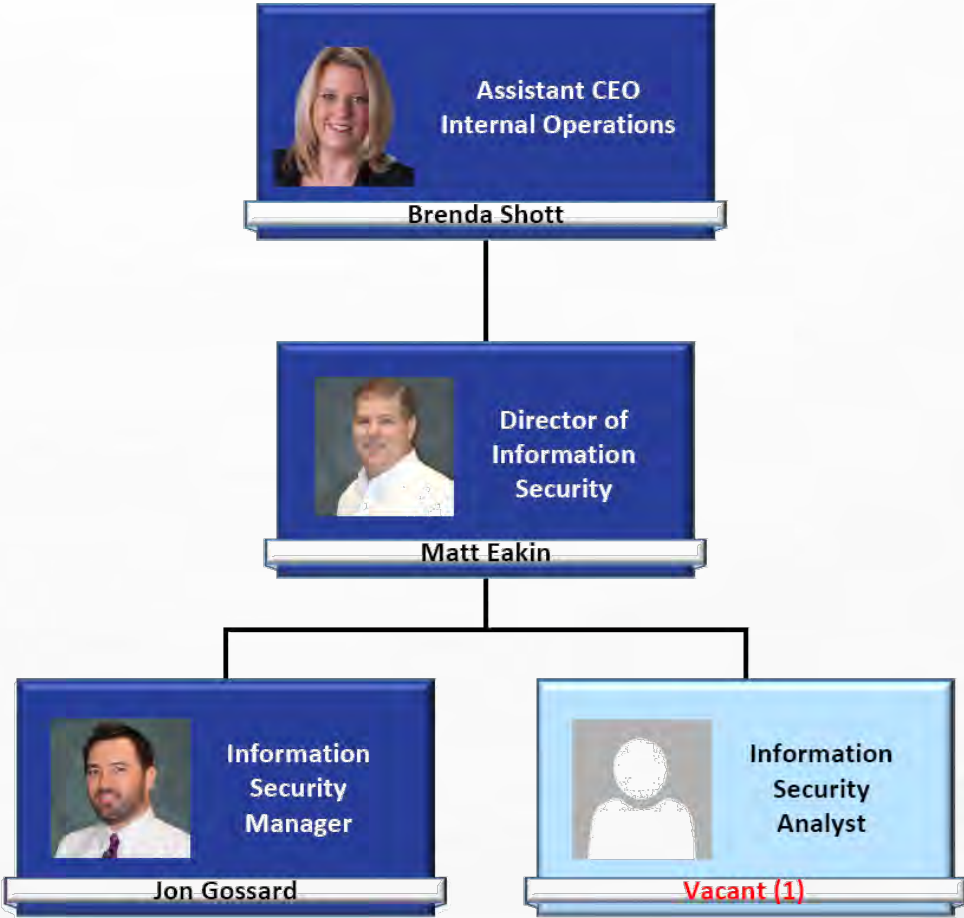
Information Security Analyst

- Increase in attack surface due to growth has led to:
 - InfoSec placing significant demands on IT for Security Operations
 - InfoSec shifting to SecOps; diverting from original mission
- Security Operations Functions
 - Threat Analysis
 - Vulnerability Remediation
 - Incident Detection & Investigation
 - Security Systems Administration
 - Security Control Implementation & Assessment



Proposed InfoSec Org Chart

-  OCERS Direct Employees
-  OCERS Direct Employees - Proposed
-  County Employees





Memorandum

DATE: Friday September 9th, 2022
TO: Steve Delaney, CEO
FROM: Jenny Sadoski, Director of Information Technology
SUBJECT: 2023 Request for New Position - Information Technology Helpdesk Technician

Recommendation

Request approval to create and fill new Information Technology Helpdesk Technician position in Information Technology Department.

Background/Discussion

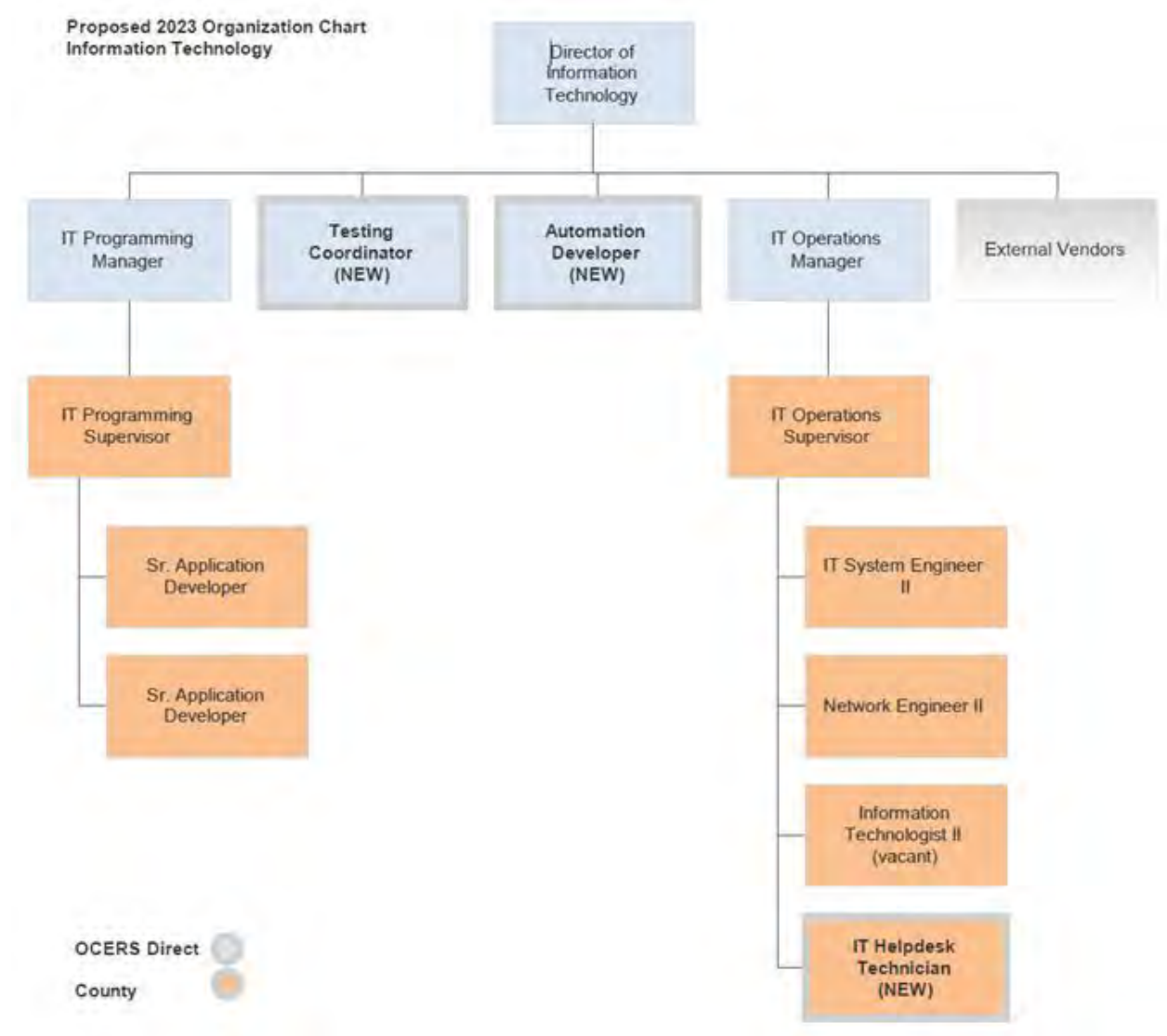
1. **OCERS Working Title: IT Helpdesk Technician**

- a) **Position Type:** County position – Information Technologist I
 - b) **Additional Headcount** will be created if position approved
 - c) **Existing classification:** County position for Information Technology Systems Technician I
 - d) **What new work will be done: no new work.** Position will provide first level end user on premise and remote support, onboarding/off-boarding tasks, and day to day operational support of IT operations and IT projects.
 - e) **What work currently isn't being done (or done out of class):** Addition of new position will free up existing resources to focus on second level support, system administration, vulnerability and patch management, IT Implementation, and special project support.
 - f) **What growth in workload is anticipated:** As we continue to add additional staff, applications, and projects to OCERS portfolio the demand for technology support and department resources increases and additional resources are needed. Moving to a hybrid workforce has increased the amount of equipment to be supported, anticipate with the proposed increases
 - g) **Is there any savings that will be achieved?** No dollar savings will be achieved per this hire.
 - h) **Will the position do work that will eliminate current risks?** Freeing up existing staff to have more availability to work on current workloads will increase the timely completion of high-risk activities such as vulnerability and patch management, systems admonition, replacement of end-of-life systems and support for other projects within the department or organization.
2. **Justification:** Entry level County position to provide first level end user on premise and remote work technical support, and day to day operational support of IT operations activities and IT projects.



Memorandum

3. Proposed organization chart:



See Attachment: 2023 Proposed Information Technology Org Chart

4. Estimated hiring salary: \$53,955.20 - \$72,259.20

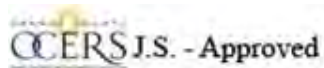
Orange County Class Title	Salary Range	Code
INFORMATION TECHNOLOGY SYSTEMS TECHNICIAN I	\$53,955.20 - \$72,259.20	7902GE



Memorandum

5. Estimate new hire start date: Q1 of 2023

Submitted by:



Name: Jenny Sadoski

Title: Director of Information Technology



Memorandum

DATE: Friday September 9th, 2022
TO: Steve Delaney, CEO
FROM: Jenny Sadoski, Director of Information Technology
SUBJECT: 2023 Request for New Position – IT Testing Coordinator

Recommendation

Request approval to create and fill new Testing Coordinator position in Information Technology Department.

New Position Request:

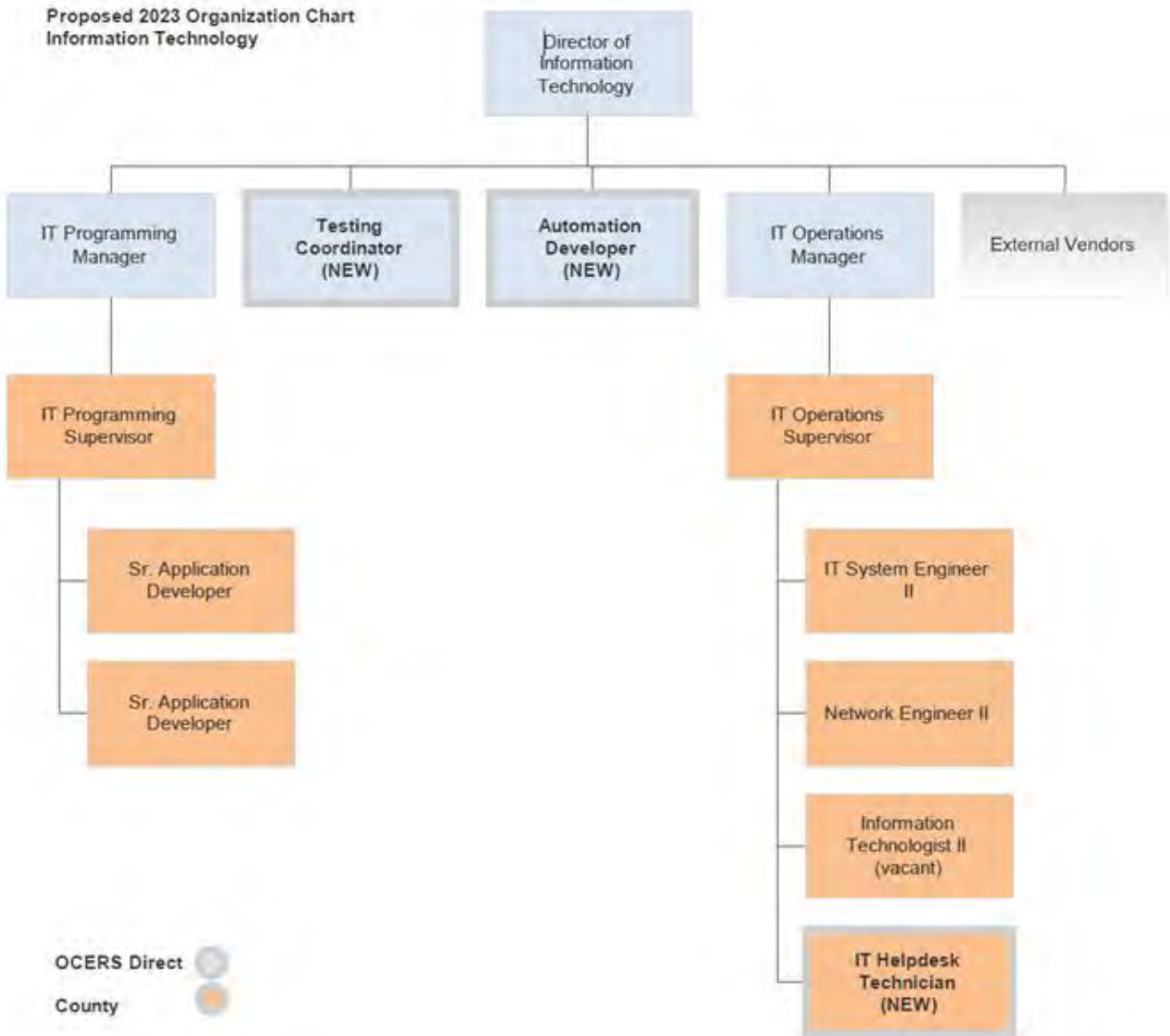
1. **Working Title:** Testing Coordinator (OCERS Direct position)
 - a) **Position Type:** OCERS Direct position
 - b) **Additional Headcount** will be created if position approved
 - c) **Existing classification:** OCERS Direct - Retirement Analyst
 - d) **What new work will be done:** Position will oversee quality assurance and regression testing of OCERS pension system regression testing, automation script testing, and new systems implementations testing, which an emphasis on test tracking, defect remediation, and business processing analysis. Additional work on special projects within the Information Technology department may be assigned.
 - e) **What work currently isn't being done (or done out of class):** Expand Information Technology role in overseeing the regression testing and defect remediation of OCERS pension administration system. As well as the implementation of test coordination and controls of new automation script development and testing.
 - f) **What growth in workload is anticipated:** As we begin the evaluation, design, and deployment of new of automated scripts per our Robotic Process Automation initiative, coordinating the business process review, script testing, defect remediation will have to be performed to ensure the accuracy and completeness of our automated scripts achieve OCERS goals and objectives.
 - g) **Is there any savings that will be achieved?** No dollar savings will be achieved per this hire. Overall, the automation of many of our current tasks and activities within the organization could result more efficiencies, standardized processing, and quicker turnaround of tasks, which would result in better customer service and a potential increase in job satisfaction for team members.
 - h) **Will the position do work that will eliminate current risks?** Yes, application defects can result in incorrect benefits paid to member, inaccurate reporting, or delays in processing due to faulty functionality within the system. Performing defect remediation and regression testing of our systems will help to identify data and system function issues that could result in errors or vulnerabilities that create risks to the organization.
2. **Justification:** Testing is a becomes a vital to ensuring that our applications and tools function as designed and provide the expected results. The testing coordinator will be responsible for coordinating the efforts of each department involved in testing and use of OCERS pension administration solution, including recording defects and tracking defect remediation. In addition, the testing coordinator will oversee the quality assurance



Memorandum

and regression testing of OCERS and third party developed automation scripts and their integration with OCERS systems to make sure that everything works together seamlessly, and continues throughout their use.

3. Proposed organization chart:



See Attachment: 2023 Proposed Information Technology Org Chart

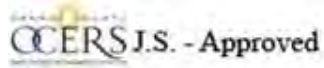
4. **Estimated hiring salary:** \$106,684 - \$165,360

5. **Estimate Hire Date:** Q1 of 2023



Memorandum

Submitted by:



Name: Jenny Sadoski

Title: Director of Information Technology



Memorandum

DATE: Friday September 9th, 2022
TO: Steve Delaney, CEO
FROM: Jenny Sadoski, Director of Information Technology
SUBJECT: 2023 Request for New Position – Automation Developer

Recommendation

Request approval to create and fill new Automation Developer position in Information Technology Department.

Background/Discussion

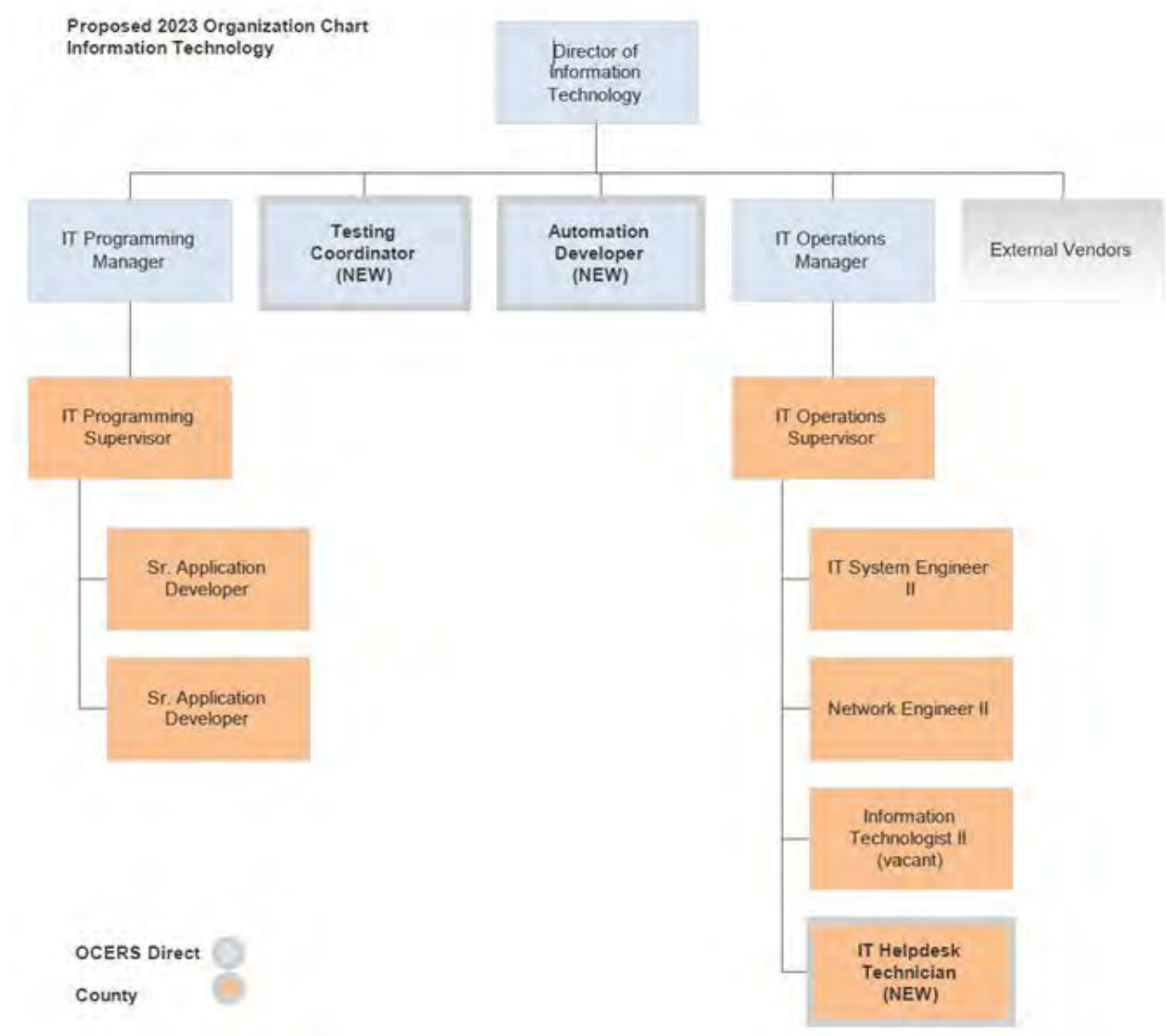
1. **Working Title: Automation Developer** (OCERS Direct position)
 - a) **Position Type:** OCERS Direct position
 - b) **Additional Headcount** will be created if position approved
 - c) **Existing classification:** OCERS Direct - Retirement Analyst
 - d) **What new work will be done: no new work.** Position will explore and implement new ways to automate systems and business processes through the development, testing and deployment of automated test scripts in support of OCERS Robotic Process Automation (RPA) initiative.
 - e) **What work currently isn't being done (or done out of class):** The design and development of RPA automation scripts and tools is a new addition to the IT Programming teams catalogue of services.
 - f) **What growth in workload is anticipated:** We anticipate a need to for dedicated in-house resources to work with third party RPA resources to focus on the design and development of new automated processes and tools within OCERS. The initial stages of our Robotic Process Automation initiative will focus on a few key items, however, as we begin to achieve successes through our early initiatives, we anticipate a significant increase in process automation development and support requests within the organization.
 - g) **Is there any savings that will be achieved?** No dollar savings will be achieved per this hire. Overall, the automation of many of our current tasks and activities within the organization could result more efficiencies, standardized processing, and quicker turnaround of tasks, which would result in better customer service and a potential increase in job satisfaction for team members.
 - h) **Will the position do work that will eliminate current risks?** Automation standardizes business processing and reduces errors due to manual processing activities such as data entry and disconnected processes.
2. **Justification:** In support of OCERS Robotic Process Automation initiative, OCERS Information Technology department is requesting a new position to hire an Automation developer. This position would be dedicated to the design, development, testing and deployment of automated scripts, procedures, and tools to automate recurring manual tasks and activities identified by various departments. This effort will standardize processing, streamline efficiencies, reduce errors, boost productivity, hit accuracy goals with reliable consistency, and create a better customer service experience. As we roll out OCERS Robotic Process Automation initiative, much of the initial large deliveries will probably be contracted to a third party, but it is OCERS intent to eventually bring automation development in-house. To do this, we need to bring on board individuals with the specific skillset



Memorandum

and aptitude early on in the project and have them work alongside our third-party team before assuming the primary development role in two to three years.

3. Proposed organization chart:



See Attachment: 2023 Proposed Information Technology Org Chart

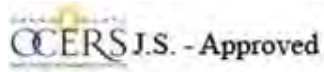
4. **Estimated hiring salary:** \$106,684 - \$165,360

5. **Estimate Hire Date:** Q3 of 2023



Memorandum

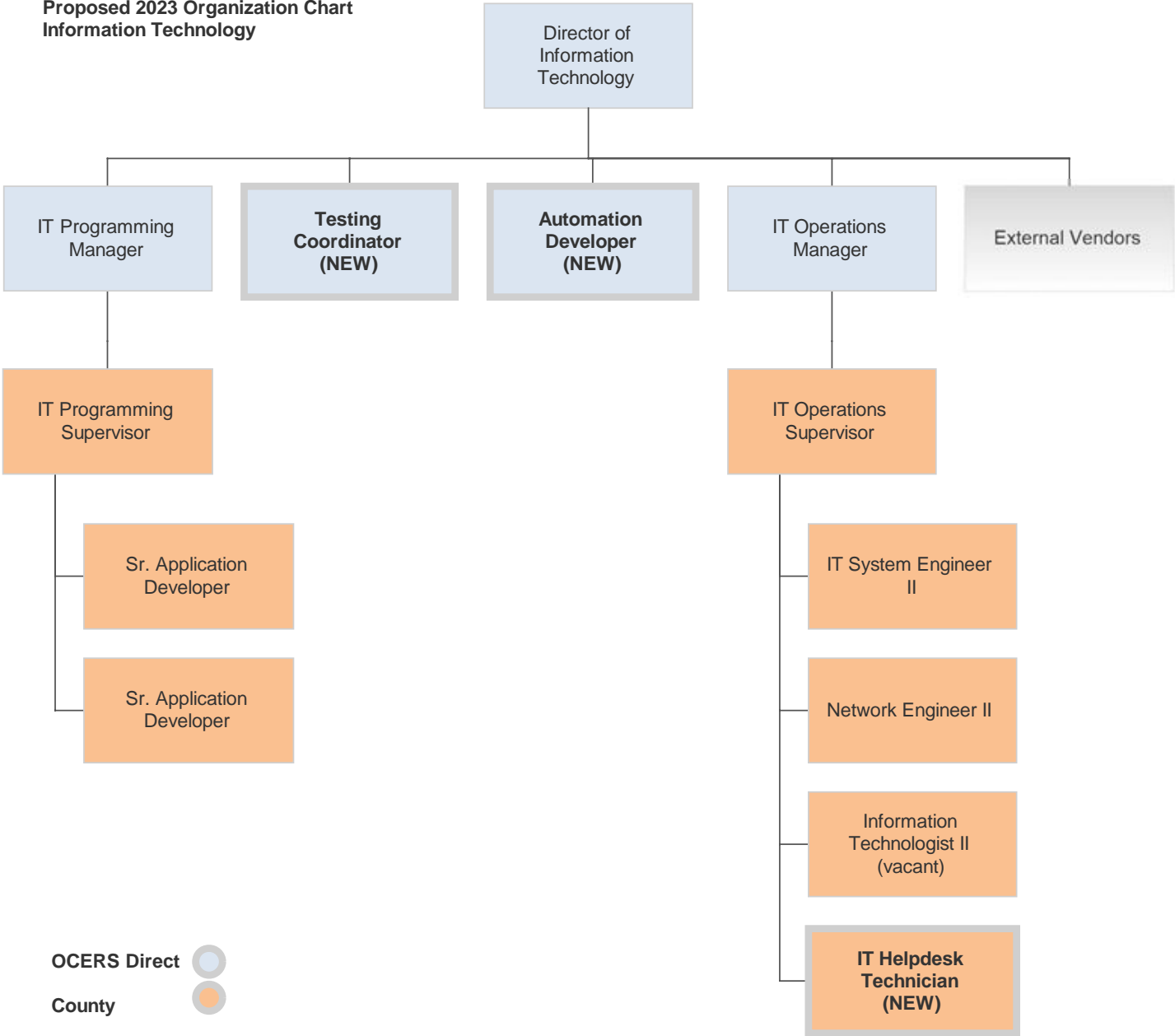
Submitted by:



Name: Jenny Sadoski

Title: Director of Information Technology

**Proposed 2023 Organization Chart
Information Technology**



OCERS Direct 
County 



Memorandum

DATE: September 09, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: Cynthia Hockless, Director of Human Resources
SUBJECT: **2023 STAFFING PLAN - REQUEST FOR TWO POSITIONS IN THE HUMAN RESOURCES DEPARTMENT**

Background/Discussion

The Human Resources department requests the addition of the following two positions:

1. Staff Analyst - OCERS Direct position (Recruiter)
2. Staff Assistant - County position (Support for Learning and Development Manager)

The requested positions will add support to the Human Resources department.

HR is operating in a challenging environment as we continue to handle the ongoing Covid Pandemic. At the same time, the organization has continued to grow in both headcount and fund size. The need to hire additional HR team members is crucial to the ongoing success of the agency. The department currently has five (5) team members in the department. There is a need to add two (2) positions to support the Talent Management Business Initiatives.

REQUEST FOR ONE (1) HR STAFF ANALYST- RECRUITER

The first position the department will like to add is a Staff Analyst assigned to the recruiting functions. The steps for hiring new talent include job advertisement, screening applications, pre-employment testing, interviews, job offers, background checks, and employee onboarding. The facilitation of these steps requires focus and 100% accuracy. Therefore, we are requesting an additional staff member to assist with these duties.

In the first nine (9) months of 2022, OCERS had the following statistics related to recruiting:

Employees Hired	23
Applications Processed	1387
Interviews Conducted	189
Facilitated Pre-Employment Test	3
Employees Promoted	13

OCERS has one (1) dedicated HR Analyst assigned to recruiting. Due to the increased demand for the recruiting function, other department employees are currently stepping in to assist in this area. However, they must also maintain the core responsibilities of their assigned job duties. More duties create a larger than usual workload for the department employees. The addition of an HR Staff Analyst will allow for the recruiting function to be split between two employees and keep pace with the agency’s demand to source diverse, high performing talent. The

salary range for the Staff Analyst position is \$79,885-\$115,833, with a hiring range of \$85,000- \$90,000. The total cost with benefits is estimated at \$159,000.

REQUEST FOR ONE (1) HR STAFF ASSISTANT WITH A CAREER LADDER TO STAFF SPECIALIST – LOD

The second position the department would like to add is a Staff Assistant position that will support the Learning and Organizational Development Manager (LOD).

Learning and development provide growth opportunities within the agency, allowing employees to become more effective while also increasing job satisfaction and reducing employee turnover. Training is important as it provides OCERS with the opportunity to strengthen the skills of current employees and create learning experiences that allow employees to gain new skills. Research has shown that training helps to boost individual and organizational performance.

As the agency continues to grow, we have added business initiatives such as the need for automation, the implementation of a new Pension Administration Software (PAS) system, and the OCERS 2030 plan. We understand that as we grow our fund and headcount, we must strengthen and cultivate the skills of new and current employees by providing customized training in many of OCERS specialized areas. While we currently have a LOD Manager assigned to the training function, we have an increased demand for more learning initiatives from department heads and employees. The current LOD Manager needs assistance with maintaining the learning function.

Previously, we were able to obtain support from other Human Resources team members to assist with backing up successful learning functions, such as the Next Level Leadership (NLL) program, OCERS University, the Administration of Eureka, and the OCERS Diversity, Equity, and Inclusion program. However, with the demand for hiring new talent and recruiting, resources normally allocated to the learning function have been redirected to focus on talent management.

OCERS (Learning and Organizational Development) LOD assignments call for unique, custom, organization-wide communication and custodial efforts in analysis and strategic design. The LOD workload has expanded quickly during the past three years and that is expected to continue in the future to support agency goals. While the support duties will be assigned to the Staff Assistant the LOD Manager will be charged with focusing on the framework of the training program, facilitating in-person training, and designing customized training for various departments that request it.

The newly added Staff Assistant will be assigned to support the Learning Manager and assist the agency with the continued growth of the learning and development department (e.g., future technical training, career pathing, compliance training, performance management, and organizational initiative management). This will create additional opportunities, which will in turn expand the duties of the Staff Assistant. Therefore, we think a career ladder to Staff Specialist will be appropriate to allow this position to grow in the future.

The concept of a career ladder was implemented by OCERS several years ago as a tool for the retention of high-performing staff. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations and has increased job knowledge, skills, and the ability to progress to the next level of job duties and responsibilities. A career ladder position is created with the approval of an additional classification without an increase in headcount.

The proposed Staff Assistant position would be a career ladder position to the Staff Specialist position. The Staff Assistant position is a County position with an annual salary range of \$49,545.60 - \$66,414.40. The Staff Specialist position is a County position with an annual salary range of \$58,323.20 - \$77,979.20. The total cost to add a Staff Assistant with the 2023 Staffing Plan, including fringe benefits, is \$97,000.

We anticipate the recruiting for these two positions will be advertised in November of 2022, so that the positions can start in the first quarter of 2023.

Submitted by:



C.H. - APPROVED

Cynthia Hockless
Director of Human Resources



2022 Human Resources Organization Chart

Org Chart
Effective 06/20/2022

Total Budgeted
Human Resources Employees
(as of June 20, 2022): 5
County – 1; OCERS Direct – 4
Vacancy – 0

 OCERS Direct Employees

 County Employees



Assistant CEO
Internal Operations
Brenda Shott



Director of
Human
Resources
Cynthia Hockless



Learning
and Org.
Dev.
Manager
Dena Gunsolley



Staff
Analyst
Felicia Durrah



Staff
Analyst
Melissa Wozniuk



Staff
Assistant
John Nguyen








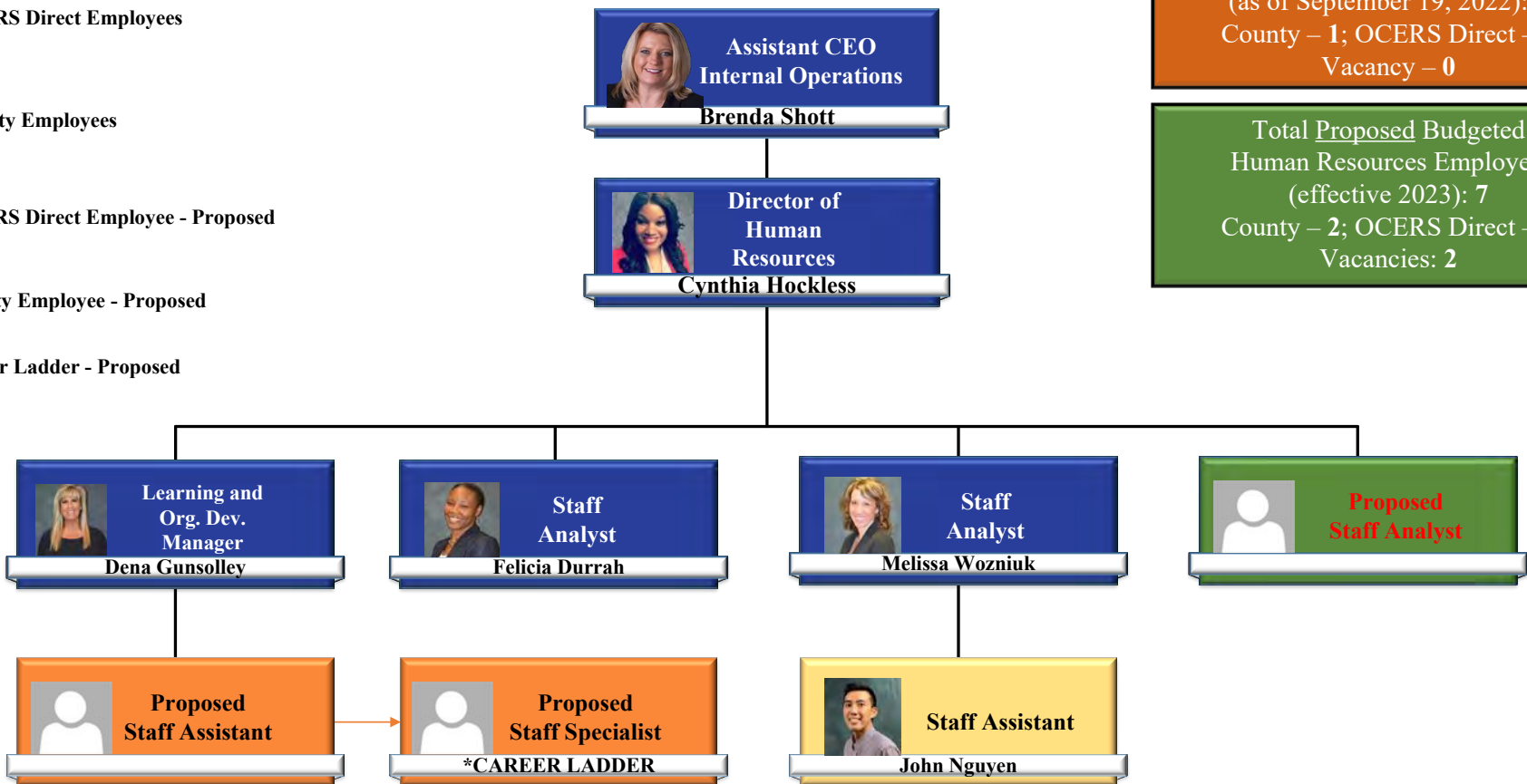
2023 Proposed Human Resources Organization Chart

Proposed Org Chart Effective 2023

Total Budgeted Human Resources Employees (as of September 19, 2022): 5
 County – 1; OCERS Direct – 4
 Vacancy – 0

Total Proposed Budgeted Human Resources Employees (effective 2023): 7
 County – 2; OCERS Direct – 5
 Vacancies: 2

-  OCERS Direct Employees
-  County Employees
-  OCERS Direct Employee - Proposed
-  County Employee - Proposed
-  Career Ladder - Proposed





Memorandum

DATE: September 28, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: Tracy Bowman, Director of Finance
SUBJECT: **2023 Staffing Plan - Finance Career Ladders**

Background/Discussion

Finance requests the addition of the following two career ladders:

1. Staff Analyst
2. Senior Accountant Auditor

The requested positions would add career ladders for the existing County Senior Accountant Auditor position to an OCERS Direct Staff Analyst position and an existing County Accountant Auditor II position to a County Senior Accountant Auditor position.

The concept of a career ladder was implemented by OCERS several years ago as a tool for retention of high performing staff. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations, increased job knowledge and skills and the ability to progress into the next level of job duties and responsibilities. A career ladder position is created with the approval of an additional classification without an increase to head count. The Finance Department has been successful in utilizing this tool to retain high performing staff members and promote their career growth.

Streamlined Organizational Structure

Since joining OCERS in 2012, the Finance Department has developed into a strong and cohesive unit, and the level of staff we have hired over the years has contributed to this success. We have successfully used career ladders to retain two highly valued employees due to the ability for these individuals to progress in their positions. Finance has also streamlined its staffing over the years by eliminating a Senior Account Assistant position in 2016 and replacing a vacant Finance Manager position with a Staff Analyst in 2020. The request for the two additional career ladders would also provide a balance to the organizational structure of the Finance department and allow equal opportunity to hire and promote staff with a similar level skill set across all business processes (see attached Proposed Finance Organization Chart).

Retention of SME's

Finance will be involved in several significant projects and business initiatives in the near future, including the Custodian Bank RFP, Master Repository Project, federal tax withholding changes, calculations for the new Investment bonus structure, continuation of the Alameda Project, and a new Pension Administration System

(PAS). The retention of subject matter experts (SMEs) will be critical to the success of these projects and to help reduce or eliminate burn-out, we need to start cross-training functions for individuals who will be participating as SMEs, so that these positions will readily be able to be back-filled by experienced OCERS team members.

Succession Planning

Not only is the retention of long-term employees who are considered subject matter experts in various areas of OCERS operations the key to success for current and upcoming projects, but so is succession planning and the ability to have staff start learning and assuming responsibility for higher level work. Our two Finance Managers perform many hands-on tasks that could, and should, be delegated, providing the opportunity to prepare the next generation of OCERS employees for leadership roles. This delegation would also result in a trickle-down of assignments to other positions.

Staff Analyst

The proposed OCERS Direct Staff Analyst position would be a career ladder position for the existing County Senior Accountant Auditor position. The Senior Accountant Auditor position has an annual salary range of \$71,214 to \$99,882. If approved, the Staff Analyst position would be an OCERS-direct position with an annual salary range of \$84,119 to \$121,972. The net annual budget impact, assuming a 10% salary increase upon promotion of a Senior Accountant Auditor at the top of the salary range, would be \$9,988, plus fringe of \$6,305, for a total net increase of \$16,293. In addition to these costs, an additional cost of \$12,073 could be incurred if a current Accountant/Auditor II is promoted to the existing Senior Accountant Auditor career ladder position. This addition will not result in an increase in head count.

The role of the Staff Analyst would be to perform hands-on tasks currently assigned to the Finance Manager overseeing investment reporting, budgeting, and accounts payable. This would allow the Finance Manager to review rather than process hands-on tasks such as preparing the detailed and complex GASB 72 footnote in the Annual Comprehensive Financial Report (ACFR), calculation of the new investment bonus structure, and act as an active participant in the Custodian Bank RFP selection process and assist in the transition if a new Custodian Bank is selected. This position would focus primarily on business processes related to investment reporting, an area that has grown exponentially over the last several years and would have a similar level of responsibilities held by the current Staff Analyst who oversees the retiree payroll process.

The creation of an additional Staff Analyst position will serve as an important retention tool for the Finance Department. The person holding the Senior Accountant Auditor position has been with OCERS for 10 years, starting as an Accountant Auditor I/II and then promoting into the newly created career ladder position of Senior Accountant Auditor in 2015. This team member is a highly respected co-worker and has the skills and the ability to progress into the next level of job duties and responsibilities; not only will they provide the Finance Manager with much needed support, but they will have the opportunity to mentor the next generation of leaders on OCERS Finance team. Creating this career ladder could also provide a promotional opportunity and retention tool for one of our highly regarded Account/Auditor II team members who could move into the Senior Accountant Auditor career ladder position if vacated due to promotion.

Senior Accountant Auditor

The proposed County Senior Accountant Auditor position would be a career ladder position for the existing County Accountant Auditor II position. The Accountant Auditor II position has an annual salary range of \$66,667 to \$89,877. If approved, the Senior Accountant Auditor position would have an annual salary range of \$71,214 to \$99,882. The net annual budget impact, assuming a 10% salary increase upon promotion of an Accountant Auditor II at the top of the salary range, would be \$8,988, plus fringe of \$3,803, for a total net increase of \$12,791. This addition will not result in an increase in head count.

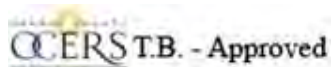
As mentioned previously, OCERS created a Senior Accountant Auditor career ladder in 2015 with much success, followed by the creation of two Accountant Auditor I/II career ladders in 2019. Providing an additional Senior Accountant Auditor career ladder will balance the Finance department’s current organizational structure, as well as provide equal opportunity to hire and promote staff with a similar level skill set across all business processes

The role of the Senior Accountant Auditor is a natural progression for team members who have excelled in their position as an Accountant Auditor I/II and are ready to take on additional duties and responsibilities. This position would assist the Staff Analyst in processing retiree payroll and provide coverage during their absence, including preparing detailed analytics with the oversight of the Finance Manager, and could be trained to back-fill or act as a SME when the PAS project begins. As part of succession planning, they could also assist with performing monthly reconciliations that will allow the Staff Analyst to take on more tasks currently being performed by the Finance Manager, including preparing sections of the ACFR that will allow the Finance Manager to review rather than prepare most of this report. This position would have a similar level of responsibilities held by the current Senior Accountant Auditor who assists our other Finance Manager with overseeing the investment reporting process.

The creation of an additional Senior Accountant Auditor position will serve as an important retention tool for the Finance Department. The person holding one of the currently two Accountant Auditor II positions has been with OCERS for almost 5 years, starting as an Accounting Technician in 2017 and then promoting into the career ladder position of Accountant Auditor I in 2019. This team member is a highly respected team member who has received numerous employee awards and has been identified as someone who could be a future leader at OCERS. They are always willing to take on new duties and possess the skills and ability to progress into the next level of job duties and responsibilities. This promotion will also provide them with the opportunity to supervise, teach and mentor the Accounting Technicians.

The requested date to add the Career Ladders is January 1, 2023.

Submitted by:



Tracy Bowman
Director of Finance

Attachment (1)

Finance Staff Analyst and Sr. Accountant Auditor (Career Ladder Positions)

Finance will be involved in several significant projects and business initiatives in the near future, including the Custodian Bank RFP, Master Repository Project, federal tax withholding changes, calculations for the new Investment bonus structure, continuation of the Alameda Project, and a new Pension Administration System (PAS). The retention of subject matter experts (SMEs) will be critical to the success of these projects and to help reduce or eliminate burn-out, we need to start cross-training functions for individuals who will be participating as SMEs, so that these positions will readily be able to be back-filled by experienced OCERS team members.

Not only is the retention of long-term employees who are considered subject matter experts in various areas of OCERS operations the key to success for these current and upcoming projects, but so is succession planning and the ability to have staff start learning and assuming responsibility for higher level work. Our two Finance Managers perform many hands-on tasks that could, and should, be delegated, providing the opportunity to prepare the next generation of OCERS employees for leadership roles. This delegation would also result in a trickle-down of assignments to other positions.

To help OCERS successfully complete its goals and business initiatives, as well as provide a balance to the organizational structure of the Finance department and allow equal opportunity to hire and promote staff with a similar level skill set across all business functions, the Finance Director proposes the creation of two career ladder positions:

Staff Analyst

The proposed OCERS Direct Staff Analyst position would be a career ladder position for the existing County Senior Accountant Auditor position. The Senior Accountant Auditor position has an annual salary range of \$71,214 to \$99,882. If approved, the Staff Analyst position would be an OCERS-direct position with an annual salary range of \$84,119 to \$121,972. The net annual budget impact, assuming a 10% salary increase upon promotion of a Senior Accountant Auditor at the top of the salary range, would be \$9,988, plus fringe of \$6,305, for a total net increase of \$16,293. In addition to these costs, an additional cost of \$12,073 could be incurred if a current Accountant/Auditor II is promoted to the existing Senior Accountant Auditor career ladder position. This addition will not result in an increase in head count.

Senior Accountant Auditor

The proposed County Senior Accountant Auditor position would be a career ladder position for the existing County Accountant Auditor II position. The Accountant Auditor II position has an annual salary range of \$66,667 to \$89,877. If approved, the Senior Accountant Auditor position would have an annual salary range of \$71,214 to \$99,882. The net annual budget impact, assuming a 10% salary increase upon promotion of an Accountant Auditor II at the top of the salary range, would be \$8,988, plus fringe of \$3,803, for a total net increase of \$12,791. This addition will not result in an increase in head count.

	Position Title (add classification)	Department	Position Type	Career Ladder (current classification)	Ladder Position Salary Range	2023 Net Annual Budget Impact
1.	Staff Analyst	Finance	OCERS	Sr. Accountant Auditor (County)	\$84,119-\$121,972	\$16,293
2.	Sr. Accountant Auditor	Finance	County	Accountant/Auditor II	\$71,214-\$99,882	\$12,791

The proposed organizational chart for the Finance Department is attached as Attachment.

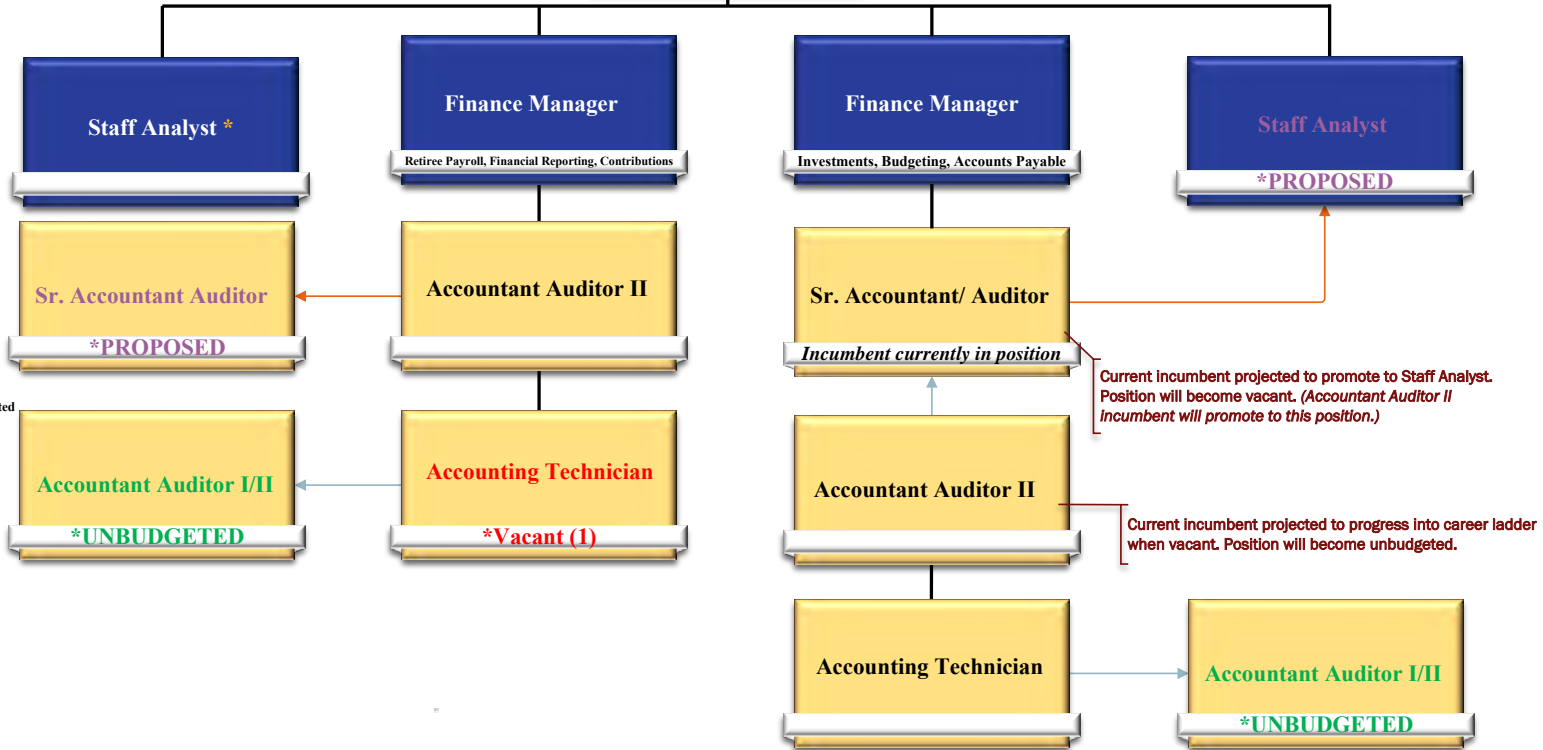


2023 Proposed Finance Organization Chart

Total Proposed Budgeted Finance Employees
9
County – 4; OCERS Direct – 5
Current Vacancy - 1



- OCERS Direct Employees
- County Employees
- ← Proposed Career Ladder
- ← Existing Career Ladder
- ✦ Position previously held at the Finance Manager level
- ✦ Proposed career ladder position
- ✦ Position is currently an unbudgeted career ladder
- ✦ Position is currently vacant



2011



Finance Career Ladders



Finance Career Ladders

Recommendation

Approve the addition of two career ladder positions, classified as OCERS Direct Staff Analyst and County Senior Accountant Auditor in the Finance department.

Finance Career Ladders

- Part of the OCERS Strategic Plan to recruit and retain a high performing workforce
- OCERS Direct Staff Analyst and County Senior Accountant Auditor are additional classifications but not a change in headcount
- Retention and Succession Planning tool for the Finance Department

Benefits

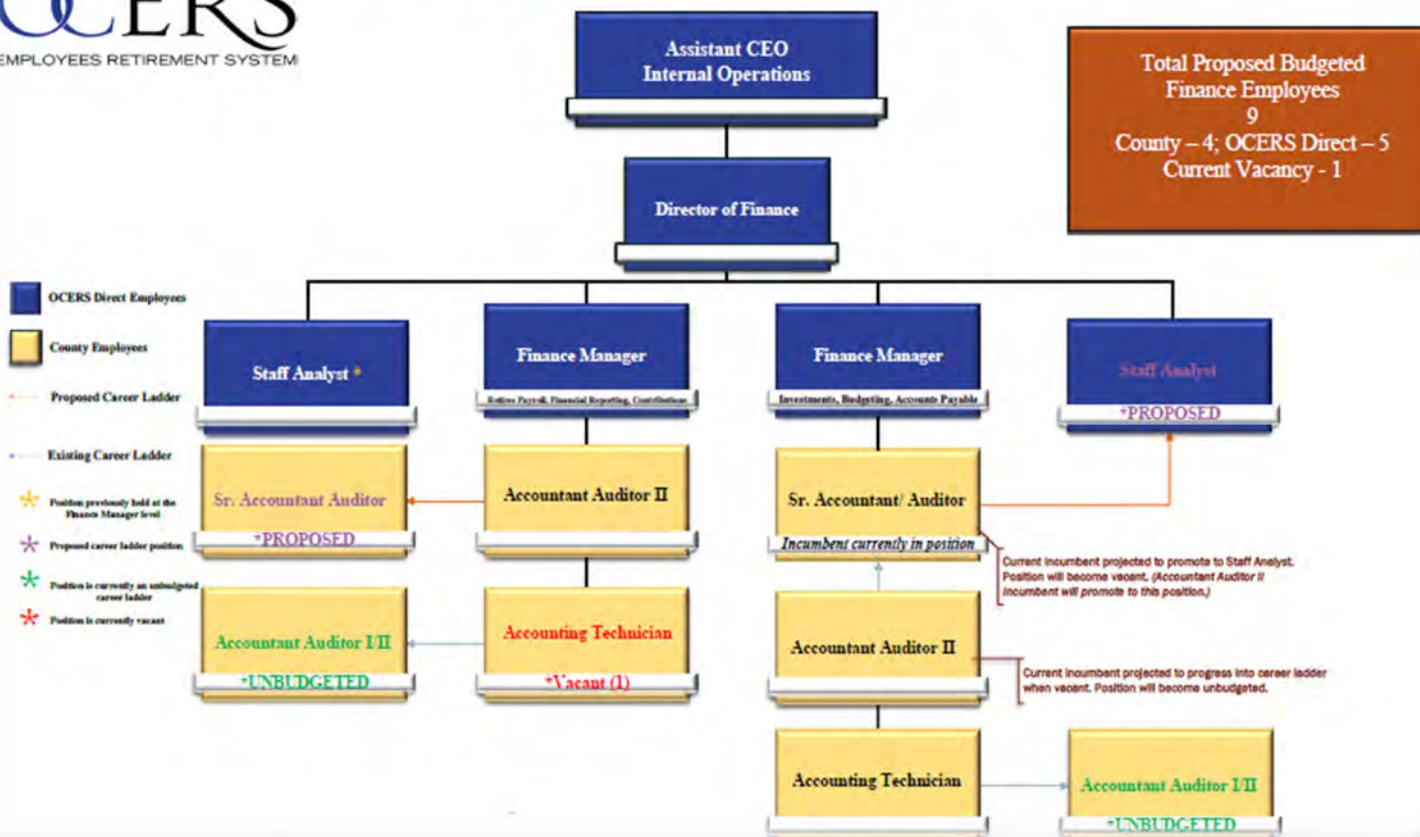
- Balanced Organizational Structure
- Delegate hands-on tasks performed by Finance Managers
- Retain SMEs for upcoming projects
- Cross-train and transition duties for future OCERS leadership



Finance Department



2023 Proposed Finance Organization Chart





Memorandum

DATE: September 28, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: David Kim, Internal Audit Director
SUBJECT: SENIOR INTERNAL AUDITOR

Background/Discussion

I request the addition of a Senior Internal Auditor position to the Internal Audit Department. This would be a career ladder position to the existing Internal Auditor position as discussed with the Audit Committee Chair and Board Chair at the August 19, 2022 Audit Committee Chair monthly meeting.

Talent Management is part of the OCERS Strategic Plan with a goal to recruit, retain and inspire a high performing workforce. A strategy that was implemented several years ago was to create career ladders for staff that could be utilized as a tool for retention. A career ladder is created with the approval of additional classifications but not an increase in total headcount. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations, increased job knowledge and skills and the ability to progress into the next level of job duties and responsibilities.

The proposed Senior Internal Auditor position would be a career ladder position to the existing Internal Auditor position. The Internal Auditor position is an OCERS-direct position with an annual salary range of \$85,876 to \$133,108. If approved, the Senior Internal Auditor position would also be an OCERS-direct position with an annual salary range of \$106,684 to \$165,360. The net annual budget impact, assuming a 10% salary increase upon promotion of an Internal Auditor at the top of the Internal Auditor salary range would be \$13,311. This addition will not result in an increase in head count.

The role of Senior Internal Auditor would be to assist the Internal Audit Director in leading and implementing the strategic plan for the department. The duties would include planning and organizing audit programs; assisting in the development of the annual risk assessment and the audit work plan; presenting to the Audit Committee; and leading and performing highly technical and complex audit engagements

In addition, the recent expansion of the Internal Audit Department will also create additional opportunities for the Senior Internal Auditor to train new Internal Audit staff.

Finally, the creation of a Senior Internal Auditor position will serve as an important retention tool for the Internal Audit Department. The person holding the Internal Audit position has held the position for over ten years without promotion. In addition, the current team member has demonstrated he has the skills and the ability proposed in the Senior Internal Auditor job duties and responsibilities. Other Senior Executives have also noted the importance of this team member to the OCERS organization. Accordingly, unless OCERS adds a career

ladder position for the Senior Internal Auditor, we risk losing the person holding the Internal Auditor position to the private sector.

The requested date for the new classification is January 1, 2023.

Submitted by:

David Kim
Internal Audit Director

Senior Internal Auditor (Career Ladder Position)

Talent Management is part of the OCERS Strategic Plan with a goal to recruit, retain and inspire a high performing workforce. A strategy that was implemented several years ago was to create career ladder positions that can be utilized as a tool for retention of high performing staff. A career ladder position is created with the approval of an additional classification without an increase in total headcount. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations, increased job knowledge and skills and the ability to progress into the next level of job duties and responsibilities.

The Internal Audit Director proposes the creation of a Senior Internal Auditor classification in the Internal Audit Department as a career ladder for the existing Internal Auditor position. The Internal Auditor position is an OCERS-direct position with an annual salary range of \$85,876 to \$133,108. If approved, the Senior Internal Auditor position would also be an OCERS-direct position with an annual salary range of \$106,684 to \$165,360. The net annual budget impact, assuming a 10% salary increase upon promotion of an Internal Auditor at the top of the Internal Auditor salary range would be \$13,311.

The proposed organizational chart for the Internal Audit Department is attached as Attachment **YYY**.




	Position Title (add classification)	Department	Position Type	Career Ladder (current classification)	Ladder Position Salary Range	2023 Net Annual Budget Impact
1.	Senior Internal Auditor	Internal Audit	OCERS	Internal Auditor	\$106,684-\$165,360	\$13,311

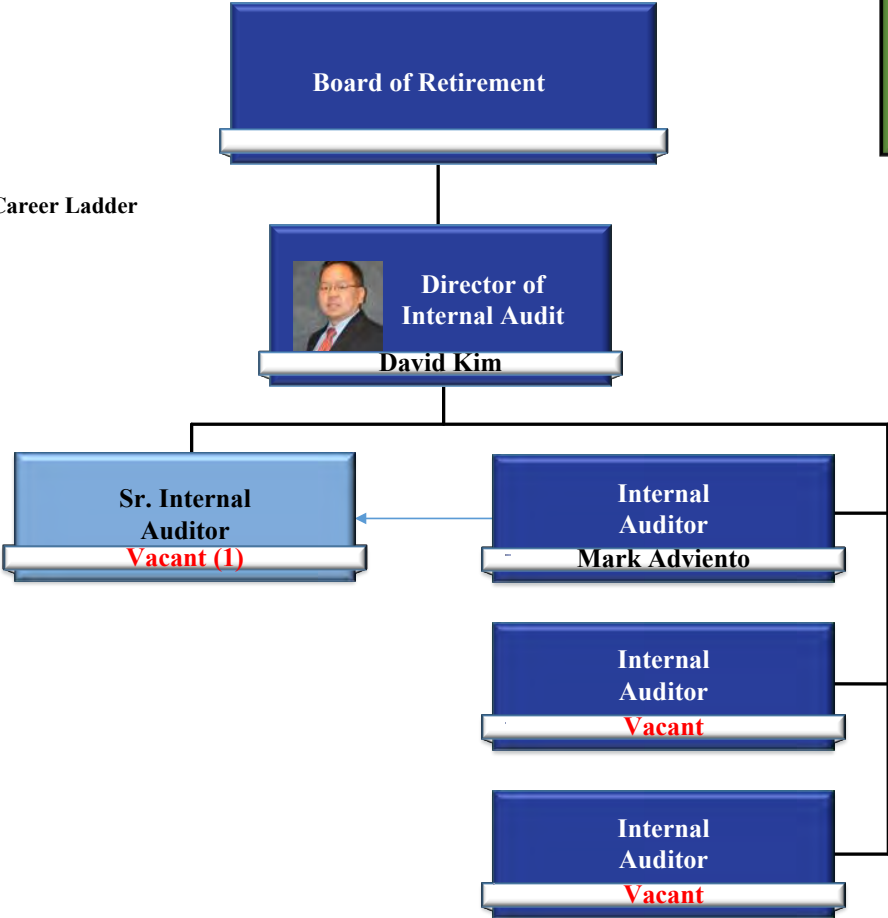


Proposed Internal Audit Organization Chart

Proposed Org Chart

Total Proposed Budgeted Internal Audit Employees
4
County – 0; OCERS Direct – 4

-  OCERS Direct Employees – Proposed Career Ladder
-  OCERS Direct Employees
-  County Employees



2011



Senior Internal Auditor Position



Senior Internal Auditor

Recommendation

Approve the addition of a career ladder position, classified as Senior Internal Auditor in the Internal Audit department.

Internal Audit Career Ladder

- Part of the OCERS Strategic Plan to recruit and retain a high performing workforce
- Senior Internal Auditor position is an additional classification but not a change in headcount
- Retention tool for Internal Audit Department

Additional Responsibilities

- Assist with the development of the Annual Audit Plan
- Plan and organize audit programs
- Lead and perform highly technical and complex audit programs
- Train incoming Internal Audit staff






Internal Audit Department

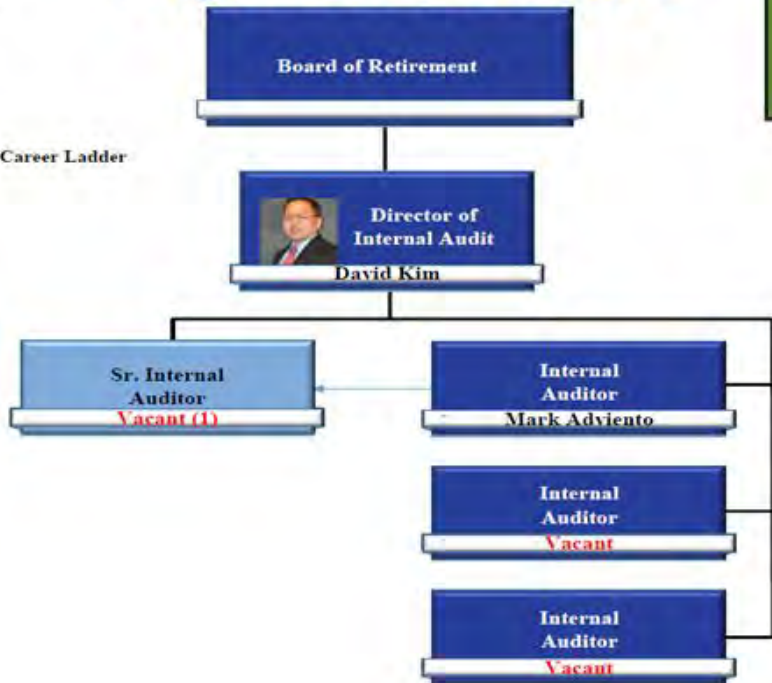


Proposed Internal Audit Organization Chart

Proposed Org Chart

Total Proposed Budgeted Internal Audit Employees
4
County – 0; OCERS Direct – 4

-  OCERS Direct Employees – Proposed Career Ladder
-  OCERS Direct Employees
-  County Employees





Memorandum

DATE: September 28, 2022
TO: Steve Delaney, Chief Executive Officer
FROM: Suzanne Jenike, Asst. CEO, External Operations
SUBJECT: Director of Communications - 2023

Request

Add a Director of Communications to the 2023 staffing plan and drop current position of Communications Manager.

Background/Discussion

1. Title of Position being requested (OCERS direct or County) – Director of Communications – OCERS Direct
 - a. This will be an ADD/DROP, no addition to head count
 - b. Existing classification is Communications Manager
2. Justification for need
 - a. What new work will be done – Create and distribute public information about OCERS. Develop, manage and distribute global and specific creative concepts. Oversee design and branding for print, website, annual report, presentations, and video of all OCERS communications. Conduct research of members and employers through surveys and focus groups, connect with stakeholders through online and social media platforms. Manage the strategic direction, development, and implementation of all OCERS communications and stakeholder relations.
 - b. What growth in workload is anticipated - none
 - c. Is there any savings that will be achieved (eliminate temp/contractor or avoid hiring new contractor/vendor) - no
 - d. Will the position do work that will eliminate current risks? If so what and how? – Develop a proactively updated file of pre-populated public statements and news releases that could be used in response to disasters, challenges or successes as have been previously used by sister pension systems across the country.
3. Proposed organization chart that incorporates new position – since this is an add/drop there are not any organizational chart changes
4. Estimated hiring salary – Director range is \$132,533 - \$205,426. Compensation will be determined based on qualifications.
5. Timing of when the position is anticipated to be filled if approved – Open Recruitment as soon as Board approves position to be filled first quarter 2023.

Submitted by:



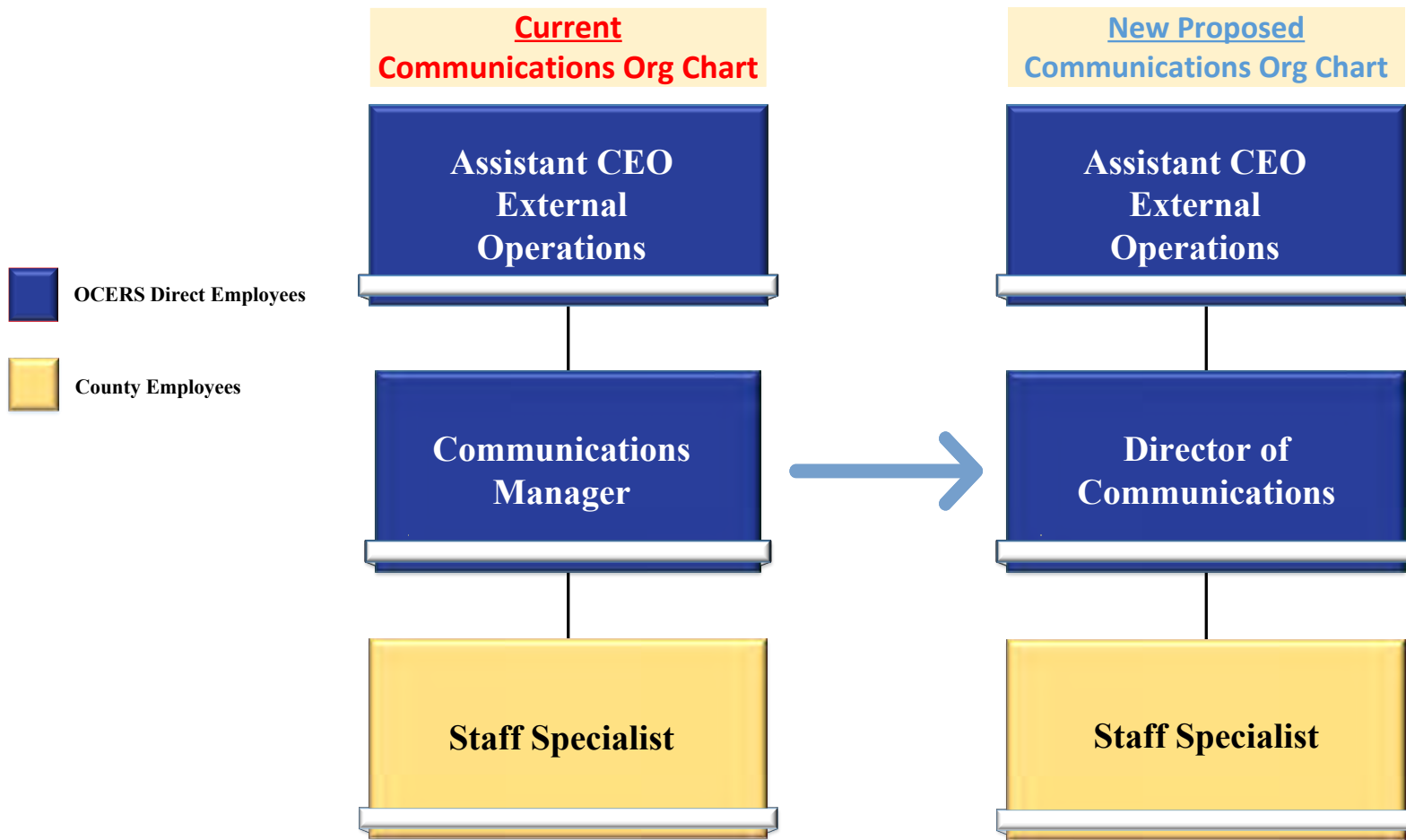
SJ-APPROVED

Suzanne Jenike
Asst. CEO, External Operations



2022 Proposed Communications Organization Chart

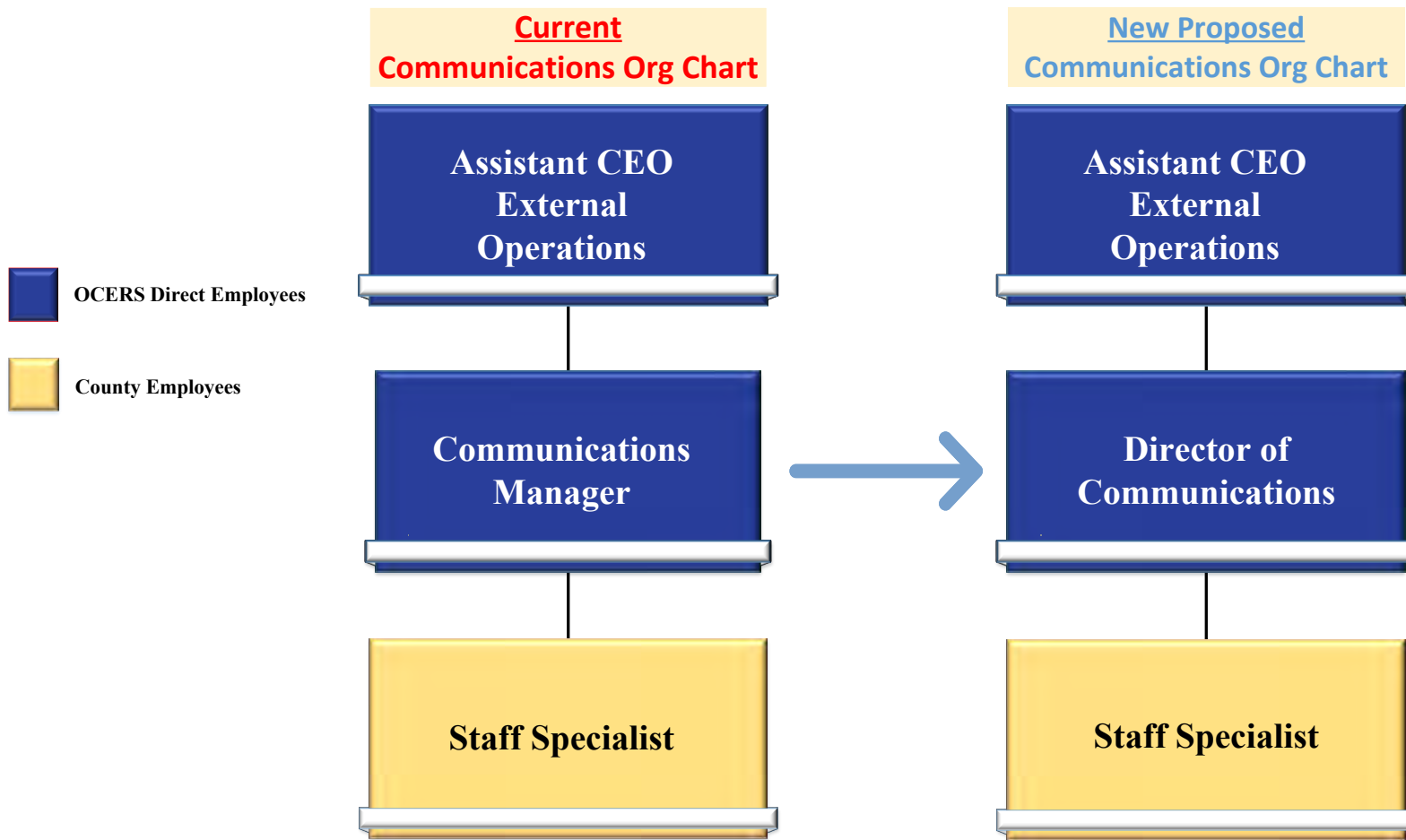
Total Proposed Budgeted
Communications Employees
2
County – 1; OCERS Direct – 1





2022 Proposed Communications Organization Chart

Total Proposed Budgeted Communications Employees
2
County – 1; OCERS Direct – 1





Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Brenda Shott, Assistant CEO - Finance and Internal Operations
SUBJECT: **OCERS 2023 BUSINESS PLAN**

Recommendation

Approve OCERS 2023 Business Plan.

Background/Discussion

The OCERS 2023 Business Plan is presented to the Board for approval. The OCERS 2023 Business Plan is directly linked to the OCERS 2023-2025 Strategic Plan which was developed using OCERS Mission Statement, Vision, and Values as its foundation. The Business Plan is a one-year plan that lays out initiatives aimed to move the longer-term strategic goals and objectives toward completion.

The Business Plan is also an initial planning step in the 2023 budget process. The goals and initiatives included in the Business Plan, if approved by the Board, become directives for staff to finalize 2023 budget requests. The 2023 Business Plan was first reviewed on September 14, 2022 as part of the annual Strategic Planning Workshop.

The takeaway staff had from the Board's discussion at the Strategic Planning Workshop was that we needed to ensure we presented a plan that was achievable. The team reviewed the list of initiatives again to determine if all items were both a high priority and deemed achievable in 2023 (considering other initiatives that were being proposed). The team also took into consideration the dependencies some initiatives had on other projects. Based on that review and discussions with department heads responsible for the items, the following items were deleted from the 2023 Business Plan presented last month:

- 100% Accuracy: Complete the development of a quality assurance performance dashboard
- Enhance Member Service team member training and job tools: Develop a key performance indicators dashboard
- Investigate options for an enhanced digital member survey platform (\$5,000)
- Investigate options for enhancing the online calculator to provide disability estimates (\$25,000)
- Implement digital distribution of OCERS newsletter to active and deferred members (\$35,000)
- Scan disability documents and terminated withdrawn files for SCPS
- Next Generation PAS: Requirement Gathering
- Next Generation PAS: RFP for the new system
- Continue Phased Implementation of Microsoft 365
- Update Conference Room Technology and Guest Wifi (\$75,000)

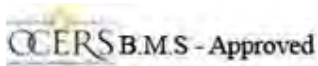
- Investigate HR Systems: Onboarding software solutions
- Investigate HR Systems: Migrate HR workflows out of SharePoint

The driving force behind the decision to delete these items is to ensure the 2023 Business Plan is achievable, yet still includes a level of challenge and to help the entire team have a clear direction of the priorities for 2023 (those items that remain in the 2023 Business Plan).

Included with this report is a schedule that includes estimated amounts needed in 2023 to fund specific initiatives being proposed in next year's Business Plan and a justification of the cost estimates. The actual funding of goals and initiatives are subject to final budget approval by the Board at the regularly scheduled meeting in November.

The presentation from the Strategic Planning meeting was edited to show the changes being proposed and is attached as well.

Prepared by:



OCERS B.M.S - Approved

Approved by:



S.D. – APPROVED

Orange County Employees Retirement System
2223 E. Wellington Avenue | Santa Ana | 92701

2023 BUSINESS PLAN



MISSION, VISION AND VALUES

MISSION STATEMENT:

We provide secure retirement and disability benefits with the highest standards of excellence.

VISION STATEMENT:

To be a trusted partner providing premier pension administration, distinguished by consistent, quality member experiences and prudent financial stewardship.

VALUES:

- **O**pen and Transparent
- **C**ommitment to Superior Service
- **E**ngaged and Dedicated Workforce
- **R**eliable and Accurate
- **S**ecure and Sustainable

2023-2025 STRATEGIC GOALS

- Fund Sustainability
- Excellent Service and Support
- Risk Management
- Talent Management
- Effective Governance

FUND SUSTAINABILITY

GOAL: STRENGTHEN THE LONG-TERM STABILITY OF THE PENSION FUND

Business Plan Initiatives

Objective A: Mitigate the Risk of Significant Investment Loss

Executive Lead – Molly Murphy

1. Issue an RFP for a Risk System
2. Issue an RFP for Custodian Services

Objective B: Prudent Use and Security of Resources

Executive Lead – Molly Murphy

1. Asset Allocation Study

EXCELLENT SERVICE AND SUPPORT

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

Objective A: Provide Accurate and Timely Benefits

Executive Lead – Suzanne Jenike & Jeff Lamberson

1. 100% Accuracy
 - a. Investigate opportunities for process automation
 - b. Determine County payroll system data requirements for automation and improved accuracy in benefit calculations
2. Enhance Member Service team member training and job tools
 - a. Create training videos for Member Services processes (\$10,000)
 - b. Create a formal Retirement Program Specialist (RPS) training program
 - c. Improve the “Frequently Asked Questions” knowledge base
3. Create a dedicated Call Center
 - a. Assign existing staff to the Call Center team
 - b. Set up physical space for the Call Center team (\$20,000)

Objective B: Provide Education to our Members and Employers

Executive Lead – Suzanne Jenike

1. Enhance Member and Employer experience
 - a. Make all member and employer forms electronic
 - b. Update/revisit older videos on the website
 - c. Investigate using digital signatures for member forms (\$10,000)

Objective C: Continuously Improve Business Processes and Procedures to be Efficient and Effective

Executive Leads – Steve Delaney, Brenda Shott, Suzanne Jenike, Jeff Lamberson, Jenny Sadoski

1. Begin preparation work for the next generation Pension Administration System
 - a. Develop a master repository for procedures and business process documents (\$450,000)
 - b. Issue an RFP for a consultant/implementation partner (\$200,000)
 - c. Implement V3 data validation and clean-up procedures

2. Continue the investigation and implementation of Robotic Process Automation/Machine Learning/Artificial Intelligence Initiatives
 - a. Electronic Content and Document Management System (250,000)
 - b. Futurist Roadmap
 - c. Continue implementing RPA use cases (\$600,000)
 - d. Add an Automation Developer to the IT Team (full year - \$233,000)
 - e. Add a Testing Coordinator to the IT Team (full year - \$247,000)

3. Continue the implementation of a helpdesk solution for internal use (\$35,000)
 - a. Add a dedicated Help Desk Technologist to the IT Team (full year - \$122,000)

RISK MANAGEMENT

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

Objective A: Enhance Governance of Technology Risks

Executive Leads – Matt Eakin & Jenny Sadoski

1. Continue to develop and enhance information security policies (year three - \$3,000)
2. Develop and enhance information technology policies (year two)
3. Enhance Information Security operations by adding an Information Security Analyst to the team (2nd qtr - \$132,000)
4. Increase Information Security Program maturity

Objective B: Continuously Assess Technology Environment and Address Risks

Executive Lead – Jenny Sadoski

1. Replace End of life Server Virtualization (\$250,000)

Objective C: Ensure Compliance with Industry Frameworks and Best Practices

Executive Leads – Steve Delaney & Gina Ratto

1. Create a Project Management Office
 - a. Recruit and hire a dedicated Project Management Officer (full

- year - \$304,000)
 - b. Develop and implement project intake and prioritization process
 - c. Implement PMO framework
2. Create a Compliance Office
 - a. Recruit and hire a Chief Compliance Office (mid-year - \$140,000)
 3. Expand in-house legal resources
 - a. Hire a Staff Attorney assigned to support the Investments Division and to Ethical and Conflict of Interest legal and regulatory requirements (2nd qtr - \$196,000)

Objective D: Ensure a Safe and Secure Workplace and Public Service Facility
Executive Lead – Brenda Shott

1. Design and build a new OCERS headquarters facility (multi-year – cost TBD)
2. Replace physical security system in the current headquarters (\$20,000)

TALENT MANAGEMENT

GOAL: RECRUIT, RETAIN AND EMPOWER A HIGH-PERFORMING WORKFORCE

Business Plan Initiatives

Objective A: Recruit and Retain a Diverse High-Performing Workforce to Meet Organizational Priorities

Executive Leads – Steve Delaney, Gina Ratto, and Cynthia Hockless

1. Pursue moving the workforce to be 100% employed by OCERS as a single agency
 - a. Continue the Classification and Compensation study of the County level positions (In partnership with the County of Orange (\$20,000)
 - b. Pursue legislation to allow 100% OCERS direct workforce
2. Develop a long-range staffing plan in preparation for Vision 2030
 - a. Prepare proposed agency-wide organization charts indicating additional positions to be recommended and address backfilling positions to dedicate Subject Matter Experts to the next-generation pension administration system project
3. Prepare for the growth of the OCERS team
 - a. Recruit and hire an additional HR Recruiter to assist with getting the Agency fully staffed (\$159,000)
 - b. Complete space management projects and secure temporary satellite space if necessary to ensure adequate workspace for all team members (\$300,000)
 - c. Procure and deploy additional equipment and upgrade end-of-life surface tablets (\$300,000)
4. Investigate HR Systems for automation potential throughout the department

- a. Implement a video interview platform (\$8,000)
5. Enhance Mental Health Awareness
 - a. Onsite mental health awareness coach

Objective B: Develop and empower every member of the team
Executive Lead – Cynthia Hockless

1. Comprehensive Training Program (\$126,000)
 - OCERS University
 - Research Job Shadowing program
 - Microlearning videos
 - Develop specialized, personal, cross-department, and mid-level leaders training programs
 - Recruit and hire a new Staff-Assistant position assigned to the Learning and Development unit within HR (full year \$97,000)

Objective C: Cultivate a Collaborative, Inclusive and Creative Culture
Executive Lead – Steve Delaney

1. Continue to implement diversity, equity and inclusion (DEI) strategies that promote an inclusive workplace (\$23,500)
2. Investigate proven methods for fostering a creative culture

EFFECTIVE GOVERNANCE

GOAL: IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING

Objective A: Employ a Governance Structure that Supports a Dynamic System
Executive Lead – Gina Ratto

1. Create Electronic Board Member Resources and Training Guides



ORANGE COUNTY EMPLOYEES RETIREMENT
SYSTEM

www.ocers.org

**Orange County Employees Retirement System
Business Plan Initiatives Cost Justification (Excluding Staffing Requests)
For the Year 2023**

Business Plan Initiative	Executive Lead	Lead Department	Estimated Cost	Return on Investment or Justification for Cost
Excellent Service and Support				
Objective A: Provide Accurate and Timely Benefits				
2. Enhance Member Services Team Member training and job tools: a: Create training videos for Member Services processes	Suzanne Jenike	Member Services	\$ 10,000	<p>Training videos will result in an efficient process for onboarding new employees as well as provide current employees with consistent information that is immediately available and reusable.</p> <p>The existing operational process calls for various staff to assist members with retirement-related calls. Currently, staff answering calls are dispersed in separate areas on the first floor of the building, with communication between them limited to online means (e.g. email, chat) and a limited structured approach. Additionally, speaking with members may distract other non-call center staff around them and lead to lost productivity for other staff. Creating a call center with a dedicated space will minimize impact on others, while at the same time creating an atmosphere conducive to placing/receiving calls, and assisting/training peers while working together to meet call center goals. The existing training room will need to be set up to create a call center atmosphere. The volume of calls and discussion with members will impact other staff, so a separate room will lower the noise volume for other staff. In order to allow the call agents to discuss clearly and freely with members, the room will need to be updated with furniture, have measures in place to ensure the volume in the room itself is not excessive (carpet, wall / ceiling sound abatement materials, headsets/microphones designed to isolate or minimize external noise), and allow for staff to sit/stand throughout the day, up to 9 hours daily.</p>
3. Create a dedicated call center	Suzanne Jenike	Member Services	\$ 20,000	<p>Many of the videos on our website were done many years ago and they can become outdated in terms of content and communication styles change over time. We have been happy with the white board video model and plan on working with the vendor to determine if animated/white board videos would be an effective way of updating the older videos.</p>
Objective B: Provide Education to our Members and Employers				
1. Enhance Member and Employer Experience - Update/Revisit older videos on website	Suzanne Jenike	Communications	\$ 10,000	<p>With the second most complicated public pension system in California, OCERS needs both fully developed business processes to ensure consistent application of rules and procedures by all OCERS retirement counselors and other critical team members, while also laying the foundation for programming a new pension administration system that will support OCERS in its goal of 100% accuracy. These dollars will continue the project that was started in 2022 providing a professional services firm to manage the project and provide technical writers to produce the documents. The costs estimated was derived from a RFP that was completed in 2022 and is currently in contract negotiations.</p>
Objective C: Continuously Improve Business Processes and Procedures to be Efficient and Effective				
1. a. Create a Master Repository of Procedure Documents	Steve Delaney	Executive	\$ 450,000	<p>The existing pension administration system (V3) has been in production for six years. The average expected life of a system is ten years. Procuring and implementing the next generation system is estimated to take 4-5 years. It is now time to being the process of procuring a new system that will support OCERS Vision 2030 which includes utilizing RPA and AI in our operations. Staff is proposing utilizing a third party consultant to assist in the RFP preparation. The estimated cost for the 2022 initiative was developed using an assumed consultant hourly rate of \$300 x 650 hours (rounded up).</p>
1. b. Issue a RFP for an implementation partner for the next generation pension administration system	Brenda Shott	Information Technology	\$ 200,000	

Business Plan Initiative	Executive Lead	Lead Department	Estimated Cost	Return on Investment or Justification for Cost
2. a. Implement a new Electronic Content and Document Management System	Jenny Sadoski	Information Technology	\$ 250,000	All of OCERS Member documents are stored within the V3 Pension Application system, but the 3 rd party software required to retrieve and view documents is end of life with no viable upgrades options available. As browser based software and other components evolve, we run the risk of losing our ability to access our member documents if we continue as is. In addition, the functional capabilities we have with our current system are limited, procuring a new solution will enable staff as well as our employer and members advanced functionality and future growth. This is a risk avoidance measure. The loss or inability for staff to access Member documentation would severely affect our ability to provide accurate and timely benefits, and lead to a lack of confidence in the system.
2. c.Continue implementing Robotic Process Automation use cases to streamline routine tasks	Jenny Sadoski	Information Technology	\$ 600,000	As part of a long term strategic initiative that has been named "Vision 2030", OCERS is pursuing the use of Artificial Intelligence, Robotics Automation and Machine Learning as tools to make operations more efficient and support the goal of having 100% accuracy. Although the pilot project is not expected to achieve savings, the long term goal of utilizing AI, RPA and ML is expected to contain staffing costs as OCERS continues to grow in the future. In 2023 we begin pursuing this goal by executing a pilot project using RPA. The pilot project will include identification of a automation use cases, desingning, building and deploement of the automated use case and developing a operating model to be used for future RPA implementations. The cost estimate is based on preliminary research and quotes recieved from reputable consultants in this field of business.
3. Continue to implement a new helpdesk solution for internal use	Jenny Sadoski	Information Technology	\$ 35,000	Continued implementation of a new helpdesk solution for the purpose of extending and improving IT service offerings and the means by which users request IT support. Benefits include self-service support, a robust IT knowledge base, centralized tracking of all IT work and activities, workflows to standardize and automate recurring tasks, proactive reporting, and the ability to audit. The cost estimate of 2023 licensing is based on a preliminary survey of solutions currently being evaluated by OCERS IT.
Risk Management				
Objective A: Enhance Governance of Technology Risks				
1. Continue to develop and enhance information security policies	Matt Eakin	Information Security	\$ 3,000	Annual licensing fees for policy library being utilized for this multt-year initiative
Objective B: Continuously Assess Technology Environment and Address Risks				
2. Replace End of Life Server Virtualization Infrastructure	Jenny Sadoski	Information Technology	\$ 250,000	Replacement of server virtualization infastrucutue which goes End of Life (EOL) in 2023. Replacement includes new hardware and software that enables OCERS to stay current with ith the latest management features, vender support and security enhancements and vulnerability prevention.

Business Plan Initiative	Executive Lead	Lead Department	Estimated Cost	Return on Investment or Justification for Cost
Objective D: Ensure a Safe and Secure Workplace and Public Service Facility				
1. Design and build a new OCERS headquarters facility (multi-year)	Brenda Shott	Executive		Total cost has not yet been determined. Staff will be working with the Building Committee on developing the Scope, Schedule and budget for the project and will bring recommendations to the Board for approval as appropriate.
2. Replace physical security system in the current headquarters	Brenda Shott	Operations Support Services	\$ 20,000	The current security system is outdated and has several areas of improvement that are necessary to provide proper security to protect OCERS team members, visitors, tenants and physical assets. Cost estimate is based on preliminary information from property management team.
3. Update Guest WiFi	Jenny Sadoski	Information Technology	\$ 25,000	There is a need to upgrade and streamline connectivity to OCERS mobile devices in the headquarters building. Estimate is for the required equipment to complete the upgrade.
Talent Management				
Objective A: Recruit and Retain a Diverse High-Performing Workforce to Meet Organizational Priorities				
1.a.Pursue moving workforce to be 100% employed by OCERS as a single agency: Continue the Classification and Compensation study of the County level positions (in partnership with the County of Orange)	Cynthia Hockless	Human Resources	\$ 20,000	OCERS is presently divided by statute into County employees and OCERS direct employees. This division causes morale challenges which in turn impacts productivity. OCEA support is necessary to get the legislation required to allow OCERS to unify. OCEA has indicated the first step is for OCERS to create job descriptions reflective of the new requirements of County staff when they transfer to OCERS direct employment. These budgeted dollars will provide for an HR consultant to continue the project started in 2022 by assisting the OCERS team in creating those necessary job descriptions. OCERS currently has 66 budgeted employees, or 58% of their workforce classified as County level staff. Accurate and up-to-date job classifications are essential to evaluate work distribution, organize the department, recruit quality, and set standards for employee reviews. The cost presented here is estimated as \$303.00 per County budgeted position. OCERS believes this continued investment may increase input and productivity for these classifications in the future as the agency pursues becoming one combined workforce. As the OCERS team grows we need to ensure there is adequate workspace for all team members. Options that will be considered are tenant improvement in existing space to create new offices/cubicles in underutilized areas, satellite office space, and expansion of telework. The budget impact is an estimate for tenant improvements and furniture as well as leased space for approximately 12 people. Savings could be achieved if expanded telework could reduce the need for dedicated work spaces for certain team members.
3.b Complete space management projects to ensure adequate workspace for all team members	Brenda Shott	Operations Support Services	\$ 300,000	Replacement of Microsofts aging Surface tablets. Upgrading to new laptops will allow OCERS mobile workforce to take advantage of faster hardware with new hardware and software features, enhanced security and greater mobility. And retiring OCERS current fleet of Surface tablets will avoid costly repairs and downtime commonly associated to older equipment.
3.c Procure additional equipment and upgrade end of life tablets	Jenny Sadoski	Information Technology	\$ 300,000	With the growth of high-volume recruitments, adding a video interview platform will be a value-add for OCERS. A video interview platform is an efficient talent acquisition tool that will be used to reduce the amount of time spent by hiring managers screening candidates during the first round of interviews. This is a cost-savings for OCERS in terms of time and dollars. A video interview platform offers prerecorded video interviews, and live video interviews that can integrate with NeoGov. Two anticipated benefits of implementing a platform are 1.) the ability to view pre-recorded interviews at a time convenient for the hiring managers 2.) time added back to high-level staff to work on projects focused on furthering business goals. This year, OCERS hiring managers, primarily OCERS Direct staff, have participated in a total of 180 interviews. The budgeted annual cost of a video interview platform is \$8,000 per year or \$45.00 per interview, using our current interview metrics.
4.b.Investigate HR Systems for automation potential throughout the department: Video Interview Platform	Cynthia Hockless	Human Resources	\$ 8,000	

Business Plan Initiative	Executive Lead	Lead Department	Estimated Cost	Return on Investment or Justification for Cost
Objective B: Develop and empower every member of the team				

1. Comprehensive Training Program - OCERS University	Cynthia Hockless	Human Resources	\$ 126,000	<p>OCERS has budgeted an estimated cost of \$1,1,000 per team member to continue to support the OCERS Learning and Organizational Development (LOD) platform and framework for a comprehensive training program that we refer to as OCERS University. To stay relevant and accommodate workforce needs, each team member is required to complete 12 hours of training annually. The University of OCERS can help to accommodate that number of learning hours in a myriad of ways. OCERS University is hosted on the Eureka training platform where team members can access a shared County library of learning resources. However, externally, OCERS University will support customized learning needs for new employee onboarding and Mid-Level Leaders. Part of the Mid-Level Leaders program will be a partnership with the County to include Crucial Conversations and Leading at the Speed of trust. With the partnership with the County of Orange, many Manager trainings are received at a discounted price per participant. To help augment leadership roles, Predictive Index Behavioral Assessment identifies core behavioral drives that provide a clear picture of how team members can collaborate best with others and continue to shape and form individual and team skill building. For those high potential Mid-Level Leaders, UCLA courses for Leading High Performing Teams and Essentials for Leadership will be added. Budgeted dollars allocated to training will support OCERS values, support the succession and compliance modules for EEO-Harassment Prevention, Senior Executive Coaching, Diversity Equity & Inclusion (DEI), Leadership Offsite, and specialized requests from our Board Members and CEO (Lean Six Sigma), Tuition Reimbursement – Career Planning, and a Shadowing (mentorship) program among many over training initiatives that will strengthen the OCERS Culture.</p>
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Objective C: Cultivate a Collaborative, Inclusive and Creative Culture				
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1. Continue to implement DEI strategies	Cynthia Hockless	Human Resources	\$ 23,500	<p>A diverse workforce that is valued and included in all decision processes helps create best-of-class services and procedures for OCERS team members. Nearly 90% of the team responded to our initial DEI survey, indicating strong support for this initiative. We wish to continue the good work started by Inclusion Nation and launch the engagement piece of this initiative through the process of Design Sprints. The Design Sprints are themes taken from the survey. Employees will come together under the guidance of the consultant to come up with viable solutions. OCERS currently has 113 budgeted positions. The budgeted amount represents an estimated cost of \$200.00 per employee. Workplace inclusion and belonging critically impact an employee's overall work experience. High belonging is linked to a 56% increase in job performance, a 75% reduction in sick days, and a 50% drop in turnover risk. (Guild survey data) Employee engagement can be directly linked to employee turnover. In 2021, OCERS had a 5% turnover rate. Employee disengagement and turnover can be expensive. According to survey data, employers can spend upwards of 33% of a worker's salary to replace them. For an employee making \$60,000 a year, this can equate to \$20,000 in turnover cost and productivity loss. OCERS' investments in training initiatives allow OCERS to focus on retention, the OCERS Culture, and employee engagement.</p>
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Total cost of business plan initiatives	\$ 2,650,500
Total cost of additional staffing recommended by Personnel Committee (justification provided with materials for that agenda item)	\$ 2,235,197
Total "New" costs proposed for 2023	\$ 4,885,697

2011



2023 BUSINESS PLAN

UPDATED FROM STRATEGIC PLANNING
MEETING

Objectives for Today

- Review initiatives proposed by the Executive Team
 - Rough estimate of costs
- Discuss and determine which initiatives should be carried forward to the 2023 Business Plan





Mission, Vision & Values

MISSION STATEMENT:

We provide secure retirement and disability benefits with the highest standards of excellence.

VISION STATEMENT:

To be a trusted partner providing premier pension administration, distinguished by consistent, quality member experiences and prudent financial stewardship.

VALUES:

- O**pen and Transparent
- C**ommitment to Superior Service
- E**ngaged and Dedicated Workforce
- R**eliable and Accurate
- S**ecure and Sustainable

Fund Sustainability

GOAL: STRENGTHEN THE LONG-TERM STABILITY OF THE PENSION FUND

Business Plan Initiatives

A. Mitigate the Risk of Significant Investment Loss

Executive Lead: Molly Murphy

1. Issue an RFP for a Risk System
2. Issue an RFP for Custodian Services

A. Prudent Use and Security of Resources

Executive Lead: Molly Murphy

1. Asset Allocation Study

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

A. Provide Accurate and Timely Benefits

Executive Lead: Suzanne Jenike & Jeff Lamberson

Excellent
Service and
Support

1. 100% Accuracy
 - a. Process Automation
 - b. County Payroll System Data Requirements
 - ~~c. Complete the development of a Quality Assurance Performance Dashboard~~
2. Enhance Member Service Team Member training and job tools
 - a. Training videos for Member Services processes - **\$10,000**
 - b. Create a formal RPS training program
 - c. Improve FAQs
 - ~~d. Key performance indicators dashboard~~
3. Create a dedicated Call Center
 - a. Assign existing staff to Call Center team
 - b. Set up the physical space for Call Center team - **\$20,000**
- ~~4. Investigate options of enhancing the online calculator to provide disability estimates - **\$25,000**~~

Excellent Service and Support

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

B. Provide Education to our Members and Employers

Executive Lead: Suzanne Jenike

1. Enhance Member and Employer Experience
 - a. Make all member and employer forms electronic
 - b. Update/Revisit older videos on the website
 - c. Investigate using digital signatures for member forms - **\$10,000**

- ~~2. Implement digital distribution of OCERS newsletter to active and deferred members - **\$35,000**~~

GOAL: ACHIEVE EXCELLENCE IN THE SERVICE AND SUPPORT WE PROVIDE TO OUR MEMBERS AND EMPLOYERS

Business Plan Initiatives

- C. Continuously Improve Business Processes and Procedures to be Efficient and Effective

Executive Leads: Delaney/Shott/Jenike/Lamberson/Sadoski

1. Next Generation PAS
 - a. Master repository - **\$450,000**
 - b. RFP for Consultant/Implementation Partner - **\$200,000**
 - ~~c. Requirement Gathering~~
 - d. V3 Data Validation and Clean-Up procedures
 - ~~e. RFP for System~~
2. RPA/ML/AI Initiatives
 - a. Electronic Content and Document Management System - **\$250,00**
 - b. Futurist Roadmap
 - c. Continue RPA use cases - **\$600,000**
 - d. Add Automation Developer to IT Team (full year) - **\$233,000**
 - e. Add Testing Coordinator to IT Team (full year) - **\$247,000**
- ~~3. Investigate options for an enhanced digital member survey platform - **\$5,000**~~
4. Continue the implementation of a helpdesk solution for internal use - **\$35,000**
 - a. Add a dedicated Help Desk Technologist to IT Team - **\$122,000**
- ~~5. Scanning disability documents and terminated withdrawn files for SCP - **TBD**~~

Excellent
Service and
Support

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

A. Enhance Governance of Technology Risks

Executive Leads: Matt Eakin & Jenny Sadoski

1. Develop Information Security policies (Year 3) - **\$3,000**
2. Develop and enhance Information Technology policies
3. Enhance Information Security operations (add a Staff Analyst 2nd Qtr) - **\$132,000**
4. Increase Information Security Program maturity

B. Continuously Assess Technology Environment and Address Risk

Executive Lead: Jenny Sadoski

- ~~1. Continue Phased Implementation of Microsoft 365 -~~
\$80,000
2. Replace End of Life Server Virtualization Infrastructure -
\$250,000

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

- C. Ensure Compliance with Industry Frameworks and Best Practices

Executive Leads: Steve Delaney & Gina Ratto

1. Create a Project Management Office
 - a. Hire dedicated PMO (full year) - **\$233,000**
 - b. Develop and implement project intake and prioritization process
 - c. Implement PMO framework
2. Create a Compliance Office
 - a. Hire Chief Compliance Officer (mid-year) - **\$140,000**
3. Expand In-House Legal Resources
 - a. Hire a Staff Attorney assigned to support the Investments Division and to Ethical and Conflict of Interest legal and regulatory requirements (hire 2nd QTR) - **\$196,000**

Risk Management

GOAL: CULTIVATE A RISK-INTELLIGENT ORGANIZATION

Business Plan Initiatives

D. Ensure a Safe and Secure Workplace and Public Service Facility

Executive Lead: Brenda Shott

1. Design and build a new OCERS HQ facility (multi-year) **\$TBD**
2. Replace physical security system in current HQ **\$20,000**
3. ~~Update Conference Room Technology and Guest Wifi -~~
\$25,000~~65,000~~

Talent Management

GOAL: RECRUIT, RETAIN AND EMPOWER A HIGH-PERFORMING WORKFORCE

Business Plan Initiatives

A. Recruit and Retain a Diverse High-Performing Workforce to Meet Organizational Priorities

Executive Lead: Delaney/Hockless/Ratto

1. One Agency
 - a. New County Classification and Salary Study **-\$20,000**
 - b. Pursue legislation to allow 100% OCERS direct workforce
2. Develop a long-range staffing plan in preparation for Vision 2030
 - a. Consider timing of backfilling positions to dedicate SMEs to new PAS
3. Prepare for the growth of OCERS team
 - a. Space management to ensure adequate workspace for all team members **\$300,000**
 - b. Additional HR Recruiter position to assist with getting fully staffed (full year) - **\$159,000**
 - c. Procure additional equipment and upgrade end-of-life surface tablets **\$300,000**
4. Investigate HR System for automation potential
 - ~~a. Onboarding software solution~~
 - ~~b. Migrate HR workflows out of SharePoint~~
 - c. Implement video interview platform **\$8,000**
5. Enhance Mental Health Awareness
 - a. Onsite mental health awareness coach OCERS wide

GOAL: RECRUIT, RETAIN AND EMPOWER A HIGH-PERFORMING WORKFORCE

Business Plan Initiatives

B. Develop and empower every member of the team

Executive Lead: Cynthia Hockless

1. Comprehensive Training Program **\$126,000**
 - a. OCERS University
 - b. Research Job Shadowing program
 - c. Microlearning videos
 - d. Develop Specialized/Personal/Cross-Department **and mid-level leaders** Training Program
 - e. ~~Develop an in-house training program for Mid-Level Leaders **\$15,000**~~
 - f. Add a Staff-Assistant position to the LOD team (full year) **\$97,000**

C. Cultivate a Collaborative, Inclusive and Creative Culture

Executive Lead: Cynthia Hockless

1. Continue to implement strategies that promote an inclusive workplace **\$23,500**
2. Investigate proven methods for fostering a creative culture

Talent Management

Effective Governance

GOAL: IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE BOARD AND STAFF BY CLARIFYING ROLES AND RESPONSIBILITIES, IMPROVING OVERSIGHT, CLARIFYING ACCOUNTABILITY AND IMPROVING DECISION MAKING

Business Plan Initiatives

- A. Employ a Governance Structure that Supports a Dynamic System

Executive Lead: Gina Ratto

1. Create Electronic Board Member Resources and Training Guides

QUESTIONS?





Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: **VOTING DIRECTION FOR SACRS BUSINESS MEETING**

Recommendation

Give voting direction to OCERS' delegates for the November 11, 2022 SACRS business meeting.

Background/Discussion

SACRS will hold its next Business Meeting on November 11, 2022. At the meeting, OCERS, as a member of SACRS, will be asked to vote on matters presented to the membership for a vote.

Voting by OCERS at the SACRS business meeting is determined in accordance with the Board's SACRS Voting Authority Policy. The Policy provides that:

- The Board Chair will be designated as OCERS' primary voting delegate;
- If the Board Chair is unable to attend the SACRS business meeting, the Vice Chair will be designated as the alternate voting delegate;
- If the Board Chair and Vice Chair are both unable to attend the business meeting, the alternate voting delegate will be determined, among the Board members in attendance, alphabetically by the Board member's last name; and
- Finally, the OCERS Administrator (CEO) will also be designated as an alternate voting delegate.

At the Board's October 17, 2022 meeting, the Board will be asked to give direction to OCERS' delegates on the matters that will require a vote of the membership at the SACRS business meeting on November 11, 2022. As of the writing of this memorandum, the only matters of which we are aware that will require a vote of the SACRS membership on November 11 are the Minutes from the last meeting and the Treasurer's Report/Budget. We will inform the Board on October 17 if additional items requiring a vote of the membership are added to the SACRS agenda.

Section 7 of the Policy provides the following direction to OCERS' voting delegates:

Where the OCERS' Board has taken an official Board position on an item to be voted on at a SACRS business meeting, the voting delegate or designated alternate voting delegate must cast a vote consistent with the Board position. If the Board has not taken a position on an item to be voted on, the voting delegate or designated alternate voting delegate must comply

with the Board policy or policies that address(es) the subject matter of the item. When the item to be voted on is not addressed in any OCERS' Board policy and the Board has not taken a position, the voting delegate or designated alternate voting delegate may use his or her best judgment to vote in accordance with the position he or she believes the Board would take on the item, or abstain from voting. Notwithstanding the foregoing, the voting delegate and designated alternate voting delegate shall not vote on any item that would obligate OCERS financially to pay any sums other than SACRS dues.

A copy of the Policy is attached.

Attachment

Submitted by:



Gina M. Ratto
General Counsel



OCERS Board Policy SACRS Voting Authority Policy

Background

1. The State Association of County Retirement Systems (SACRS) is an association of 20 California county retirement systems, established under the County Employees Retirement Law of 1937. SACRS meets as an organization twice a year with all 20 counties participating through attendance by Trustees, Administrators, and staff.
2. Regular member County Retirement Systems have the right to vote on the election of the officers/directors of SACRS, amendments to the Articles of Incorporation and By-laws, legislative proposals for SACRS' sponsorship and positions on non-SACRS' sponsored legislation, resolutions, and other items of SACRS' business. Regular member County Retirement Systems are entitled to one (1) voting delegate.
3. The voting delegate must be designated in writing by the member County Retirement Board and must be a Trustee or an Administrator who is employed directly by the County Retirement System. Alternate delegates may be designated in writing by the member County Retirement Board.

Policy Guidelines

4. In order to ensure that OCERS is represented by a voting delegate at each business meeting of SACRS, OCERS will designate the current Board Chair as OCERS' voting delegate and each member of the Board and the Administrator as alternate delegates.
5. Credentials for the delegates who are voting participants shall be filed by OCERS with the SACRS Credentials Committee in writing prior to any meeting of SACRS at which voting will take place. Credentials will include the name of the member County Retirement System, and designate the Board Chair as OCERS' voting delegate and designate all other Board members and the Administrator as alternate voting delegates.
6. Voting at meetings of SACRS shall be the exclusive privilege of the delegate or one of the alternate delegates. If the Board Chair is present at the SACRS business meeting, he or she will cast OCERS' vote(s) at the meeting. If the Board Chair is not present at the SACRS business meeting at which a vote is taking place, the Vice Chair shall cast OCERS' vote(s) at the meeting. If neither the Board Chair nor Vice Chair are present, the alternate voting delegate to cast OCERS' vote(s) will be determined, among the Board members in attendance, alphabetically by the Board member's last name. The voting delegate, or designated alternate delegate if the voting delegate is absent, may cast one (1) vote on each matter submitted to a vote of the SACRS membership.
7. Where the OCERS' Board has taken an official Board position on an item to be voted on at a SACRS business meeting, the voting delegate or designated alternate voting delegate must cast a vote consistent with the Board position. If the Board has not taken a position on an item to be voted on, the voting delegate or designated alternate voting delegate must comply with the Board policy or policies that address(es) the subject matter of the item. When the item to be voted on is not addressed in any OCERS' Board policy and the Board has not taken a position, the voting delegate or designated alternate voting delegate may use his or her best judgment to vote in accordance



OCERS Board Policy

SACRS Voting Authority Policy

with the position he or she believes the Board would take on the item, or abstain from voting. Notwithstanding the foregoing, the voting delegate and designated alternate voting delegate shall not vote on any item that would obligate OCERS financially to pay any sums other than SACRS dues.

Policy Review

8. The Board will review this policy at least every three years to ensure that it remains relevant and appropriate.

Policy History

9. This policy was adopted on May 9, 1988.
10. This policy was revised on August 25, 2008, May 17, 2011, March 17, 2014, May 15, 2017, and April 20, 2020.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A handwritten signature in blue ink that reads "Steve Delaney".

Steve Delaney
Secretary of the Board

04/20/2020

Date



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: NEW STAFF PROCEDURES DOCUMENT – FORM 700 REVIEW PROCESS

Presentation

The purpose of this agenda item is to inform the Board of a new procedures document that has been adopted by the Legal Division.

As the Board is aware, members of the Board, certain members of the OCERS staff, and certain consultants retained by OCERS are required by law, the regulations of the Fair Political Practices Commission (FPPC), and the OCERS Conflict of Interest Code to annually file a Statement of Economic Interests – also known as a Form 700. For most of these filers, the Statement of Economic Interests is filed with the Clerk of the Orange County Board of Supervisors, who is the official Filing Officer for these filers. A much smaller group of filers comprised of OCERS' consultants who do not manage public investments (e.g., OCERS' actuary and most of the law firms engaged by OCERS) file their Statements of Economic Interests directly with the OCERS CEO, who is the official Filing Officer for these filers.

The regulations of the FPPC require a public agency's Filing Officer to fulfill certain basic duties with respect to the Statements of Economic Interests that are filed with the Filing Officer. The OCERS General Counsel has performed these duties on behalf of the CEO with respect to the Statements of Economic Interests filed by OCERS' consultants who do not manage public investments.

Notwithstanding the fact that the CEO is not the Filing Officer for the individuals, including the members of the OCERS Board, who file their Statements of Economic Interests with the Clerk of the Orange County Board of Supervisors, OCERS' CEO has concluded, on the advice of the General Counsel, that it is advisable to review the Statements of Economic Interests that are filed with the Clerk of the Board of Supervisors in order to identify actual or potential conflicts of interest and to assist in mitigating those conflicts of interest where they are identified.

The Legal Division has adopted the attached procedures document to set forth OCERS' process for reviewing Statements of Economic Interests and addressing potential or actual conflicts of interest for all individuals, including members of the OCERS Board, who file Statements of Economic Interests -- whether with the Clerk of the Board of Supervisors or the OCERS CEO.

Attachment

Submitted by:



Gina M. Ratto
General Counsel

FORM 700 REVIEW PROCESS

The regulations of the Fair Political Practices Commission (“FPPC”; (2 Cal. Code of Regs. § 18115) require a public agency’s Form 700 Filing Officer to fulfill the following duties:

- Notify individuals of filing obligations
- Provide form or link to the Statement of Economic Interests/Form 700 (Statement)
- Ensure that Statements are timely filed
- Retain Statements and maintain a tracking log
- Notify filers of due dates, errors, and late Statements
- Conduct a facial review of completed Statements
- Forward appropriate statements to FPPC
- Provide public access to the Statements
- Refer violations to the FPPC Enforcement Division

A Filing Officer should not, however, provide detailed information on how to complete the Statement or provide answers to gift and travel payment questions.

OCERS’ Board members, OCERS’ staff who are required to by OCERS’ Conflict of Interest Code file Statements, and OCERS’ Consultants who are 87200 Filers (collectively, “County Filers”), are required to file Statements with the Clerk of the Orange County Board of Supervisors. The Filing Officer for County Filers is the Clerk of the Orange County Board of Supervisors.

The Filing Officer for OCERS’ Consultants who are **not** 87200 Filers and who are required by OCERS’ Conflict of Interest Code to file Statements (collectively, “Non-87200 Consultant Filers”) is the OCERS Chief Executive Officer (“CEO”).

Even though the CEO is not the Filing Officer for County Filers, OCERS has concluded that it is advisable to review the Statements filed by County Filers in order to identify actual or potential conflicts of interest and to take steps to mitigate against those conflicts of interest where they are identified. This document sets forth OCERS’ process for reviewing Statements and addressing potential or actual conflicts of interest for both County Filers and Non-87200 Consultant Filers.

Process for County Filers (Filing Officer is the County Clerk)

1. Each year, as soon as practicable after the April 1 filing date for Statements, the OCERS General Counsel will collect from the County's eDisclosure portal all of the Statements filed by the County Filers.

2. Every Statement collected pursuant to the preceding paragraph will be reviewed by the General Counsel or by an OCERS Staff Attorney under the direction of the General Counsel and by the OCERS Chief Investment Officer ("CIO") or by director level staff in the Investment Office under the direction of the CIO. The CEO and CIO will review the General Counsel's Statement.

3.

a. The General Counsel (or the CEO in the case of the General Counsel's Statement) will compare the financial interests disclosed on each Statement against (a) a list of OCERS contracts and (b) a list of all bidders/proposers on any pending procurements. If any County Filer has disclosed an interest in a party to an existing OCERS contract or a bidder/proposer on a pending procurement, the General Counsel will review the financial interest with the County Filer in order to ensure that either no actual or potential conflict of interest exists, or if there is an actual or potential conflict of interest, that the County Filer recuses themselves from making, participating in making, or influencing, a decision regarding the contract or procurement. **Note** that under certain circumstances, recusal of a Board member may not be sufficient. (See Government Code section 1090.)

b. If the General Counsel has disclosed an interest in a party to any existing OCERS contract or a bidder/proposer on a pending procurement, the CEO will review the financial interest with the General Counsel to ensure that either no actual or potential conflict of interest exists, or if there is an actual or potential conflict of interest, that the General Counsel recuses themselves from making, participating in making, or influencing, a decision regarding the contract or procurement.

4.

a. The CIO will review the financial interests disclosed on each Statement against all OCERS' investments and pending/pipeline investments. If any County Filer has disclosed an interest in an OCERS' investment or a pending/pipeline investment, the CIO will notify the General Counsel, who will review the financial interest with the County Filer in order to ensure either that there is no actual or potential conflict of interest, or if there is an actual or potential conflict of interest, that

the County Filer recuses themselves from making, participating in making, or influencing, a decision regarding the investment or pending/pipeline investment.

b. If the General Counsel has disclosed an interest in an OCERS' investment or a pending/pipeline investment, the CIO will notify the CEO, who will review the financial interest with the General Counsel to ensure either that no actual or potential conflict of interest exists, or if there is an actual or potential conflict of interest, that the General Counsel recuses themselves from making, participating in making, or influencing, a decision regarding the investment or pending/pipeline investment.

5. In the event the County Filer in Section 3 or 4, above, is a member of the OCERS Board, the CEO will participate in the General Counsel's meeting with the Board member to review the financial interest.

6. In the event the CEO is reviewing the Statement filed by the General Counsel, the CEO may consult with the Board's fiduciary counsel for assistance in determining whether the General Counsel has disclosed an actual or potential conflict of interest.

7.

a. All actual and potential conflicts of interest identified under Sections 3 and 4, above, will be documented in a report wherein the General Counsel will certify as to each that:

i. The General Counsel has reviewed the financial interest with the subject County Filer;

ii. An actual or potential conflict of interest on the part of the County Filer was identified; and

iii. The County Filer was advised to recuse themselves from making, participating in making, or influencing, a decision regarding the contract, procurement, investment, or pending/pipeline investment.

The General Counsel will provide a copy of the report to the CEO and to the supervisor of every County Filer included in the report. In the event the County Filer in Section 3 or 4, above, is a member of the OCERS Board a copy of the report will also be provided to the Board Chair and Vice Chair.

b. The CEO will prepare the report in accordance with 7.a., above for a conflict of interest disclosed by the General Counsel.

8. This review process will be effective commencing with the 2022 Statements due April 1, 2023.

Process for Non-87200 Consultant Filers (Filing Officer is the CEO)

1. At least thirty days prior to the annual deadline for filing a Statement, the General Counsel or their designee will notify Non-87200 Consultant Filers of the deadline and provide a link to the FPPC site for the current Statement and Reference Pamphlet. Notification will be by mail or email.

2. FPPC Regulation [18734](#) requires these consultants to file under the broadest disclosure category in an agency's conflict of interest code. However, if the consultant performs limited duties, the agency must tailor the disclosure requirements to the duties performed. Where the General Counsel determines that tailored disclosure requirements are necessary for a Non-87200 Consultant Filer, the General Counsel will provide a written description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. [Form 805](#) – "Agency Report of Consultants" will be used for these purposes. The completed Form 805 will be a public document and will be maintained by OCERS.

3. Non-87200 Consultant Filer Statements that are filed with OCERS will be date-stamped on the date received by OCERS and forwarded to the Legal Division.

4. The General Counsel or their designee will conduct a facial review of all Non-87200 Consultant Filer Statements to ensure that the cover page is complete. This review will verify the following:

- a. Name
- b. An address for the filer is included
- c. Period covered
- d. Complete summary
- e. Schedules are attached
- f. Original signature

5. The General Counsel or their designee will conduct a full review of:

- (a) 20% of all timely filed Non-87200 Consultant Filer Statements, with half of those chosen at random;
- (b) all late filed Non-87200 Consultant Filer Statements; and
- (c) all Non-87200 Consultant Filer Statements that do not pass the facial review described in Section 4.

6. Where a full review is necessary, it will be conducted using the then current [FPPC Review Guide and Amendment Request Form](#).

7. The General Counsel will notify any consultant who appears to have filed an incomplete or inaccurate Statement and request that the consultant file an amendment to the Statement. Amendments will be attached to the original filing.

8. Non-87200 Consultant Filer Statements will be retained as public records for seven years and made available within two days of a request for the Statement from the public.

9. The General Counsel will send written notification to any consultant who has not timely filed a Statement within thirty days after the deadline, and send a second written notification within thirty days of the first notification.

10. The General Counsel will refer to the FPPC's Enforcement Division any consultants who fail to file a Statement with OCERS. Referral will be made within thirty days of the second notification required in Section 9. Referrals will be submitted through the FPPC's Enforcement Electronic Complaint System.

11. The Legal Division will maintain a Form 700 tracking log for Non-87200 Consultant Filers. The log will track the name, filing deadline, number of days of any late filing, and the date of any amendment.



Memorandum

DATE: October 17, 2022
TO: Members, Board of Retirement
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: **2022 EMPLOYER AND EMPLOYEE CONTRIBUTIONS MATRIX**

Written Report

Background/Discussion

On an annual basis I provide the Board with an updated contribution comparison matrix showing the various contribution rate provisions paid by employers and employees across several rate groups and plans. This document is intended to provide a high level overview of the rates, ownership of the funds once they are sent to OCERS, as well as some of the pick-up arrangements that the OCERS Employers have bargained for with their employees.

Submitted by:



S. J. – APPROVED

Suzanne Jenike
Assistant CEO, External Operations

2022 LEGACY CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group.
The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022

A	B	C	D	E	F	G	Employer Owned	Employee Owned		L		
							H	I	Employee Paid EE Contributions		Net Employee Costs	
									J			K
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates Eff	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs	
							(.1 ER P/U *)	{.2 ER P/U (varies) *}				
Rate Group #1 - General Members; County Only; Non-OCTA; - Avg Age = 32												
0.00%	0		EW	Eligibility Worker Unit	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
4.69%	523	Tier 1 - Plan A - 2%@57 - 1 year MP			15.41%	15.41%	9.27%	0.00%	0.00%	9.27%	0.00%	9.27%
0.02%	2	Tier 2 - Plan B - 1.667%@57 1/2 - 3 year MP	PO	Deputy Sheriff Trainee	15.41%	15.41%	9.27%	0.00%	0.00%	9.27%	0.00%	
Rate Group #1 - IHSS - Avg Age = 38												
0.04%	5	Tier 2 - Plan B - 1.667%@57 1/2 - 3 year MP			15.41%	15.41%	10.31%	0.00%	0.00%	10.31%	0.00%	
Rate Group #2 - General Members 2.7@55 Non-OCFA. County only limited barg units, see disclaimer - Avg Age = 32												
0.00%	0	Tier 1 - Plan I - 2.7%@55 - 1 year MP	MA	OCMA Member	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
7.43%	829	Tier 2 - Plan J - 2.7%@55 - 3 year MP			38.31%	43.66%	13.15%	0.00%	0.00%	13.15%	5.353%	18.50%
0.11%	12	Tier 2 - Plan P - 1.62%@65 - 3 year MP			35.23%	35.23%	8.45%	0.00%	0.00%	8.45%	0.000%	8.45%
0.05%	6	Tier 2 - Plan J - 2.7%@55 - 3 year MP	MB	OCMA Member	38.31%	43.66%	13.15%	0.00%	0.00%	13.15%	5.353%	
0.02%	2	Tier 2 - Plan P - 1.62%@65 - 3 year MP			35.23%	35.23%	8.45%	0.00%	0.00%	8.45%	0.000%	8.45%
0.24%	27	Tier 2 - Plan J - 2.7%@55 - 3 year MP	AT	Attorney	38.31%	43.66%	13.15%	0.00%	0.00%	13.15%	5.353%	
1.53%	171	Tier 2 - Plan J - 2.7%@55 - 3 year MP	SSO	Sheriff Special Officer	38.29%	43.66%	13.15%	0.00%	0.00%	13.15%	5.373%	
0.02%	2	Tier 2 - Plan P - 1.62%@65 - 3 year MP			35.23%	35.23%	8.45%	0.00%	0.00%	8.45%	0.000%	8.45%
0.00%	0	Tier 1 - Plan I - 2.7%@55 - 1 year MP	E2 E3	County Board of Supv Elected Officials Exec. Mgmt.	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
0.75%	84	Tier 2 - Plan J - 2.7%@55 - 3 year MP			38.31%	43.66%	13.15%	0.00%	0.00%	13.15%	5.353%	18.50%
0.02%	2	Tier 2 - Plan P - 1.62%@65 - 3 year MP			38.31%	43.66%	13.71%	0.00%	0.00%	13.71%	5.353%	19.06%
0.07%	8	Tier 1 - Plan I - 2.7%@55 - 1 year MP	CL, CS, GE HP, SM, OS	OCEA represented	37.69%	43.06%	13.71%	0.00%	0.00%	13.71%	5.373%	
43.68%	4872	Tier 2 - Plan J - 2.7%@55 - 3 year MP			38.29%	43.66%	13.15%	0.00%	0.00%	13.15%	5.373%	18.52%
1.11%	124	Tier 2 - Plan P - 1.62%@65 - 3 year MP			35.23%	35.23%	8.45%	0.00%	0.00%	8.45%	0.000%	8.45%
0.01%	1	Tier 1 - Plan I - 2.7%@55 - 1 year MP	CP	Craft and Plant IUOE Members	39.31%	43.66%	13.71%	0.00%	0.00%	13.71%	4.353%	
0.30%	33	Tier 2 - Plan J - 2.7%@55 - 3 year MP			38.31%	43.66%	13.15%	0.00%	0.00%	13.15%	5.353%	18.50%
0.04%	4	Tier 2 - Plan P - 1.62%@65 - 3 year MP			35.23%	35.23%	8.45%	0.00%	0.00%	8.45%	0.000%	8.45%
0.20%	22	Tier 2 - Plan J - 2.7%@55 - 3 year MP	GM		39.51%	43.66%	13.15%	0.00%	0.00%	13.15%	4.153%	
0.22%	25	Tier 2 - Plan J - 2.7%@55 - 3 year MP	GS		39.51%	43.66%	13.15%	0.00%	0.00%	13.15%	4.153%	
Rate Group #2 - Superior Court - Avg Age = 33												

2022 LEGACY CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group.
The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022

A	B	C	D	E	F	G	Employer Owned		Employee Owned		
							Employer Paid EE Contributions		Employee Paid EE Contributions		
							H	I	J	K	L
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates Eff	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs
							(.1 ER P/U *)	(.2 ER P/U (varies) *			
0.01%	1	CC		36.72%	41.72%	13.84%	0.00%	0.00%	13.84%	5.00%	18.84%
1.08%	121	AX, CX, E5		40.66%	43.66%	13.39%	0.00%	0.00%	13.39%	3.00%	16.39%
0.13%	14	E6		43.66%	43.66%	13.39%	0.00%	0.00%	13.39%	0.00%	13.39%
5.38%	600	CC, SS, SG		38.66%	43.66%	13.39%	0.00%	0.00%	13.39%	5.00%	18.39%
0.28%	31	CI		38.66%	43.66%	13.39%	0.00%	0.00%	13.39%	5.00%	18.39%
0.13%	15	AX,CC,CX,SG		35.23%	35.23%	8.6%	0.00%	0.00%	8.60%	0.00%	8.60%
Rate Group #2 - SJC - Avg Age = 36											
0.01%	1			43.66%	43.66%	14.76%	0.00%	0.00%	14.76%	0.00%	14.76%
0.13%	14			43.66%	43.66%	14.15%	0.00%	0.00%	14.15%	0.00%	14.15%
0.10%	11			45.42%	45.42%	11.94%	0.00%	0.00%	11.94%	0.00%	11.94%
0.01%	1			29.18%	37.40%	6.5%	0.00%	0.00%	6.52%	0.00%	6.52%
Rate Group #2 - OCERS Mgmt (future service) - Avg Age = 35											
0.17%	19	E0, MR		42.41%	42.41%	13.89%	0.00%	0.00%	13.89%	0.00%	13.89%
Rate Group #2 - Children & Families Comm. (future service) - Avg Age = 33											
0.04%	4	E9, MX		24.81%	20.67%	13.39%	4.27%	4.18%	9.12%	4.31%	4.98%
Rate Group #2 - LAFCO (future service) - Avg Age = 33											
0.02%	2	E9, MY		49.13%	43.66%	13.39%	5.09%	4.18%	8.30%	3.80%	2.83%
Rate Group #3 - Sanitation - Avg Age = 34											
0.00%	0			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2.08%	232			16.96%	13.46%	13.32%	0.00%	3.50%	13.32%	0.00%	9.82%
0.45%	50			13.25%	13.25%	9.70%	0.00%	0.00%	9.70%	0.00%	9.70%
Rate Group #5 - OCTA - Avg Age = 36											

2022 LEGACY CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group.
The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022

							Employer Owned	Employee Owned				
							Employer Paid EE Contributions		Employee Paid EE Contributions			
A	B	C	D	E	F	G	H	I	J	K	L	
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates Eff	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs	
							(.1 ER P/U *)	(.2 ER P/U (varies) *)				
0.01%	1	Tier 1 - Plan A - 2%@57 - 1 year MP	CO		31.71%	31.71%	7.58%	0.00%	0.00%	7.58%	0.00%	7.58%
6.99%	780	Tier 2 - Plan B - 1.667%@57 1/2 - 3 year MP	CO, MN, TCU, NONE		31.71%	31.71%	10.16%	0.00%	0.00%	10.16%	0.00%	10.16%
Rate Group #6 - Probation - Avg Age = 27												
0.04%	4	Tier 2 - Plan F - 3%@50 - 3 year MP - Mgmt	E8	Executive	57.45%	57.45%	17.28%	0.00%	0.00%	17.28%	0.00%	17.28%
0.75%	84	Tier 2 - Plan F - 3%@50 - 3 year MP - Mgmt	PM		57.45%	57.45%	17.28%	0.00%	0.00%	17.28%	0.00%	17.28%
0.21%	23	Tier 2 - Plan F - 3%@50 - 3 year MP - Mgmt	MP	Probation Services	57.45%	57.45%	17.28%	0.00%	0.00%	17.28%	0.00%	17.28%
3.67%	409	Tier 2 - Plan F - 3%@50 - 3 year MP - Officer	PS	Probation Services	57.45%	57.45%	17.28%	0.00%	0.00%	17.28%	0.00%	17.28%
Rate Group #7 - County Law Enforcement - Avg Age = 27												
5.66%	631	Tier 2 - Plan F - 3%@50 - 3 year MP - Sheriff	PO/SP	New Hires After 4/9/2010	66.39%	66.39%	18.23%	0.00%	0.00%	18.23%	0.00%	18.23%
3.43%	383	Tier 2 - Plan R - 3%@55 - 3 year MP - Sheriff			63.96%	63.96%	17.16%	0.00%	0.00%	17.16%	0.00%	17.16%
0.78%	87	Tier 2 - Plan F - 3%@50 - 3 year MP - Sheriff	ML, EB	Law Enforce/Mgmt	66.39%	66.39%	18.23%	0.00%	0.00%	18.23%	0.00%	18.23%
0.01%	1	Tier 2 - Plan R - 3%@50 - 3 year MP - Sheriff	ML	Law Enforce/Mgmt	63.96%	63.96%	17.16%	0.00%	0.00%	17.16%	0.00%	17.16%
Rate Group #8 - Fire Authority Safety - Avg Age = 30												
4.48%	500	Tier 2 - Plan F - 3%@50 - 3 year MP	FF, T1, T3	Fire Fighter Engineer 14.5%	45.67%	43.67%	18.04%	0.00%	2.00%	18.04%	0.00%	16.04%
0.00%	0	Tier 2 - Plan F - 3%@50 - 3 year MP	M3	Fire Management 15.99%	0.00%	0.00%	0.00%	0.00%	0.00%	15.99%	0.00%	15.99%
0.41%	46	Tier 2 - Plan F - 3%@50 - 3 year MP	E3, M1	Full Rate	43.67%	43.67%	18.04%	0.00%	0.00%	17.32%	0.00%	17.32%
1.44%	161	Tier 2 - Plan R - 3%@55 - 3 year MP	T5, M5, E5	New hires After 7/1/2012 - 14.5%	43.61%	43.61%	17.81%	0.00%	0.00%	14.50%	0.00%	14.50%
Rate Group #9 - TCA (retroactive upgrade) - Avg Age = 39												
0.22%	25	Tier 2 - Plan N - 2%@55 - 3 year MP			14.95%	14.95%	11.14%	0.00%	0.00%	11.14%	0.00%	11.14%
Rate Group #10 - Fire Authority General - Avg Age = 33												
0.70%	78	Tier 2 - Plan J - 2.7%@55 - 3 year MP	E2, G2, M2, S2		26.71%	26.71%	12.61%	0.00%	0.00%	12.61%	0.00%	12.61%
0.39%	43	Tier 2 - Plan N - 2.0%@55 - 3 year MP	E4, G4, M4, S4	New Hires After 7/1/2012	28.32%	28.32%	9.83%	0.00%	0.00%	9.83%	0.00%	9.83%
0.04%	4	Tier 2 - Plan J - 2.7%@55 - 3 year MP	SE	General members .2 ER pickup over Flat Rate	41.03%	26.71%	12.61%	0.00%	14.32%	12.61%	0.00%	12.61%
Rate Group #11 - Cemetery District (future service) - Avg Age = 31												

2022 LEGACY CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group. The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022

A	B	C	D	E	F	G	Employer Owned		Employee Owned		
							Employer Paid EE Contributions		Employee Paid EE Contributions		
							H	I	J	K	L
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates Eff	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs
0.13%	14	Tier 2 - Plan N - 2%@55 - 3 year MP	E9, ZC	15.68%	15.68%	9.66%	0.00%	0.00%	9.66%	0.00%	9.66%
Rate Group #12 - OCPLL (future service) - Avg Age = 42											
0.10%	11	Tier 2 - Plan H - 2.5%@55 - 3 year MP	MY, ZL	12.13%	13.88%	15.19%	0.00%	0.00%	15.19%	1.75%	16.94%
100.00%	11155										

Note: The total employee contribution can have several components. There can be an employer pick up component where the employer can pay some or all of the employee's normal contributions under two different sections of the '37 Act (31581.1 & 31581.2). There is also a reverse pick up that is in addition to the regular normal employee contributions. The reverse pick up is always paid by the employee and goes into the employee contribution balance.

Disclaimers: The information contained in this document is intended to be informational only. All of OCERS members may not be reflected and in some cases the pick up amounts are estimates. *31581.1 & 31581.2 contribution percentages are calculated by the Employer and have not been validated by OCERS staff. Tier 1 employees must have entered OCERS membership on or before September 21, 1979

2022 PEPR A CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group. The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022.

A	B	C	D	E	F	G	Employer Owned		Employee Owned			
							Employer Paid EE Contributions		Employee Paid EE Contributions			
							H	I	J	K	L	
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs	
							(.1 ER P/U *)	(.2 ER P/U (varies) *				
Rate Group #1 - General Members; Orange County; Non-OCTA, County Only - Avg Age = 32												
10.32%	1007	Tier 2 - Plan U - 2.5%@67 - 3 year MP	EW	Eligibility Worker Unit	14.92%	14.92%	9.45%	0.00%	0.00%	9.45%	0.00%	9.45%
1.08%	105	Tier 2 - Plan U - 2.5%@67 - 3 year MP	PO	Deputy Sheriff Trainee	14.92%	14.92%	9.45%	0.00%	0.00%	9.45%	0.00%	9.45%
Rate Group #1 - IHSS - Avg Age = 38												
0.19%	19	Tier 2 - Plan U - 2.5%@67 - 3 year MP			14.92%	14.92%	10.50%	0.00%	0.00%	10.50%	0.00%	10.50%
Rate Group #2 - General members non-OCFA. County only limited barg units, see disclaimer - Avg Age = 32												
3.55%	346	Tier 2 - Plan T - 1.62%@65 - 3 year MP	MA	OCMA Member	36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
0.30%	29	Tier 2 - Plan T - 1.62%@65 - 3 year MP	MB	OCMA Member	36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
2.83%	276	Tier 2 - Plan U - 2.5%@67 - 3 year MP	AT, AY	Attorney Attorneys Group	37.34%	37.34%	8.18%	0.00%	0.00%	8.18%	0.000%	8.18%
0.35%	34	Tier 2 - Plan T - 1.62%@65 - 3 year MP	SSO	Sheriff Special Officer	36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
0.11%	11	Tier 2 - Plan T - 1.62%@65 - 3 year MP	E2,E3		36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
48.20%	4702	Tier 2 - Plan T - 1.62%@65 - 3 year MP	CL, CS, GE HP, SM, OS	OCEA represented	36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
0.76%	74	Tier 2 - Plan T - 1.62%@65 - 3 year MP	CP		36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
0.08%	8	Tier 2 - Plan T - 1.62%@65 - 3 year MP	GM		36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%
0.45%	44	Tier 2 - Plan T - 1.62%@65 - 3 year MP	GS		36.03%	36.03%	6.65%	0.00%	0.00%	6.65%	0.000%	6.65%

2022 PEPRA CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group.
The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022.

Employer Owned	Employee Owned	
	Employer Paid EE Contributions	Employee Paid EE Contributions

A	B	C	D	E	F	G	H	I	J	K	L	
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs	
							(.1 ER P/U *)	(.2 ER P/U (varies) *)				
Rate Group #2 - Superior Court - Avg Age = 33												
5.27%	514		Tier 2 - Plan T - 1.62%@65 - 3 year MP	CC, E6,SG	36.03%	36.03%	6.77%	0.00%	0.00%	6.77%	0.00%	6.77%
0.81%	79		Tier 2 - Plan T - 1.62%@65 - 3 year MP	AX,CX,E5	36.03%	36.03%	6.77%	0.00%	0.00%	6.77%	0.00%	6.77%
0.23%	22		Tier 2 - Plan T - 1.62%@65 - 3 year MP	CI,SS,EC	36.03%	36.03%	6.77%	0.00%	0.00%	6.77%	0.00%	6.77%
Rate Group #2 - SJC - Avg Age = 36												
0.26%	25		Tier 2 - Plan U - 2.5%@67 - 3 year MP		37.34%	37.34%	8.78%	0.00%	0.00%	8.78%	0.00%	8.78%
Rate Group #2 - OCERS Mgmt - Avg Age = 35												
0.21%	20		Tier 2 - Plan U - 2.5%@67 - 3 year MP		36.09%	36.09%	8.62%	0.00%	0.00%	8.62%	0.00%	8.62%
Rate Group #2 - Children & Families Comm. - Avg Age = 33												
0.06%	6		Tier 2 - Plan U - 2.5%@67 - 3 year MP		8.33%	8.33%	14.35%	0.00%	0.00%	14.35%	0.00%	14.35%
Rate Group #2 - LAFCO - Avg Age = 33												
0.02%	2		Tier 2 - Plan T - 1.62%@65 - 3 year MP		36.03%	36.03%	6.77%	0.00%	0.00%	6.77%	0.00%	6.77%
Rate Group #3 - Sanitation - Avg Age = 34												
3.14%	306		Tier 2 - Plan U - 2.5%@67 - 3 year MP		9.86%	9.86%	9.15%	0.00%	0.00%	9.15%	0.00%	9.15%
Rate Group #5 - OCTA - Avg Age = 36												
4.90%	478		Tier 2 - Plan U - 2.5%@67 - 3 year MP	CO, MN NONE, TCU	30.85%	30.85%	10.95%	0.00%	0.00%	10.95%	0.00%	10.95%
Rate Group #6 - Probation - Avg Age = 27												
0.83%	81		Tier 2 - Plan V - 2.7%@67 - 3 year MP	PS Probation Services	50.32%	50.32%	15.43%	0.00%	0.00%	15.43%	0.00%	15.43%
Rate Group #7 - County Law Enforcement - Avg Age = 27												
8.90%	868		Tier 2 - Plan V - 2.7%@67 - 3 year MP	PO	57.46%	57.46%	16.65%	0.00%	0.00%	16.65%	0.00%	16.65%
Rate Group #8 - Fire Authority Safety - Avg Age = 30												
4.83%	471		Tier 2 - Plan V - 2.7%@67 - 3 year MP	F7, C7 Fire Chief	31.47%	31.47%	15.34%	0.00%	0.00%	15.34%	0.00%	15.34%
Rate Group #9 - TCA (retroactive upgrade) - Avg Age = 39												
0.39%	38		Tier 2 - Plan U - 2.5%@67 - 3 year MP		10.98%	10.98%	10.13%	0.00%	0.00%	10.13%	0.00%	10.13%

2022 PEPRA CONTRIBUTION COMPARISON MATRIX

Contribution rates are based on age at entry. For the purpose of this information the contribution rate reflected is the average age for that rate group. The number of members in each plan/rate group are estimates and the contribution information was taken from pay period 15, 2022.

A	B	C	D	E	F	G	Employer Owned	Employee Owned		L	
							Employer Paid EE Contributions		Employee Paid EE Contributions		
							H	I	J		K
Number of Members	Tier, Plan and Rate Group	Rep Units	Description	Net Employer Costs = (ER + EE P/U) - REV P/U	Employer Contribution Rate	Employee Contribution Rate	Pick up Rates Eff	Pick up Rates	EE Rate	EE Reverse Pickup Rate (Reduces ER Cost)	Net Employee Costs
							(.1 ER P/U *)	(1.2 ER P/U (varies) *)			
Rate Group #10 - Fire Authority General - Avg Age = 33											
1.57%	153										
		G6		21.31%	21.31%	9.22%	0.00%	0.00%	9.22%	0.00%	9.22%
0.19%	19		Admin Mgmt	21.31%	21.31%	9.22%	0.00%	0.00%	9.22%	0.00%	9.22%
		M6									
0.05%	5		Supervisory	24.11%	24.11%	9.22%	0.00%	0.00%	9.22%	0.00%	9.22%
		S6									
Rate Group #11 - Cemetery District - Avg Age = 31											
0.11%	11			14.65%	14.65%	9.79%	0.00%	0.00%	9.79%	0.00%	9.79%
Rate Group #12 - OCPLL - Avg Age = 42											
0.03%	3			8.76%	10.51%	10.19%	0.00%	0.00%	10.19%	1.75%	11.94%
		ZL, E9									
100.00%	9756										

Note: The total employee contribution can have several components. There can be an employer pick up component where the employer can pay some or all of the employee's normal contributions under two different sections of the '37 Act (31581.1 & 31581.2). There is also a reverse pick up that is in addition to the regular normal employee contributions. The reverse pick up is always paid by the employee and goes into the employee contribution balance.

Disclaimers: The information contained in this document is intended to be informational only. All of OCERS members may not be reflected and in some cases the pick up amounts are estimates. *31581.1 & 31581.2 contribution percentages are calculated by the Employer and have not been validated by OCERS staff. Tier 1 employees must have entered OCERS membership on or before September 21, 1979



**Alameda Decision Implementation
Project Update
October 17, 2022**

Suzanne Jenike
Assistant CEO



Alameda Decision Implementation Project Review of Board Directives

OCERS Board directed staff to take the following steps to implement the Supreme Court decision in *Alameda* effective July 15, 2021:

For impacted Active & Deferred Members

- **Refund** the contributions, plus interest, paid by the member on pay items deemed non-pensionable as a result of *Alameda*, as of January 1, 2013, directly to the member.



Alameda Decision Implementation Project Board Directives (continued)

For impacted Retired Members (and Payees)

- **Recalculate** their benefit payments prospectively to exclude the benefit derived from any *Alameda* excluded compensation; AND
- **Offset** overpaid benefits from over-collected contributions paid by the member on excluded compensation. Over collected contributions are contributions made to the plan from 1/1/2013 through 10/1/2020 for excluded pay items.
- **Refund** any excess contributions, after offsetting overpaid benefits, directly to the member; AND
- **Recover** overpaid benefits which were paid to member from October 1, 2020, if any to the upcoming date of recalculation directly from the member in accordance with OCERS' Overpaid/Underpaid Benefits policy.





Alameda Decision Implementation Project Project Summary

Project is “on track” overall

- ✓ Completed accurate member contributions & interest refund calculations, including data validation, testing and review by system actuary.
- ✓ On track to complete processing of active & deferred member contributions & interest refunds by end of the year.
- ✓ Benefit recalculations have begun starting the three highest impacted retired **general** members.
- ✓ Contract resources have been added to assist with benefit recalculations due to staff constraints.
- ✓ Communications Plan is on target in providing timely and regular updates to members and stakeholders.
- ✓ Maintaining thorough project documentation of datasets, processes, calculations, testing, risks and decisions.



Alameda Decision Implementation Project Current Challenges

- Processing new retirement applications and recalculating retirement benefits for over 630 members who retired in May and June with base FAS
 - Remaining 197 recalculations to be completed by December 1.
- *Alameda* recalculations involve time-consuming manual calculations.
- Project staff resources (Members Services, Finance and IT) balancing multiple projects and priorities:
 - V3 system build to implement W4–P and FAS calculation for part-time and members with less three yrs. of service
 - Upcoming year-end processes (1099, actuarial valuation, etc.)
- Hired/promoted and training 16 staff members and in the process of hiring six more by December 31.
- Projecting high number of retirements in 2023 similar to 2022.



Alameda Decision Implementation Project Recent Accomplishments

- **Member Contributions & Interest Refunds**

Impacted Active & Deferred Member

- Member contribution refund notification letters and election forms for payment or rollover were sent to 1,728 active and deferred members impacted by *Alameda*. OCERS has received over 809 forms and has followed-up with members who have not responded.
- On track to process the refunds either by check or rollover by December 2022.
- 899 Active members who are due refunds of less than \$75 will receive their refunds through their employer, as approved by the Board. (by end of the year)
- Completed testing of contributions & interest import file to automate adjustments to Participant Accounts in V3 and payment disbursement.

Impacted Retired Members

- For three highest impacted retired general members that have been recalculated, began offsetting any overpayments with over-collected member contributions and refunding any remaining balance prior to the end of the year.





Alameda Decision Implementation Project Recent Accomplishments (cont'd)

- **Benefit Recalculations**

Impacted Retired Members (and Payees)

- Validated data for the *Alameda* recalculation population.
- Developed comprehensive process and procedures as well as excel tool to perform the recalculations and train OCERS and contract staff.
- Completed recalculation of benefits, overpayments and contribution offsets for the three highest impacted general members and notified them of their recalculated benefits effective October 1, 2022.
- Started benefit recalculations on the three highest impacted **safety** members for effective date of November 1, 2022.





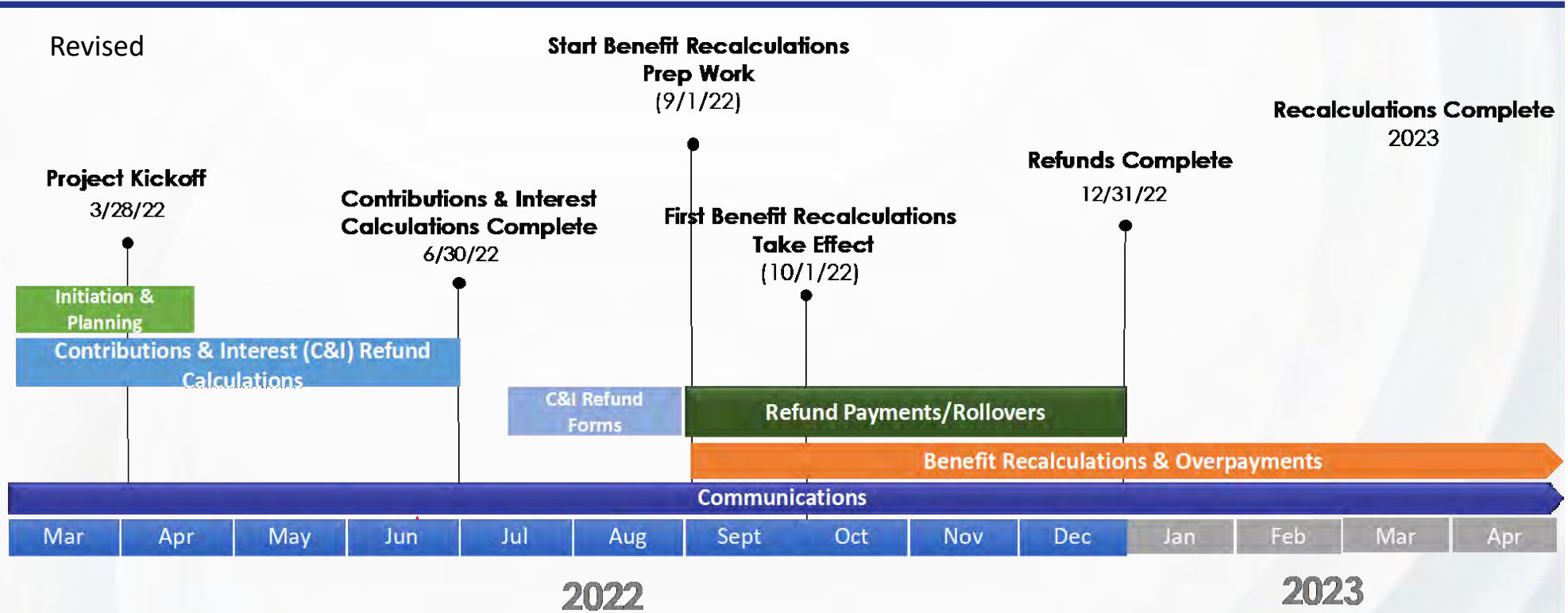
Alameda Decision Implementation Project Look Ahead

- Complete processing of contributions & interest refund payments/rollovers by December 2022 for impacted active and deferred members.
- For retired members with retirement effective dates on/after September 1, 2020 that do not require benefit recalculations, process their contributions & interest refunds through the retirement benefit payment process as a lump sum payment by December 2022.
- Continue performing three *Alameda* benefit recalculations per month for the next three months, while completing the remaining regular benefit recalculations from the May and June retirements.
- Evaluate progress and processing time of *Alameda* benefit recalculations at the end of the three month period to determine next steps and additional resource needs.





Alameda Decision Implementation Project Project Timeline





Questions

Q & A





Active & Deferred Members Contribution & Interest Refunds

Members Receiving Refunds					
Range_of_Refund	Total Member Count	Total Contribution Refund	Total Interest Refund	Total Dollar Refund	Avg Refund
\$0.00 to \$75.00	1006	\$ 17,643	\$ 4,920	\$ 22,563	\$ 22
\$75.01 to \$100.00	97	\$ 6,603	\$ 1,837	\$ 8,440	\$ 87
\$100.01 to \$500.00	655	\$ 130,300	\$ 36,204	\$ 166,504	\$ 254
\$500.01 to \$1,000.00	267	\$ 144,590	\$ 37,708	\$ 182,297	\$ 683
\$1,000.01 to \$2,000.00	142	\$ 159,709	\$ 40,806	\$ 200,515	\$ 1,412
\$2,000.01 to \$3,000.00	92	\$ 186,611	\$ 43,917	\$ 230,528	\$ 2,506
\$3,000.01 to \$4,000.00	69	\$ 192,565	\$ 47,428	\$ 239,993	\$ 3,478
\$4,000.01 to \$5,000.00	49	\$ 176,393	\$ 45,365	\$ 221,758	\$ 4,526
\$5,000.01 to \$7,500.00	95	\$ 466,834	\$ 113,422	\$ 580,256	\$ 6,108
\$7,500.01 to \$10,000.00	35	\$ 237,643	\$ 63,442	\$ 301,086	\$ 8,602
\$10,000.01 to \$20,000.00	86	\$ 951,655	\$ 259,794	\$ 1,211,449	\$ 14,087
\$20,000.01 to \$30,000.00	20	\$ 397,358	\$ 108,523	\$ 505,880	\$ 25,294
\$30,000.01 to \$40,000.00	5	\$ 140,233	\$ 36,998	\$ 177,231	\$ 35,446
\$40,000.01 to \$50,000.00	4	\$ 135,874	\$ 39,294	\$ 175,168	\$ 43,792
\$50,000.01 to \$75,000.00	3	\$ 155,502	\$ 43,658	\$ 199,160	\$ 66,387
\$75,000.01 to \$100,000.00	1	\$ 67,969	\$ 18,260	\$ 86,230	\$ 86,230
\$100,000.01 to \$120,000.00	1	\$ 79,980	\$ 22,102	\$ 102,081	\$ 102,081
Totals	2627	\$ 3,647,462	\$ 963,676	\$ 4,611,139	

Note: 899 Active members under \$75.00 are being refunded by their Employer



UPDATED

Estimated Breakdown of Benefit Corrections for Retirees

Range of Reduction	Main Retiree	Attorney Retiree	High Dollar Impact	Beneficiary	DRO	Totals	Total Monthly Reduction	Avg. Monthly Reduction
\$0.01 and \$10.00	286	3	0	10	33	332	\$842	\$2
\$10.00 and \$50.00	81	15	0	1	5	102	\$2,451	\$24
\$50.00 and \$100.00	35	9	0	1	2	47	\$3,225	\$69
\$100.00 and \$500.00	73	21	0	3	3	100	\$21,639	\$216
\$500.00 and \$1,000.00	43	0	0	0	2	45	\$31,698	\$704
\$1,000.00 and \$2,000.00	0	0	22	0	0	22	\$27,245	\$1,238
\$2,000.00 and \$3,000.00	0	0	5	0	0	5	\$12,023	\$2,405
\$4,500.00 and \$5,500.00	0	0	2	0	0	2	\$9,952	\$4,976
Totals	518	48	29	15	45	655	\$109,076	

- Of the total payees, 481 would see less than \$100 a month impact.



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Manuel D. Serpa, Deputy General Counsel
SUBJECT: SUMMARY OF CHANGES TO THE BROWN ACT TELECONFERENCE MEETING RULES EFFECTIVE 1/1/2023 – AB 2499

Presentation

On September 13, 2022, California Governor Gavin Newsom signed into law Assembly Bill (AB) 2449 (Rubio). AB 2449 allows the legislative body of a local agency to use teleconferencing without complying with the traditional Brown Act teleconferencing rules or the modified AB 361 rules applicable during a state of emergency, provided that certain conditions are met. The new amendments to the Brown Act go into effect on January 1, 2023 and apply until January 1, 2026. AB 2449 does not amend the Brown Act's emergency teleconference procedures under AB 361; those procedures remain available to the Board until the earlier of January 1, 2024 or the date the state of emergency is terminated.

AB 2449 authorizes a local agency to use teleconferencing without complying with the requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public, provided that at least a quorum of the members of the board participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, a board member may participate remotely for "just cause" or due to "emergency circumstances."

If the physical attendance quorum requirement is met, AB 2449 permits a member who is not physically present to participate remotely if one of the following is met:

1. The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for "**just cause**," and includes in the notification a general description of the circumstances relating to their need to appear remotely at the given meeting; or
2. The member requests the legislative body to allow them to participate in the meeting remotely due to "**emergency circumstances**" and the legislative body takes action to approve the request. The legislative body must request a general description (generally not exceeding 20 words) of the circumstances relating to the member's need to appear remotely at the given meeting.

"Just cause" is limited to one or more of the following:

- (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate in the meeting remotely;
- (ii) a contagious illness that prevents a member from attending in person;
- (iii) a need related to a physical or mental disability as defined by statute; or
- (iv) travel while on official business of the legislative body or another state or local agency.

"Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person. The emergency circumstances basis for remote participation is contingent on a request to, and action by, the board.

In addition to the need to make the request either for "just cause" or due to an "emergency circumstance" for remote appearance as soon as possible, AB 2449 imposes the following three requirements on board members seeking to appear remotely at public meetings:

- Before any action is taken during the meeting, the member must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
- A member of the legislative body participating from a remote location must participate through both audio and visual technology.
- A member's remote participation cannot be for more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year.

The legislative body must also provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting. In addition, no action can be taken if a disruptive event prevents the legislative body from broadcasting the meeting. Lastly, the legislative body is permitted to take action on the request to appear remotely even if the item of business was not included on the posted agenda if the request to participate remotely is due to emergency circumstances and the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. Under such circumstances, however, the legislative body must approve the request by a majority vote.

AB 2449 also adds a new requirement for legislative bodies that applies regardless of whether the Board avails itself of the procedures under AB 2449. Legislative bodies must implement procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws.

The remote meeting rules enacted by AB 361 will expire on January 1, 2024. AB 2449's rules become effective on January 1, 2023 and remain in effect until January 1, 2026.

Submitted by:

MDS -- APPROVED

Manuel D. Serpa
Deputy General Counsel



Summary of AB 2449

Presentation to the Board of Retirement
Orange County Employees Retirement System
October 17, 2022



AB 2449

- On September 13, 2022, Governor Newsom signed into law Assembly Bill (AB) 2449 (Rubio).
- The Bill amends the Brown Act to provide an alternative teleconference procedure.
- The new amendments go into effect on January 1, 2023 and apply until January 1, 2026.
- AB 361 procedures remain available until the earlier of January 1, 2024 or the date the state of emergency is ended.



Requirements

- At least a quorum of the board must participate in person from a single, physical location that is open to the public, identified on the agenda, and within the boundaries of the local agency.
- A board member may only teleconference for publicly disclosed "**just cause**" or in defined "**emergency circumstances**" approved by the board.



Just Cause

"Just cause" is limited to one or more of the following:

- 1) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- 2) a contagious illness that prevents a member from attending in person;
- 3) a need related to a defined physical or mental disability that is not otherwise accommodated; or
- 4) travel while on official business of the legislative body or another state or local agency.



Just cause procedure

- For remote attendance based on “just cause,” member must **notify** the board of the need *at the earliest opportunity possible*, including as late as the start of a regular meeting.
- Notification must include a general description of the circumstances relating to the need to appear remotely.
- A member is limited to two remote appearances per calendar year based on just cause.



Emergency circumstance

"Emergency circumstance" means a physical or family medical emergency that prevents a member from attending in person.

- To attend via teleconference on this basis, member must make a **request** to the board *as soon as possible*.
- Request must provide a general description of the circumstances justifying the need for remote appearance.
- Request must be approved by a majority of the board at the start of the meeting.



Yet more

In addition to the just cause and emergency circumstance notification/request procedures, **there are three additional requirements for a member to appear remotely:**

1. Before any action is taken during the meeting, the member must publicly disclose whether any other individuals 18 years of age or older are present in the room with the member at the remote location, and disclose the general nature of the member's relationship with any such individuals.



Yet more

2. The remote member must participate through **both** audio and visual technology.

3. A member's remote participation cannot be for more than three consecutive months and not more than 20 percent of the regular meetings for the local agency within a calendar year. (This is separate from the limit of two remote appearances per calendar year based on just cause.)



Access and Agenda

- The legislative body must also provide a two-way audiovisual platform **or** a two-way telephonic service *and live webcasting* of any meeting where there is remote attendance by a member of the body to allow the public to remotely hear, visually observe, and remotely address the legislative body.
- No action can be taken if the broadcast is disrupted.
- Agenda for any meeting where there is remote attendance by a member of the body must identify and include an opportunity for the public to attend and address the board via a call-in option, internet-based service option, and at the in-person location of the meeting.



Timeline

Now until Jan. 1, 2023: Traditional Brown Act teleconferencing rules or AB 361's procedure during a state of emergency.

Jan. 1, 2023 to Jan 1, 2024: Traditional Brown Act teleconferencing rules, AB 361's procedure, or AB 2449 rules for just cause or emergency circumstance.

Jan. 1, 2024 to Jan. 1, 2026: Traditional Brown Act teleconferencing rules or AB 2449 rules.

Jan. 1, 2026 forward: Traditional Brown Act teleconferencing rules.



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **COVID-19 UPDATE**

Presentation

I will provide a verbal update of any timely COVID-related information items to the Board on October 17.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

*Orange County Employees Retirement System
Retirement Board Meeting
October 17, 2022
Application Notices*

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
Angel, Martin	OC Public Works	7/15/2022
Arrowchis, Jennifer	Health Care Agency	7/15/2022
Avila, Lisa	Probation	7/15/2022
Babala, Susan	Social Services Agency	7/15/2022
Baetz, Debra	Social Services Agency	8/12/2022
Bess, Daniel	OC Community Resources	8/12/2022
Bilsel, Semra	OC Community Resources	7/15/2022
Blashford, James	Assessor	7/15/2022
Bosack, Diana	Social Services Agency	7/1/2022
Brame, Kathleen	OC Community Resources	8/12/2022
Bridges, William	OC Public Works	8/12/2022
Bushhousen, Steven	Sheriff's Dept	8/12/2022
Carbajal, Cynthia	Superior Court	7/15/2022
Carlsen, Anne	City of San Juan Capistrano	7/22/2022
Castiglia, Arthur	Sheriff's Dept	7/23/2022
Chantanasombute, Naran	District Attorney	7/24/2022
Contini, Jennifer	Superior Court	8/12/2022
Contreras, Javier	Social Services Agency	7/4/2022
Cooper, Christy	Health Care Agency	7/15/2022
Cozzitarto, Peter	Probation	7/15/2022
Cullen, John	OC Public Works	7/15/2022
D'alessandro, Teresa	Social Services Agency	7/19/2022
Debolt, Rodney	Sheriff's Dept	8/12/2022
Do, Huong	District Attorney	7/15/2022
Dolnick, Jeremy	Public Defender	8/15/2022
Dominey, Janeane	OC Community Resources	8/12/2022
Esmero, Luz	OCTA	7/3/2022
Farrell, Thomas	OCTA	7/17/2022
Fonopo, Saline	OCTA	8/6/2022
Garcia, Grace	OCTA	7/3/2022
Garcia, Russell	Fire Authority (OCFA)	6/30/2022
Garciacano, Elena	Superior Court	8/5/2022
Gibbons, Rosalie	Social Services Agency	8/12/2022
Gonzales, Michelle	District Attorney	8/12/2022
Gonzales, Robert	OC Community Resources	7/29/2022
Gonzalez, Martha	Health Care Agency	8/12/2022
Gorski, Alan	OCTA	7/31/2022
Grieco, Jeannette	John Wayne Airport	7/1/2022
Haughton, John	District Attorney	7/29/2022
Heinrichs, Scott	OC Public Works	7/29/2022
Hernandez, Pariet	Fire Authority (OCFA)	7/1/2022
Jefferson, Steven	OCTA	8/7/2022
Jewell Oakden, Theresa	Sheriff's Dept	7/28/2022
Johnson, Dean	Fire Authority (OCFA)	7/29/2022
Johnson, Randall	Sheriff's Dept	7/15/2022
Kainth, Atma	Social Services Agency	7/1/2022

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
Kibby, Mark	Sanitation District	7/29/2022
Lair, Marzette	County Counsel	8/12/2022
Lottman, Mark	Social Services Agency	7/29/2022
Lubchenko, Norean	Social Services Agency	8/3/2022
Madory, Cristina	Health Care Agency	7/15/2022
Mannings Jr., John	Social Services Agency	8/12/2022
Manssourian, Andre	District Attorney	7/14/2022
Marquez, Joe	Assessor	7/1/2022
Martinez, Monica	Social Services Agency	7/1/2022
Marumoto, Ann	OCTA	8/14/2022
Marvray, Gerald	Sheriff's Dept	7/1/2022
Mathers, John L	Fire Authority (OCFA)	8/12/2022
Mautier, Katherine	Sheriff's Dept	8/12/2022
Mazzeo, Patricia	OCERS	7/5/2022
Medina, Rita	Social Services Agency	7/15/2022
Mercer, Martha	Social Services Agency	7/15/2022
Mills, Victoria	Fire Authority (OCFA)	4/1/2022
Montaghami, Thomas	Social Services Agency	5/20/2022
Moreno, Peter	Sheriff's Dept	3/12/2022
Munoz, Grace	Social Services Agency	5/31/2022
Navarrette, Derek	Sanitation District	8/2/2022
Neebe, Lezlee	Superior Court	7/22/2022
Ophaso, Paul	Sheriff's Dept	7/1/2022
Orme, Patricia	Health Care Agency	8/12/2022
Ortiz Castro, Maria	Social Services Agency	8/12/2022
Page, Barbara	Social Services Agency	7/29/2022
Pagel, Donnalee	OCTA	7/25/2022
Patricelli, Richard	OC Public Works	8/13/2022
Perez, Lida	Health Care Agency	8/12/2022
Piehl, Christy	Social Services Agency	7/15/2022
Prieto, Bryan	Probation	7/29/2022
Recio, Sheila	Superior Court	6/30/2022
Richards, Elizabeth	OCTA	7/1/2022
Rivera, Arnell	District Attorney	7/29/2022
Robertson, George	Sanitation District	7/15/2022
Robertson, James	Fire Authority (OCFA)	8/21/2022
Robinson, Tamica	OCTA	8/5/2022
Rodriguez, Martha	Health Care Agency	7/29/2022
Romines, Christopher	County Executive Office (CEO)	8/12/2022
Round, Lynnette	Fire Authority (OCFA)	7/1/2022
Rubio, Christopher	Fire Authority (OCFA)	7/2/2022
Rudd, Rick	Sheriff's Dept	6/28/2022
Saddler, Robert	OC Public Works	7/15/2022
Sandoval, Ismael	OCWR	7/29/2022
Santos, Maricar	Social Services Agency	7/1/2022
Scheibe, James	Auditor Controller	7/15/2022
Sparks, Jon	District Attorney	8/8/2022
St. Hilaire, Kathy	Health Care Agency	8/9/2022
Stammerjohan, Robert	Sheriff's Dept	8/18/2022
Standiford, John	OCTA	6/30/2022
Stumph, Charles	Sheriff's Dept	7/15/2022
Tafoya, Mari	Health Care Agency	7/29/2022
Tenorio, Maria	Health Care Agency	7/15/2022

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
Thomson, Nam	Health Care Agency	8/13/2022
Thronson, Stephen	Health Care Agency	7/1/2022
Tiscareno, George	Sheriff's Dept	7/29/2022
Turner, Maria	Probation	8/23/2022
Ubal dini, Deborah	Social Services Agency	7/1/2022
Uyeno, Christine	Health Care Agency	8/12/2022
Van Camp, Scott	Superior Court	7/9/2022
Webber-Klein, Michele	Health Care Agency	7/25/2022
White, David	District Attorney	7/29/2022
Whitfill, Denis	OC Public Works	8/12/2022
Yahya, Moyasar	Sanitation District	7/1/2022

***Orange County Employees Retirement
Retirement Board Meeting
October 17, 2022
Death Notices***

<i>Active Members</i>	<i>Agency/Employer</i>
Gandara, Adam	OCTA
Jacobo, Elisabeth	Social Services Agency

<i>Retired Members</i>	<i>Agency/Employer</i>
Adams, Michael	County Executive Office (CEO)
Bensinger, Diana	OCTA
Bobleter, Florence	District Attorney
Brewer, Jacqueline	Social Services Agency
Brown, Darryl	Probation
Butler, Brenda	Health Care Agency
Carpenter, Barbara	Health Care Agency
Carter, Clayton	Probation
Casmero, Helen	Superior Court
Coleman, Charles	Social Services Agency
Collins, Timothy	District Attorney
Conley, Florence	OC Community Resources
Cordell, Karen	Superior Court
Cunningham, Raymond	OCTA
Dehler, Lynne	Sheriff's Dept
Delgado, Cecilia	Social Services Agency
Douglas, Randall	OCTA
Dow, Peggy	Health Care Agency
Drinkard, James	OCTA
Dunacheck, Edward	Sheriff's Dept
Dunn, Betty	Health Care Agency
Feehan, John	District Attorney
Fels, Paul	Sanitation District
Fullmer, Elizabeth	Health Care Agency
Gallivan, Thomas	Sheriff's Dept
Goyette-Kozabar, Phyllis	OC Public Works
Grumkoski, Theodore	Sheriff's Dept
Hajek, Virginia	Social Services Agency
Hartwig, Robert	OCTA
Hass, Peter	Sanitation District
Henry, Eleanor	Social Services Agency
Ho, Hnach	Health Care Agency
Hutcherson, Kathy	Social Services Agency
Iverson, Madge	Health Care Agency
James, Ronald	Sheriff's Dept
Jarvis, Jo Ann	Superior Court
Jones, Gary	OCTA
Kadota, Marion	OC Public Works
Kirwin, Shirley	Child Support Services

Klecak, Naomi	Health Care Agency
Kohler, Carol	Superior Court
Kokka, Melva	UCI
Kyriakidis, Andromachi	Sheriff's Dept
La Gourage, John	Health Care Agency
Lambooy, Henry	OCTA
Lerche, Svend	OCTA
Lincoln, Robert	Sheriff's Dept
Matson, Phillip	Auditor Controller
Mc Connell, Gordon	Sheriff's Dept
Murphy, Eunice	OCTA
Naughton, Kathy	Sheriff's Dept
Nickle, Irene	OC Public Works
Nida, Therese	Health Care Agency
Novick, Alphonsus	District Attorney
Paul, James	OCTA
Peralta, Pauline	Health Care Agency
Perry, Joseph	OC Public Works
Pflimlin, Robert	OC Public Works
Powers, Gregory	OCTA
Pulver, Burdette	OC Public Works
Randall-Many, Patricia	Probation
Reid, Laureen	Public Defender
Riggins, Raymond	OCTA
Rios, Nelly	Health Care Agency
Rowan, Elaine	John Wayne Airport
Rutkowska, Charlotte	Social Services Agency
Smith, Cheryl	Social Services Agency
Smith, Sandy	OC Community Resources
Tait, George	OC Community Resources
Wall, Timothy	Sheriff's Dept
Weickum, Otis	Sheriff's Dept
Winne, Gary	Probation
Yazon, Delia	Social Services Agency
York, Arthur	OCWR

<i>Surviving Spouses</i>	
Avelino, Teresita	
Carson, Bernice	
DeCarlo, Barbara	
Dow, Peggy	
Farr, Caroline	
Hansen, Mary	
Kennedy, Barbara	
Kimbrough, Constancia	
Ray, John	
Reid, Laureen	
Reid, Robert	
Stavenhagen, Sharon	
Tarter, Judith	
Van Fleet, Frances	

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA 92701**

GOVERNANCE COMMITTEE MEETING

May 3, 2022

1:00 p.m.

MINUTES

The Chair called the meeting to order at 1:03 p.m.

Ms. Nih administered the roll call.

Present via Zoom Video conference pursuant to Government Code § 54953, as amended by AB 361:

Arthur Hidalgo, Chair; Richard Oates, Vice Chair; Adele Tagaloa

Also present via Zoom:

Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Manuel Serpa, Staff Attorney; Cynthia Hockless, Director of Human Resources; Jim Doezie, Contracts Administrator; Anthony Beltran, Audio Visual Technician; Bill Singleton, Paralegal; Carolyn Nih, Recording Secretary

Absent: Shari Freidenrich

CONSENT AGENDA

C-1 APPROVE GOVERNANCE COMMITTEE MEETING MINUTES

Governance Committee Meeting Minutes

February 14, 2022

MOTION by Ms. Tagaloa, **seconded** by Mr. Oates, to approve the Minutes.

The motion passed **unanimously**.

ACTION ITEMS

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

No items were trailed from the Consent Agenda.

A-2 TRIENNIAL REVIEW OF THE BOARD OF RETIREMENT CHARTER (SECOND READING) AND POTENTIAL RELATED REVISION TO THE PROCUREMENT AND CONTRACTING POLICY

Presentation by Gina M. Ratto, General Counsel and Brenda Shott, Asst. CEO Internal Operations and Finance

Recommendation: Approve on a second reading and recommend the Board adopt the proposed revisions to the Board of Retirement Charter as presented.

Ms. Ratto reviewed changes as suggested from the February 2022 Governance Meeting.

Orange County Employees Retirement System
May 3, 2022
Governance Committee Meeting – Minutes

Page 2

MOTION by Mr. Oates, **seconded** by Ms. Tagaloa, to approve staff recommendation with the addition of expanding language on item 15-E and sent for final approval by the full Board.

The motion passed **unanimously**.

A-3 PROPOSED REVISIONS OF THE PROTOCOL FOR HANDLING WORKPLACE COMPLAINTS AGAINST BOARD MEMBERS AND EXECUTIVES

Presentation by Gina M. Ratto, General Counsel

Recommendation: Approve and recommend that the Board of Retirement (Board) approve, proposed revisions to the Protocol for Handling Workplace Complaints Against Board Members and Executives.

Ms. Ratto reviewed changes as suggested from the February 2022 Governance Meeting.

MOTION by Ms. Tagaloa, **seconded** by Mr. Oates, to approve the staff recommendations.

The motion passed **unanimously** via acclamation vote (approved by General Counsel).

A-4 TRIENNIAL REVIEW OF THE MEMBER SERVICES CUSTOMER SERVICE POLICY

Presentation by Suzanne Jenike, Asst. CEO, External Operations

Recommendation: Approve and recommend the Board adopt the proposed revisions to the Member Services Customer Service Policy as presented.

Item was pulled by Ms. Jenike to be brought forward at the next meeting.

A-5 TRIENNIAL REVIEW OF THE RETIREMENT ENHANCEMENT REVIEW POLICY

Presentation by Suzanne Jenike, Asst. CEO, External Operations

Recommendation: Approve and recommend the Board adopt the proposed revisions to the Retirement Enhancement Review Policy as presented.

Ms. Jenike reviewed changes to basic document formatting and title to note “Spiking.”

MOTION by Mr. Oates, **seconded** by Ms. Tagaloa, to approve the staff recommendations.

The motion passed **unanimously**.

A-6 TRIENNIAL REVIEW OF THE PAY ITEM REVIEW POLICY

Presentation by Suzanne Jenike, Asst. CEO, External Operations

Recommendation: Approve and recommend the Board adopt the proposed revisions to the Pay Item Review Policy as presented.

Ms. Jenike reviewed changes to basic document formatting and document structure.

MOTION by Mr. Oates, **seconded** by Ms. Tagaloa, to approve the staff recommendations.

Orange County Employees Retirement System
May 3, 2022
Governance Committee Meeting – Minutes

The motion passed unanimously.

A-7 TRIENNIAL REVIEW OF THE WHISTLEBLOWER POLICY

Presentation by Cynthia Hockless, Director of Human Resources

Recommendation: Approve and recommend the Board of Retirement (Board) approve, proposed revisions to the Whistleblower policy.

Ms. Hockless presented, and Mr. Serpa shared changes from previous and updated policy.

MOTION by Ms. Tagalao, seconded by Mr. Oates, to approve the staff recommendations.

The motion passed unanimously.

A-8 FUTURE COMMITTEE MEETINGS

Recommendation: Approve dates for the meetings of the Governance Committee for the remainder of the year.

MOTION by Mr. Oates, seconded by Ms. Tagalao, to approve Wednesday, August 3, 2022, at 9:30 a.m. and Wednesday, October 19, 2022, at 9:30 a.m. for future Governance Committee meeting dates.

The motion passed unanimously.

INFORMATION ITEMS

I-1 COUNTY OF ORANGE BOARD OF SUPERVISORS BYLAWS TEMPLATE

Presentation by Steve Delaney, CEO

COMMITTEE MEMBER COMMENTS

None

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

None

COUNSEL COMMENTS

None


ADJOURNMENT at 2:12 p.m.

Submitted by:

Approved by:

DocuSigned by:

C00D5744FF39463...
Steve Delaney
Secretary to the Board

DocuSigned by:

000170BD05614C9...
Arthur Hidalgo, Chair

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

AUDIT COMMITTEE MEETING

March 30, 2022

9:30 a.m.

MINUTES

OPEN SESSION

The Chair called the meeting to order at 9:31 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present: Frank Eley, Chair; Shari Freidenrich, Vice Chair; Richard Oates

Present via Zoom Video
conference pursuant to
Government Code § 54953,
as amended by AB 361: Charles Packard

Also Present: David Kim, Director of Internal Audit; Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Jeff Lamberson, Director of Member Services; Tracy Bowman, Director of Finance; Laura Barker; Finance Manager; Manuel Serpa, Staff Attorney; Mark Adviento, Internal Auditor; Jenny Sadoski, Director of Information Technology; Javier Lara, Audio Visual Technician; Marielle Horst, Recording Secretary; Carolyn Nih; Executive Secretary

PUBLIC COMMENT

None.

CONSENT AGENDA

MOTION by Oates, **seconded** by Packard, to approve the following Consent Agenda items:

C-1 APPROVE AUDIT COMMITTEE MEETING MINUTES

Audit Committee Meeting Minutes

March 30, 2022

The motion passed **unanimously**.

ACTION AGENDA

Audit Committee Meeting
June 2, 2022

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA.

A-2 2021 FINANCIAL STATEMENT AUDIT

Introduction by Brenda Shott, Assistant CEO of Finance and Internal Operations, and Tracy Bowman, Director of Finance, OCERS

Presentation by Kory Hoggan and Aaron Hamilton, Moss Adams

Recommendations:

1. Approve OCERS' audited financial statements for the year ended December 31, 2021;
2. Direct staff to finalize OCERS' 2021 Annual Comprehensive Financial Report (Annual Report);
3. Approve the Governmental Accounting Standards Board (GASB) Statement 67 Actuarial Valuation as of December 31, 2021; and
4. Receive and file Moss Adams LLP's "OCERS' Report to the Audit Committee for the Year Ended December 31, 2021" and their "Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards."

Ms. Shott thanked staff and Moss Adams for their hard work in preparing the Audit.

Moss Adams presented their findings, which noted no audit adjustments, uncorrected misstatements, illegal acts, or difficulties.

After discussion by the Committee, **MOTION** by Freidenrich, **seconded** by Packard to adopt staff's recommendation.

The motion passed **unanimously**.

A-3 GASB 68 VALUATION AND AUDIT REPORT

Presentation by Brenda Shott, Assistant CEO of Finance and Internal Operations

Recommendations:

1. Approve OCERS' audited Schedule of Allocated Pension Amounts by Employer as of and for the Year Ended December 31, 2021; and
2. Approve the Governmental Accounting Standards Board (GASB) Statement 68 Actuarial Valuation as of December 31, 2021 for distribution to Employers.

MOTION by Freidenrich, **seconded** by Packard to adopt staff's recommendation.

The motion passed **unanimously**.

The committee recessed for break at 10:18 a.m.

Audit Committee Meeting
June 2, 2022

The Committee reconvened from break at 10:36 a.m.

Recording Secretary administered the Roll Call.

Mr. Packard arrived at 10:40 a.m.

A-4 ACTUARIAL AUDITOR INTERVIEWS

Introduction by David Kim, Director of Internal Audit

Presentations by Buck Global, LLC; and Cheiron, Inc.

Recommendation: Staff recommends (1) selecting one of the two finalists chosen to make an oral presentation at the June 2, 2022 Audit Committee meeting to serve as OCERS actuarial auditor based on the firm’s presentation, responsiveness to the Audit Committee’s questions, and the written proposal submitted; and (2) after conducting such interviews, that the Audit Committee recommend to the Board of Retirement to award a contract for actuarial auditor services to the selected finalist, subject to satisfactory negotiation of terms.

An interview was conducted with Buck Global.

The committee recessed for break at 11:15 a.m.

The Committee reconvened from break at 11:25 a.m.

Recording Secretary administered the Roll Call.

An interview was conducted with Cheiron, Inc.

After discussion by the Committee, a **MOTION** by Freidenrich, **seconded** by Oates to recommend to the Board of Retirement to award a contract for actuarial auditor to Cheiron, Inc.

The motion passed **unanimously**.

The committee recessed for break at 12:28 p.m.

Mr. Packard was excused at 12:28 p.m.

The Committee reconvened from break at 1:17 p.m.

Recording Secretary administered the Roll Call.

CLOSED SESSION

E-1. THREAT TO PUBLIC SERVICES OR FACILITIES (GOVERNMENT CODE SECTION 54957)

Audit Committee Meeting
June 2, 2022

Adjourn into Closed Session pursuant to Government Code section 54957 to consult with *Steve Delaney, CEO; Suzanne Jenike, Asst. CEO; Brenda Shott, Asst. CEO; Matthew Eakin, Director of Information Security; Jenny Sadoski, Director of Information Technology; Jon Gossard, Information Security Manager; and Gina M. Ratto, General Counsel*

Recommendation: Take appropriate action.

Chair Eley noted no reportable action was taken in Closed Session.

INFORMATION ITEM

I-1 ALAMEDA DECISION IMPLEMENTATION PROJECT UPDATE

Presentation by Suzanne Jenike, Assistant CEO of External Operations

Ms. Jenike gave an update to the Committee on the status of the Alameda Project. Ms. Jenike presented a timeline of the project milestones and thanked the staff for all their efforts to make this project a success.

Mr. Eley noted the recalculations were pushed back to September because of staffing vacancies. Ms. Freidenrich inquired about the staffing vacancies.

WRITTEN REPORTS

R-1 MANAGEMENT ACTION PLAN VERIFICATION

Written Report

R-2 STATUS UPDATE OF 2022 AUDIT PLAN

Written Report

COMMITTEE MEMBER COMMENTS

Mr. Eley thanked staff for all their hard work with the new technology and hiring of a new auditor.

CHIEF EXECUTIVE OFFICER

Mr. Delaney commented in response to Ms. Freidenrich's inquiry to the vacancy rate, noting a quarterly report is provided during the Board meetings. Quarterly reports are also included in the monthly update. Staff has focused on the vacancy rate and there will be positive results on the next report.

STAFF COMMENTS

Mr. Kim commented the Internal Audit Department has had an increase in workload with the Alameda project, as they received direction from the Audit Committee Chair to test beyond a sample of Alameda related benefit recalculations. The increased testing would impact the other audits in the 2022 Audit Program scheduled for the second half of the year.

Ms. Freidenrich noted she would be comfortable with auditing only a sample of the activities.

Mr. Eley recommended audit should be performed on all activities, eventually tapering off to a sampling. Mr. Eley suggested to bring on a 3rd party auditor to help with the other auditing projects.

Audit Committee Meeting
June 2, 2022

Mr. Oates agreed with Mr. Eley, as to performing audits on all activities, pending how the Alameda benefits recalculations are processed.

The Audit Committee provided further direct in which the initial set of benefit recalculations with the highest risk will be audited 100% and the results will be discussed with the Audit Committee for further instruction. Additionally, the Audit Committee provided direction to expand the resources of Internal Audit to address the increased workload.

COUNSEL COMMENTS

None

ADJOURNMENT

The Chair adjourned the meeting at 2:27 p.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Frank Eley
Chair

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

**PERSONNEL COMMITTEE MEETING
Monday, August 1, 2022
10:00 AM**

Members of the Committee

Chris Prevatt, Chair
Charles Packard, Vice Chair
Richard Oates
Shawn Dewane

MINUTES

Chair Prevatt called the meeting to order at 10:03 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present via Zoom video teleconference pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020:

Present: Chris Prevatt, Chair; Charles Packard, Vice Chair; Richard Oates;

Absent: Shawn Dewane

Also

Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Manuel Serpa, Deputy General Counsel; Molly Murphy, Chief Investment Officer; Cynthia Hockless, Director of Human Resources; Anthony Beltran, Visual Technician; and Carolyn Nih, Recording Secretary

Guests via Zoom: Allan Emkin, Meketa

PUBLIC COMMENTS
None

CONSENT AGENDA

Orange County Employees Retirement System
August 1, 2022
Personnel Committee Meeting - Minutes

MOTION by Packard, **seconded** by Oates, to approve staff's recommendation on all of the following items on the Consent Agenda:

C-1 COMMITTEE MEETING:

Personnel Committee Meeting

July 14, 2022

Recommendation: Approve minutes.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

AYES

NAYS

ABSTAIN

ABSENT

Mr. Oates
Mr. Packard
Chair Prevatt

Mr. Dewane

ACTION ITEMS

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

No items were trailed from the Consent Agenda.

A-2 INCENTIVE COMPENSATION POLICY

Presentation by Steve Delaney, CEO, OCERS

After discussion by the Committee, **MOTION** by Packard, **seconded** by Oates, to request the OCERS Board of Retirement approve the proposed Incentive Compensation policy.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

AYES

NAYS

ABSTAIN

ABSENT

Mr. Oates
Mr. Packard
Chair Prevatt

Mr. Dewane

INFORMATION ITEMS

The following informational items were presented to the Committee:

None

WRITTEN REPORTS

Orange County Employees Retirement System
August 1, 2022
Personnel Committee Meeting - Minutes

Page 3

The following are written reports that will not be discussed unless a member of the Board requests discussion.

None

COMMITTEE MEMBER/CEO/COUNSEL/STAFF COMMENTS

None

The meeting **ADJOURNED** at 10:42 a.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Committee

Chris Prevatt
Chair



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **CEO FUTURE AGENDAS AND 2022 OCERS BOARD WORK PLAN**

Written Report

AGENDA TOPICS FOR THE OCERS BOARD OF RETIREMENT

NOVEMBER

- Administrative and Investment OCERS Annual Budget
- CEO Personnel Review and Compensation Discussion
- Quarterly Unaudited Financial Statements
- Quarterly Budget vs Actual Report

DECEMBER

- Adopt Annual Work Plan
- Election of the Vice-Chair
- List of Next Year's Committee Assignments
- REAOC Annual Update
- CIO Comments

JANUARY

- Annual Disability Statistics
- Annual OCERS Innovations
- Annual Preview of "Year in Review": Communication Plan
- Board Education Report
- Communication Policy Fact Sheet
- Form 700 Filing Requirements
- Receive Quality of Member Services Report (Tentative)
- CIO Comments
- Annual Information Security Summary (closed session)
- Quarterly Travel and Training Expense Report

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

OCERS RETIREMENT BOARD - 2022 Work Plan

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep (Offsite)	Oct	Nov	Dec
System Oversight	Receive Quality of Member Services Report (I)	STAR COLA Posting (I)	Approve 2022 STAR COLA (A)	SACRS Board of Directors Election (A)	Preliminary December 31, 2021 Valuation (I)	Mid-Year Review of 2022 Business Plan Progress (I)	Alt. Invest. Return and Assumption Sensitivity: 20-year Illustration (I)	Review 2nd Quarter Budget to Actuals Financial Report (I)	Strategic Planning Workshop (I)	Overview of 2023 Administrative Budget and Investment (Workshop) (I)	Review 3rd Quarter Budget to Actuals Financial Report (I)	
	Receive OCERS Innovation Report (I)	Approve 2023 COLA (A)	Quarterly 2022-2024 Strategic Plan Review (A)			Approve December 31, 2021 Actuarial Valuation & Funded Status of OCERS (A)	Actuarial Review: Risk Assessment (I)	Receive OCERS by the Numbers (I)		Annual OCERS Employer Review (I)	Approve 2023-2025 Strategic Plan (A)	Approve 2023 Administrative (Operating) Budget (A)
						Approve 2021 Comprehensive Annual Financial Report (A)	Approve Early Payment Rates for Fiscal Year 2022-24 (A)	Receive Evolution of the UAAL (I)		Approve 2023 Business Plan (A)	Annual CEO Performance Review and Compensation (A)	
						Quarterly 2022-2024 Strategic Plan Review (A)				Employer & Employee Pension Cost Comparison (I)		
											Adopt 2023 Board Meeting Calendar (A)	
Board Governance				Brown Act Training (biannual) (I)								Adopt Annual Work Plan for 2023 (A)
				Fiduciary Training (I)								Vice-Chair Election (A)
												Receive 2023 Board Committee Assignments (A)
Regulation / Policies	Communication Policy Fact Sheet (I)											
Compliance	Status of Board Education Hours for 2021 (I)			Form 700 Due (A)		Receive Financial Audit (I)			State of OCERS (I)			

(A) = Action (I) = Information



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Jim Doezie, Contracts, Risk and Performance Administrator
SUBJECT: QUIET PERIOD – NON-INVESTMENT CONTRACTS

Written Report Background/Discussion

1. **Quiet Period Policy Guidelines**

The following guidelines established by the Quiet Period Policy, section 3.c, will govern a search process for any contract to be awarded by OCERS:

“...Board Members and OCERS staff shall not knowingly communicate with any party financially interested in any prospective contract with OCERS regarding the contract, the services to be provided under the contract or the selection process;”

2. **Quiet Period Guidelines**

In addition, the following language is included in all distributed RFP's:

“From the date of issuance of this RFP until the selection of one or more respondents is completed and announced, respondents are not permitted to communicate with any OCERS staff member or Board Members regarding this procurement, except through the Point of Contact named herein. Respondents violating the communications prohibition may be disqualified at OCERS’ discretion. Respondents having current business with OCERS must limit their communications to the subject of such business.”

Distributed RFP's

The RFP's noted below are subject to the quiet period until such time as a contract is finalized.

- An RFP for Insurance Broker Services was distributed in late March 2022. This RFP is to put into place an Insurance Broker as our current vendor contract has been in place for six years and their services needs to be re-bid per the Procurement and Contracting Policy. Three (3) responses were received, two finalists were selected, and a final selection was made. Contract work is currently in progress.
- In July an RFP for Business Procedure Documentation Services was distributed. This RFP seeks to identify a qualified firm to assist OCERS in creating or updating business procedure documentation across the organization. We are currently evaluating the received proposals.



Memorandum

- An RFP for employee Total Compensation Review was released in July. This is to provide benchmarking to compare employee’s total compensation versus similar internal and external positions. We are currently evaluating the received proposals.
- We sent out an RFP for Consulting Actuary Services in August. This RFP is to hire a qualified firm as a Consulting Actuary as our current contract with Segal has reached its maximum six-year term. We received four (4) proposals are currently evaluating those responses.
- We sent out an RFP for Pension Administration Technology Futurist Consulting Services in August. This RFP is to hire a qualified firm to provide consulting services for the design and implementation of Vision 2030 as it relates to a new Pension Administration system. We are waiting for proposals from qualified firms.
- We sent out an RFP for a Robotic Process Automation platform and associated services in September. This RFP is to hire a qualified firm to provide software and services to automate processes to increase productivity, efficiency, and accuracy. We are waiting for proposals from qualified firms.
- We are scheduling to distribute an RFP for Custodian Banking Service in October. This RFP is to select a firm that will provide Custodian and Banking Services as our current vendor contract has been in place for six years and their services needs to be re-bid per the Procurement and Contracting Policy.

Submitted by:



JD - Approved

Jim Doezie
Contracts, Risk and Performance Administrator



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **BOARD COMMUNICATIONS**

Written Report

Background/Discussion

To ensure that the public has free and open access to those items that could have bearing on the decisions of the Trustees of the Board of Retirement, the OCERS Board has directed that all written communications to the entire Board during the interim between regular Board meetings be included in a monthly communications summary.

News Links

The following news and informational item was provided by the CEO for distribution to the entire Board:

Steve Delaney:

- NASRA News Clips with commentary from CEO on the article about the Illinois public safety pension funds

Other Items: (See Attached)

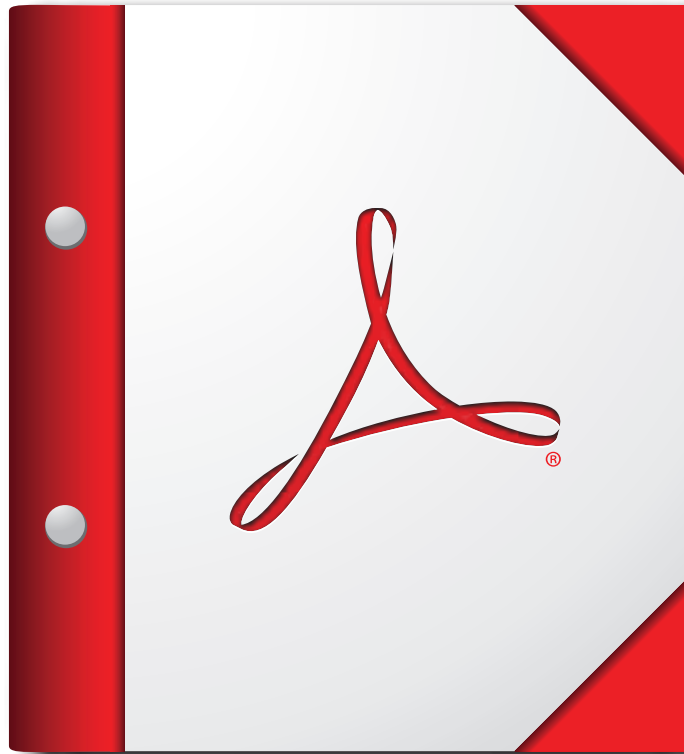
1. Monthly summary of OCERS staff activities and updates, starting with an overview of key customer service metrics, for the month of August 2022.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer



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Monthly Team Status August 2022

To the members of the OCERS Board of Retirement,

The following is my regular monthly summary of OCERS’ team activity, starting with an overview of key customer service statistics as well as activity highlights followed by updates for August.

MEMBER SERVICES MONTHLY METRICS

Retirement Applications Received					2022 Customer Service Statistics						
Month	2019	2020	2021	2022	Month	Unplanned Recalculations	Member Satisfaction Approval Rate	Calls Received via Call Center	Calls Direct to Extension	Calls Received by Operator	Total Calls (monthly)
Jan	265	240	117	346	January	0	98%	3,004	5,402	1,060	9,466
Feb	193	152	91	153	February	0	98%	2,972	5,577	1,271	9,820
Mar	112	95	51	120	March	1	98%	2,666	4,951	845	8,462
Apr	41	37	39	47	April	0	98%	2,828	4,868	966	8,662
May	41	43	52	65	May	0	98%	2,313	4,414	776	7,503
Jun	50	59	49	73	June	1	98%	1,988	4,169	757	6,914
Jul	52	262	64	54	July	0	98%	2,098	3,977	652	6,727
Aug	61	190	59	58	August	0	98%	1,945	4,210	894	7,049
Sep	42	117	70		September						
Oct	59	51	67		October						
Nov	49	48	95		November						
Dec	68	66	93		December						
Grand Total	1033	1360	847	916	Grand Total	2	98%	19,814	37,568	7,221	64,603

MEMBER SURVEY RESPONSE

“I wanted to thank your OCERS customer support representative for helping me update my tax withholdings. They were extremely kind and professional.”

August 2022

“Kudos to your OCERS customer support representative. They assisted me by explaining the benefit recalculation process. The Representative was patient and professional in a time of frustration for many people retiring. Retirement is a scary transition. Thank you OCERS for being part of the solution by providing very clear information, support and excellent customer service.”

July 2022

“I wanted to let you know how much I appreciated the courteous, and patient manner with which your OCERS representative helped me to complete the “Application For Service Retirement” form. They were very patient and thorough as they explained to me each item of the application form. Your representative made me feel a sense of confidence that I had both understood and completed the form correctly.”

June 2022



Monthly Team Status

August 2022

ACTIVITIES

OCERS YEAR IN REVIEW MEETINGS

We continued our annual outreach to labor and employer stakeholder groups in August. Most meetings are once again in person, though we did hold several via Zoom as well. It's good to have the option.

OCEA met with Ms. Shott, Ms. Jenike and myself in person. No surprises, the OCEA executive team continues to express confidence in OCERS Board activity and we are appreciative of the very open communications shared by both organizations.

Supervisor Do's calendar was a challenge this year, we had to cancel at least three times, when the Supervisor sent word that he has no issues or concerns with OCERS at this time, and knowing that nothing was pressing as I meet monthly with the various Supervisor's staff representatives, we will look to next year's outreach to sit down with the Supervisor.

Supervisor Bartlett met with Chair Eley, Vice Chair Dewane, Ms. Murphy and myself via Zoom. As is always the case, the Supervisor was particularly interested in the current status of the OC Fire Authority's current unfunded status, as she is very aware that the possibility of the City of Irvine leaving OCFA in 2030 could be a financial challenge. She was very pleased to see that OCFA is well on its way to paying off its unfunded liability prior to that 2030 date due to their payment of additional employer contributions.

Other meetings through the month were held with AOCDS (Deputy Sheriffs), ACLEM (sheriff management), the Public Law Library, and LAFCO. Again all went well, the positive portfolio returns for 2021 made these meetings a pleasure.

COUNTY OF ORANGE AUDIT OVERSIGHT COMMITTEE

As briefly reported at the time, I met with the County of Orange Audit Oversight Committee on August 11 at their request to provide an annual update report on the status of the OCERS Unfunded Actuarial Accrued Liability. With Ms. Freidenrich present as a member of the committee and assisting in the update, the report was well received, obviously helped by our outstanding portfolio returns as of December 31, 2021.

UPDATES

VISION 2030

The ongoing monthly telephonic meeting relating to AI activity, sponsored by OCERS, with participation of several OCERS employers as well as the LA County Employees Retirement Association continues to be a valuable tool for sharing actionable information. OCERS issued an RFP for a Futurist at the end of August, with the desire to receive expert guidance to assist us in the coming years with the goal of creating a new pension administration system that is modular and scalable, allowing us to add on AI technology breakthroughs as they occur, as opposed to having a static system that would become quickly out of date..



Monthly Team Status

August 2022

INVESTMENT TEAM UPDATE

Mr. Beeson reports:

As of July 31, 2022, the portfolio year-to-date is down 5.1% net of fees, while the one-year return is down 0.2%. The fund value now stands at \$21.4 billion. The OCERS Investment Team did not have any new fund closings in August. OCERS' Investment Team held prep calls during August for each of the investment topics for the upcoming Strategic Planning Workshop. The OCERS Investment Team finished the 2021 annual fee report during the month. Total portfolio fees paid equaled \$428.8 million (181.6 bps) in 2021, up from \$245.7 million (128.0 bps) in 2020. This increase was primarily driven by an increase in performance fees due to strong performance across private equity, real estate, real assets, and private credit. The Investment Team completed the fixed income and credit asset class review during August. The private credit pacing plan includes committing \$200 million per year on a rolling three-year basis. Finally, OCERS' Investment Team conducted second round interviews for its open Investment Analyst positions in August.

OCERS STAFFING

Ms. Hockless provided an up to date report on staffing at our September Strategic Planning Workshop, but has also kindly provided an update report through the end of August 2022 that is attached.



As a reminder, you will see this memo included with the BOARD COMMUNICATIONS document as part of the informational agenda for the October 18 meeting of the OCERS Board of Retirement.



Memorandum

DATE: September 20, 2022
TO: OCERS Board of Retirement
FROM: Cynthia Hockless, Director of Human Resources
SUBJECT: **AUGUST 2022 STAFFING UPDATE**

OCERS Human Resources department started the year with a budgeted headcount of one-hundred and eight (108) positions. On February 22, 2022, the budgeted headcount was increased to 110 due to the addition of two (2) new Extra-Help positions in the Member Services division. On July 18, 2022, the budgeted headcount was increased to 113 due to the addition of two (2) positions in Internal Audit and one (1) position in Investments.

Below is a grid that summarizes the total vacancies and the department(s) that the vacancies are located in. (N=New Position added in 2022, L=Legacy position or backfill)

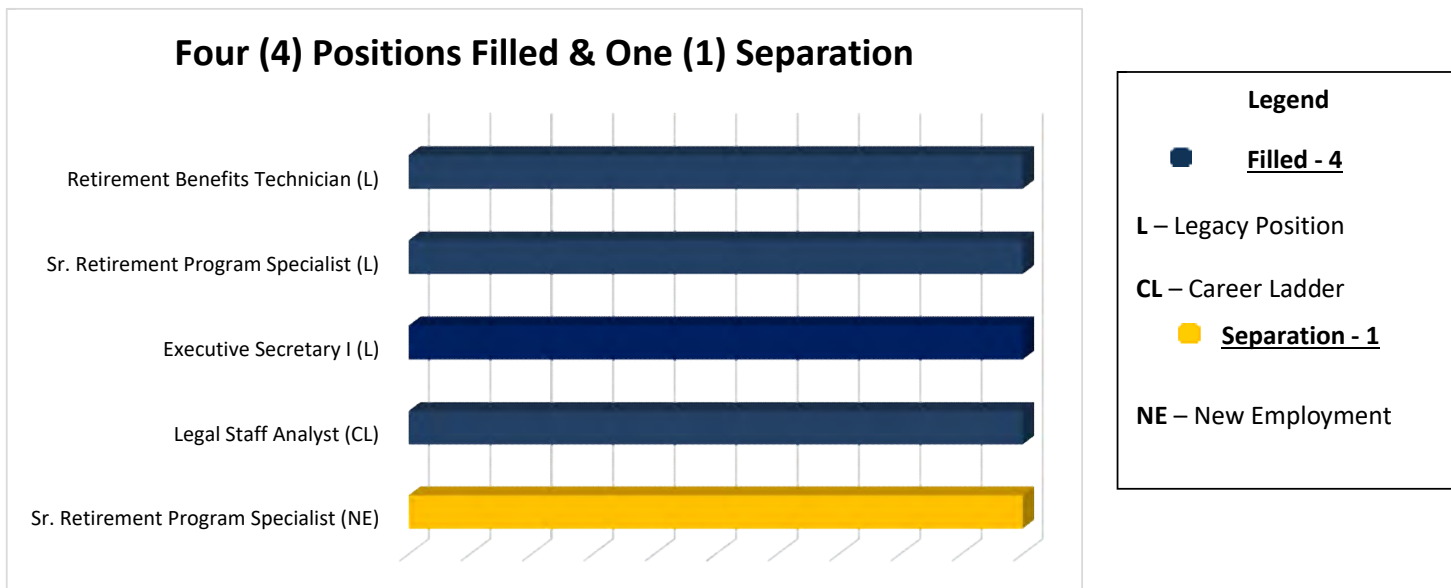
Legend	Member Services	Internal Audit	Finance	Information Technology	Operations Support Services	Investments
Number of Vacancies	Vacant Positions			Number of Vacancies	Vacant Positions	
4	Senior Retirement Program Specialists (N) 3 candidates hired 9/9			1	Director of Member Services, M/EE (N) Scheduled to start 9/23	
1	Retirement Program Specialist (N) Open recruitment			2	Internal Auditor (N) Pending interviews	
2	Member Services Benefit Analysts (N) Scheduled to start 9/23 & 10/7			1	Accountant/Auditor I (L) Scheduled to start 10/7	
3	Retirement Program Specialist (L) Open backfills from promotions			1	Information Technologist II (L) Open recruitment	
1	Disability Retirement Investigator (L) Pending 2 nd round interviews			1	IT Supervisor (Programming Supervisor/Software Architect) (L) Pending interviews	
1	Office Technician (L) Hired 9/9			1	Senior Manager of Facilities & Operations Support Services (L) Open recruitment	

1	Senior Staff Development Specialist (L) Pending 2nd round interviews	2	Investment Analyst (L)(N) Hired 9/9 & 9/23
22 Total Vacancies as of August 31, 2022 Of the 22 vacancies, 10 applicants have accepted positions scheduled to start in September and October.			

The Human Resources department has received, reviewed, and processed 1352 applications this year. This includes inviting over 101 candidates to participate in pre-employment testing, scheduling 175 interviews, hiring fourteen (14) new employees, and promoting twelve (12) employees to date.

OCERS has 113 budgeted positions. As of August, there are a total of 91 employees on payroll and twenty-two (22) vacancies. A total of twelve (12) employees have separated from the agency. **The year-to-date turnover rate is estimated at 13%.** The turnover rate is the number of separated employees divided by the number of employees on payroll, multiplied by 100. **The current vacancy rate is 19%.** The vacancy rate is calculated by taking the number of vacant positions, multiplying that number by 100, and dividing that result by the total number of budgeted positions.

August Recruitment Activity



Submitted by:



CH - Approved

Cynthia Hockless
 Director of Human Resources



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: LEGISLATIVE UPDATE

Written Report

The California Legislature adjourned into final recess on August 31, 2022. September 30, 2022 was the last day for the Governor to sign or veto bills passed by the Legislature before September 1, 2022. Bills enacted on or before October 2, 2022 will take effect January 1, 2023, unless they are urgency legislation.

New or updated information since the last report to the Board in August is indicated in bold text below.

SACRS Sponsored Bills

The SACRS membership approved the SACRS proposed legislation (annual CERL housekeeping bill) at the Fall Conference last November¹. Most of the proposals in the approved SACRS Sponsored Bill were placed into the annual omnibus committee cleanup bill with amendments to the PERL and the Education Code introduced by CalPERS and CalSTRS, respectively. (See AB 1824 below.) The remaining proposals, while not controversial, were placed in a policy bill (see AB 1971 below) because they are more than “technical cleanup” amendments suitable for an omnibus bill. In light of informal feedback in opposition to some of the provisions of AB 1971, the bill was amended on April 18, 2022 to delete a few of the proposed amendments.

Bills that Amend the CERL or PEPRA

Signed by the Governor

AB 1824 (Cooper, Voepel, Calderon, Cooley, O’Donnell, Seyarto) – SACRS Sponsored Bill -- Signed by Governor

This bill represents the annual omnibus bill to propose technical “housekeeping” amendments to Education Code provisions applicable to CalSTRS, the PERL and the CERL. With respect to the CERL, the bill makes the following changes:

1. The CERL requires, upon the death of a member, the payment of a retirement allowance earned but not yet paid to a member to be paid to the member’s designated beneficiary. The CERL requires, upon the death of a person receiving a survivor’s allowance, the payment of any allowance earned but not yet paid to the survivor to be paid to the survivor’s designated beneficiary. This bill amends Government Code section 31452.7 to include a corporation, a trust, or an estate in the definition of “beneficiary” for purposes of these provisions.

¹ The proposed legislation was approved by the OCERS Board at its October 18, 2021 meeting.

2. The CERL restricts the types of employment for which members may receive credit for service and restricts credit for other employment in public service based upon whether the member is entitled to receive a pension or retirement allowance from another public agency. If a member elects to contribute to obtain credit for other employment in another public agency, the CERL requires certification, as specified, of the fact that pension or retirement allowance will not accrue to the member by virtue of the member's employment. This bill amends Government Code section 31641.4 to specify that the provisions described above do not prohibit a member from receiving credit for a period of federal public service if federal law expressly permits the credit even though the member is already entitled to receive a pension or retirement allowance from that service.
3. The CERL prescribes a process for purposes of establishing a date of retirement with reference to safety members. Further, the CERL authorizes a safety member to be retired upon the occurrence of certain events and the filing, with the retirement board, of a written application setting forth the date upon which the member desires their retirement to become effective. The CERL prohibits this date from being more than 60 days after the date of filing the application. This bill amends Government Code sections 31663.25 and 31663.26 to revise the restrictions on the above-described effective retirement date to prohibit the retirement date from being earlier than the date the application is filed with the board or more than 60 days after the date of filing the application or more than a number of days that has been approved by the board.
4. The CERL authorizes the payment of a death benefit upon the death of a member while in service. It further prescribes the components of the death benefit, which are a member's accumulated contributions and an amount, provided from contributions by a county or district, calculated pursuant to a specified method, not to exceed 50% of annual compensation earnable or pensionable compensation of the deceased. This bill amends Government Code sections 31761, 31762, 31763, 31764 and 31781 to require, in connection with the calculation of the death benefit, that the computation for any absence be based on the compensation of the position held by the member at the beginning of the absence.
5. The bill also makes non-substantive style and technical changes to the CERL. (Government Code sections 31726 and 31726.5.)

(STATUS: **Approved by the Governor and chaptered on 09/02/22.**)

AB 1971 (Cooper) – SACRS Sponsored Bill – Signed by Governor

The CERL authorizes a member who returns to active service following an uncompensated leave of absence on account of illness or parental leave to receive service credit for the period of the absence upon the payment of the contributions, as specified. CERL prescribes limits on these benefits and processes for making contributions. CERL authorizes the provision of service credit to members in other specified instances while generally providing that a person is not entitled to service credit for time the person was not in service. This bill allows a member who returns to active service following an uncompensated leave of absence because of the serious illness of a family member when the absence is eligible for coverage, as specified, to receive service credit for the period of the absence, upon the payment of the member and employer contributions that would have been paid during that period, together with the interest that would have been earned. The bill prescribes requirements for, and limits on, this benefit and conditions its operation on approval by resolution, as specified, by the county board of supervisors.

This bill authorizes the board to grant members who are subject to a temporary mandatory furlough the same service credit and compensation earnable or pensionable compensation to which the members would have been entitled in the absence of the temporary mandatory furlough. The bill authorizes the board to condition this grant on specified factors.

The CERL generally prohibits a member retired from service from being paid for service rendered to a county or district after retirement, subject to certain exceptions, and prescribes requirements for reinstatement into a retirement system upon reemployment. CERL and PEPRA authorize reemployment of, and service by, retired members in certain capacities after retirement without reinstatement into the applicable retirement system, and prescribe limits on this service. This bill authorizes a person who is retired and receiving a retirement benefit from a county system to serve as a nonsalaried member without reinstatement for service on a part-time board commission, as specified. The bill prohibits a retired person acting in this capacity from acquiring benefits, service credit, or retirement rights with respect to the service, but authorizes the receipt of any per diem that is authorized to all members of the board or commission.

The CERL regulates disability retirements and authorizes a retirement board to grant a service retirement allowance pending the determination of the entitlement to disability retirement. If a member is found eligible for disability retirement, CERL requires that appropriate adjustments be made in the member's retirement allowance retroactive to the effective date of their disability retirement. CERL prohibits this authorization from being construed to authorize a member to receive more than one type of retirement allowance for the same period of time or to entitle a beneficiary to receive benefits which the beneficiary would not otherwise have been entitled to receive. This bill applies specified provisions in this regard to a member retired for service who subsequently files an application for disability retirement and, if the member is found to be eligible for disability retirement, requires appropriate adjustments to be made in the retirement allowance retroactive to the effective date of the disability retirement.

The CERL authorizes a member or a retired member, until the first payment of a retirement allowance is made, to elect to have the actuarial equivalent of a retirement allowance, as of the date of retirement, applied to a lesser retirement allowance payable throughout life in accordance with specified optional settlements. This bill authorizes a member retired for service who is subsequently granted a disability retirement to change the type of optional or unmodified allowance that they elected at the time the service retirement was granted.
(STATUS: **Approved by the Governor and chaptered on 09/25/22.**)

Bills that Would Have Amended the CERL or PEPRA

Vetoed by the Governor or Pulled by Author

AB 826 (Irwin) – Vetoed by Governor

This bill, which would have applied only in Ventura County, would have provided that compensation and compensation earnable include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan, as specified, if certain conditions are met. Among these conditions, the bill would have required that the retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, that the employer and employee paid contributions to the

retirement system based on the flexible benefit plan allowance, and that the employer and employee continues to pay those contributions as the employee earns this allowance. The bill would have applied these provisions to eligible members who retire on or before December 31, 2025. For members who retire after December 31, 2025, the bill would have required the retirement system to refund any contributions made by the member, and to credit any contributions made by the employer, that were made based on remuneration under these provisions but are excluded from the definition of compensation or compensation earnable in accordance with requirements under the Internal Revenue Code.

(STATUS: **Vetoed by Governor on 09/29/22.**)

AB 2493 (Chen) – Pulled by Author

This bill would have required a retirement system established under CERL, upon determining that the compensation reported for a sworn peace officer or firefighter is disallowed compensation, to require the employer to discontinue reporting the disallowed compensation. The bill would have required, for an active sworn peace officer or firefighter, the retirement system to credit all contributions made on the disallowed compensation against future contributions to the benefit of the employer that reported the disallowed compensation, and return any contribution paid by, or on behalf of, that member, to the member by the employer that reported the disallowed compensation, except in certain circumstances in which a system has already initiated ~~recalculating a process, as defined, to recalculate~~ compensation. The bill would have required the system, for a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, to credit the contributions made on the disallowed compensation against future contributions, to the benefit of the employer that reported the disallowed compensation, and to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation. The bill would have established other conditions required to be satisfied with respect to a retired sworn peace officer or firefighter, survivor, or beneficiary when final compensation was predicated upon disallowed compensation, including, among others, requiring a specified payment to be made by the employer that reported contributions on the disallowed compensation to the retired member, survivor, or beneficiary, as appropriate. The bill would have authorized a retirement system that initiated a process prior to July 1, 2022, to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation to use that system in lieu of specified provisions that the bill would have enacted. The bill would have also required certain information regarding the relevant retired member, survivor, or beneficiary needed for purposes of these provisions to be kept confidential by the recipient. The bill would have authorized an employer to submit to a retirement system for review a compensation item proposed to be included in an agreement, as specified, on and after January 1, 2022, that is intended to form the basis of a pension benefit calculation and would have required the system to provide guidance on the matter. The bill would have prescribed a process in this regard. The bill would have specified that it does not affect or otherwise alter a party's right to appeal any determination regarding disallowed compensation made by the system after July 30, 2022.

CERL defines “compensation earnable” by a member, for the purpose of calculating benefits, to mean the average compensation, as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and the same rate of pay, subject to certain exceptions. This bill would have authorized a retirement

system, to the extent it has not defined “grade,” in the above-described circumstances, to mean a number of employees considered together because they share similarities in job duties, schedules, unit recruitment requirements, work location, collective bargaining unit, or other logical work-related grouping.

The bill specified that its provisions are not to be interpreted to alter certain existing laws, including PEPRA and the holding in *Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association* (2020) 9 Cal.5th 1032.

(STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/02/22. In Senate, read first time on 05/03/22. Read second time, amended; ordered to third reading on 06/30/22. **Read third time and amended. Ordered to second reading on 08/17/22. Read second time. Ordered to third reading on 08/18/22. Read third time. Passed. Ordered to the Assembly. Bill pulled from Assembly by Author.**)

Bills that Amend the Brown Act

Signed by the Governor

AB 2449 (B. Rubio) – Signed by Governor

The Brown Act, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill revises and recasts those teleconferencing provisions and, until January 1, 2026, authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

Under this exception, the bill authorizes a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation will be contingent on a request to, and action by, the legislative body, **as prescribed. The bill, until January 1, 2026, authorizes a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made.** The bill defines terms for purposes of these teleconferencing provisions. This bill imposes prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill requires the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

(STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/26/22. In Senate, read first time on 05/27/22. Read second time; and amended on 06/15/22. Read second time; and amended on 06/23/22. **Read second time; and ordered to third reading on 08/02/22. Read third time; amended; and ordered to second reading on 08/08/22. Read second time; and ordered to third reading on 08/09/22. Read third time; passed; ordered to the Assembly on 08/24/22. Assembly concurred in Senate amendments on 08/25/22. Approved by the Governor and chaptered on 09/13/22.**)

AB 2647 (Levine) – Signed by Governor

The Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available less than 72 hours before a meeting for public inspection, as specified, at a public office or location that the agency designates. This bill instead requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. **Existing law requires a local agency to post the agenda for a special meeting at least 24 hours prior to the meeting in a location that is freely accessible to members of the public.**

(STATUS: Introduced 02/18/22. Passed out of the Assembly on 05/12/22. In Senate, read first time on 05/12/22. **Read second time; amended; and ordered to third reading on 08/01/22. Read third time; amended and ordered to second reading on 08/04/22. Read second time; and ordered to third reading on 08/08/22. Read third time; passed; and ordered to the Assembly on 08/17/22. Assembly concurred in Senate amendments on 08/22/22. Approved by Governor and chaptered 09/30/22.**)

SB 1100 (Cortese, Low, Aguiar-Curry) – Signed by Governor

The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill authorizes the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting. The bill, except as provided, requires removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill authorizes the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill defines "disrupting" for this purpose. (STATUS: **Approved by the Governor and chaptered on 08/22/22.**)

Bills that Amend Other Laws Applicable to OCERS**Signed by the Governor****AB 551 (Rodriguez) – Signed by Governor; Chaptered**

Current law, until January 1, 2023, establishes a disability retirement presumption that is applicable to the members of various public employee retirement systems who are employed in certain firefighter, public safety officer, and health care job classifications, among others, who test positive for COVID-19, as specified. The law requires, if the member retires for disability on the basis, in whole or in part, of a COVID-19-related illness, that it be presumed that the disability arose out of, or in the course of, the member's employment, unless rebutted. This bill extends the operation of the provisions described above until January 1, 2024.

(STATUS: **Approved by the Governor and chaptered on 09/29/22.**)

Other Bills of Interest**Signed by the Governor****SB 931 (Leyva) – Signed by Governor**

Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Current law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill authorizes an employee organization, as described, to bring a claim before the Public Employment Relations Board alleging that a public employer violated the above-described provisions. Upon a finding by the board that the public employer violated those provisions, the public employer will be subject to a civil penalty, to be deposited in the General Fund, of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, and subject to attorney's fees and costs. **The bill also requires the board to apply specified criteria when assessing the civil penalty.**

(STATUS: Introduced 02/07/22. Passed out of the Senate on 05/24/22. In Assembly, read first time on 05/25/22. **Read second time; and ordered to third reading on 08/16/22. Read third time; passed; ordered to the Senate on 08/24/22. Assembly amendments concurred in by Senate on 08/30/22. Approved by the Governor and chaptered on 09/29/22.**)

Bills that Apply to CalPERS and/or CalSTRS Only**Signed by Governor****AB 1667 (Cooper) – Signed by Governor**

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. Existing law also creates the Cash Balance Benefit Program, administered by the STRS board, to provide a retirement plan for the benefit of participating employees who provide creditable service for less than 50% of full time. Existing law authorizes the STRS board to audit, or cause to be audited, the records of any public agency as often as it deems necessary.

This bill prescribes various requirements and duties in connection with audits of public agencies by the STRS board. The bill requires the board to provide written notice of and the purpose and scope of an intended audit to the affected public agency and to the exclusive representative of the members affected by the audit. The bill defines “exclusive representative” for purposes of STRS. The bill requires the public agency to provide information requested by the board in a timely manner and, at that time, to also provide the information to the exclusive representative of the members affected by the audit. The bill authorizes an audited public agency and the exclusive representative of affected members to provide the board or its designee information relevant to the audit and requires the board to consider this information in preparing its audit findings. The bill requires the board to provide to the audited public agency and the exclusive representative of the affected members the preliminary audit findings, the statutes being addressed by the audit, and a list of every member known to be affected. The bill authorizes recipients to provide the board written responses to the preliminary audit findings and requires the board to consider the responses in preparing its final audit report. The bill requires the public agency to provide, as specified, the board and the exclusive representative a list of the names of any member affected by the audit not included in the board’s list.

This bill requires the board to provide the final audit report to an audited public agency, to the exclusive representative or representatives of members affected by the audit, and to the affected members, with an explanation of their appeal rights. The bill authorizes the public agency and the affected members to request administrative hearings if they disagree with the final audit and prescribes a process for this purpose. The bill requires STRS to make all final employer audit reports available on its internet website, as specified.

This bill requires STRS to provide resources, at least annually, that interpret and clarify the applicability of creditable compensation and creditable service laws. The bill prohibits new interpretations, including those that would modify prior interpretations, from taking effect until after notice is issued to employers and exclusive bargaining representatives and prohibits retroactive application to compensation reported prior to that notice, unless that is expressly required by state or federal law, or an executive order of the Governor, and generally requires application on July 1, following the notice. The bill states that for audits and other actions, including actions and penalties relating to disallowed compensation reporting, employers are responsible for the rules in effect at time the compensation is reported, except when specified. If compensation reported in accordance with these provisions is later determined by the system to result in disallowed compensation, the bill requires disallowed compensation to be deemed an error by the system, and that it not be recoverable.

The bill, beginning July 1, 2023, authorizes an employer or an exclusive representative to submit to STRS a request for an advisory letter, which is defined as a written determination relating to compensation that is included or proposed for inclusion in a publicly available written contractual agreement for review by the system in order to provide formal written guidance for the proper reporting of such- compensation, as specified. The bill prescribes a process in this regard, which includes requiring the system to provide an advisory letter within 30 days of the receipt of all information requested by the system, except as specified. The bill specifies that an advisory letter may be superseded by state or federal law, an executive order of the Governor, or a system rule. If compensation reported in accordance with a system advisory letter given pursuant to these provisions is later determined by the system to have been reported in error, the bill requires any resulting overpayment or penalty

to be deemed an error by the system and that it not be recoverable. The bill limits the use, as specified, of an advisory letter to the employer or the member to whom an advisory letter expressly relates.

Existing law requires an employer to deduct from the creditable compensation of members who are employed by the employer the member contributions required by the Teachers' Retirement Law and to remit them to the system plus required employer contributions. Existing law requires a county superintendent of schools, among others, that reports directly to the system to draw requisitions for required contributions, as specified, in favor of STRS, and the requisitions, when allowed and signed by the county auditor, are a warrant against the county treasury. Existing law requires the board to assess penalties if required contributions are not paid or if specified monthly reports are not made or are made in an improper form. Existing law creates the county school service fund and prescribes the expenses to which it may be applied. Existing law generally prohibits expending moneys in the fund for any purpose in excess of the latest proposed expenditures for a purpose as approved by the Superintendent of Public Instruction, as specified. Existing law generally requires a county auditor to approve warrants drawn on the service fund for expenses approved in the county school service fund budget. This bill authorizes the county superintendent of schools to draw requisitions against the county school service fund and the funds of the respective employing agencies for the purpose of making certain payments to STRS, as specified, in amounts equal to employing agency payments or for the purpose of recovering specified amounts paid that are the responsibility of employers.

Existing law generally authorizes the board, in its discretion and upon any terms it deems just, to correct the errors or omissions of a member or beneficiary of the Defined Benefit Program, and of any participant or beneficiary of the Cash Balance Benefit Program, if specified facts exist. Under existing law, the failure by a member, participant or beneficiary to make an inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an error or omission. Existing law requires that any overpayment made to, or on behalf of, any member, former member, or beneficiary be deducted from any subsequent benefit that may be payable, except as specified. This bill revises the requirement to deduct, as described above, to except from its application amounts overpaid in a variety of situations and instead requires that overpaid amounts be recovered from the member, participant, former member, former participant, or beneficiary, subject to specified exceptions. The bill prescribes requirements for the recovery of these and other overpaid amounts. The bill prohibits recovery of amounts overpaid due to an error by the system. The bill requires the Controller, in certain circumstances, upon the order of the board, to reduce payments from the State School Fund to a county for deposit in the county school service fund or, upon the request of a county superintendent of schools to the county auditor. The bill requires the Controller to reduce payments to a school district for deposit in the district general fund by the amount owed. The bill requires the Controller to then pay specified amounts owed for deposit in the Teachers' Retirement Fund. The bill excepts certain recoveries and benefit adjustments from these requirements.

Existing law requires STRS, if an employer reports erroneous information, to calculate the actuarial present value of the expected payments from the member, the former member, or beneficiary, as specified, and requires the employer to pay the difference between the total amount of the overpayment and the calculation of the actuarial present value of expected payments. This bill deletes that provision.

(STATUS: Introduced 01/19/2022. Passed out of the Assembly on 05/26/22. In Senate, read first time and ordered to Com. on RLS for assignment 05/27/22. Referred to Coms. on L, P.E & R and JUD on 06/08/22. Re-referred to Com. on JUD on 06/23/22. From committee: Do pass and re-referred to Com. on APPR on 06/29/22. From committee chair, with author's amendments; amend and re-refer to committee. Read second time, amended and re-referred to Com. on APPR on 08/01/22. **Read third time and amended. Ordered to third reading on 08/25/22. Read third time. Passed. Ordered to the Assembly on 08/29/22. In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling on 08/30/22. Enrolled and presented to the Governor on 09/12/22. Approved by the Governor and chaptered on 09/29/22.)**

AB 1722 (Cooper) – Signed by Governor

The PERL, until January 1, 2023, provides a state safety member of CalPERS who retires for industrial disability a retirement benefit equal to the greatest amount resulting from three possible calculations. In this regard, the benefit amount is based on an actuarially reduced service retirement, a service retirement allowance, if the member is qualified, or 50% of the member's final compensation, plus an annuity purchased with their accumulated contributions, if any. This bill deletes the termination of these provisions on January 1, 2023, thereby making them operative in perpetuity.

(STATUS: **Approved by the Governor and chaptered on 09/18/22.**)

AB 2443 (Cooley) – Signed by Governor

~~Current law establishes the Legislators' Retirement System, Public Employees' Retirement System, the Judges' Retirement System, and Judges' Retirement System II, all of which provide retirement and other benefits to their respective members and are administered by CalPERS. Existing federal law prescribes limits on the amount of retirement benefits that a member may receive if a retirement system is to maintain its tax-qualified status and may require that benefits from different retirement plans maintained by the same employer be aggregated. This bill, for purposes of the above-described retirement systems, would prescribe the method by which benefits are to be reduced when federal law requires aggregation of benefits from different plans maintained by the same employer and federal limits on benefits are reached.~~

Existing law establishes the Judges' Retirement System II, which provides retirement and other benefits to its members and is administered by the Board of Administration of the Public Employees' Retirement System.

~~Under existing law, the Judges' Retirement System II, a judge is eligible to retire upon attaining both 65 years of age and 20 or more years of service, or upon attaining 70 years of age with a minimum of 5 years of service. Existing law entitles a judge who retires pursuant to this authorization to elect between a specified a monthly retirement allowance for life or certain monetary credits. Existing law grants the surviving spouse of a judge who was eligible to retire, as specified, the right to elect to receive either a monthly retirement allowance or monetary credits within 90 days after the judge's death. Existing law establishes the right of the surviving spouse of a retired judge who elected to receive a monthly allowance, or who was retired for disability and receiving an allowance, to a specified monthly allowance.~~

This bill, on and after January 1, 2024, **and until January 1, 2029**, authorizes a judge who is not eligible to retire pursuant to the provisions described above to elect ~~other specified, monthly retirement allowances.~~ **to retire**

and defer receipt of a monthly allowance, subject to specified formulations. In order to be eligible for these benefits, the bill requires a judge to be at least 60 years of age and have 15 years or more of service or 65 years of age with a minimum of 10 years of service. The retirement allowances prescribed by the bill will be based on a judge's final compensation and years of service credit adjusted by certain percentages that vary in relation to "full retirement age," as ~~defined.~~ **defined, and when the judge retires.** The bill prohibits a retirement allowance calculated pursuant to these provisions from exceeding, at the time of retirement, 75 percent of a judge's final ~~compensation.~~ **compensation and prohibits the calculation of the retirement allowance under these provisions from including more than 20 years of service. The bill prescribes a process for electing these benefits. The bill specifies that a retirement pursuant to these provisions is a service retirement for purposes of law that regulates the employment of retired judges. This bill also makes conforming changes to account for the right to elect to retire and defer receipt of a monthly allowance in connection with the above-described rights of surviving spouses of judges. The bill would prescribe a process for electing these benefits.**

Existing law, the Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the CalPERS Board, authorizes employees or annuitants, as defined, to enroll in approved health benefit plans. PEMHCA authorizes a judge who leaves judicial office pursuant to specified conditions to continue the judge's coverage and the coverage of any family members upon assuming payment of the contributions otherwise required of the employer and by paying an additional amount to cover administrative expenses, as specified. Existing law establishes the Public Employees' Health Care Fund to fund the health benefit plans administered or approved by the board. Existing law provides for the deposit of certain moneys, including employee and annuitant contributions, into the Public Employees' Health Care Fund, which is continuously appropriated to pay for benefits and claims, as specified. This bill, on and after January 1, 2024, and until January 1, 2029, authorizes a judge who elects to retire pursuant to the retirement benefit that the bill creates, but who is not yet receiving a retirement allowance, and the surviving spouse of such a judge, to elect to continue coverage under PEMHCA upon assuming payment for contributions and administrative expenses, as described above. By authorizing additional moneys to be deposited in the continuously appropriated Public Employees' Health Care Fund, this bill makes an appropriation.

(STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/05/22. In Senate, read first time on 05/05/22. Read second time; and amended on 06/22/22. From committee chair with author's amendments; read second time; amended on 08/02/22. **Ordered to third reading on 08/11/22. Read third time; amended; and ordered to second reading on 08/24/22. Read second time; ordered to third reading on 08/25/22. Read third time; passed; ordered to the Assembly. Assembly concurred in Senate amendments on 08/31/22. Approved by the Governor and chaptered on 09/25/22.)**

SB 850 (Laird) – Signed by Governor

The PERL requires the payment of death benefits to beneficiaries of members and, under certain conditions, the payment of special death benefits. These special death benefits are payable to the surviving spouse and children of certain member categories, among them peace officer and safety member categories, whose deaths are determined to be industrial. Existing law requires an additional percentage of the special death benefit to be paid to the spouses of members who are killed in the performance of their duties, or who die as a result of an accident or an injury caused by external violence or physical force during the performance of their duties, for each of the members' children, as specified, for the lifetime of the surviving spouse.

This bill, for the purpose of the additional percentage of the special death benefit described above, requires that payment be made to the person having custody of the member's child or children, if the member does not have a surviving spouse but otherwise meets the specified requirements, or if the surviving spouse dies before each child of the member has died, married, or reached 22 years of age. The bill eliminates the use of the lifetime of the surviving spouse for purposes of determining the term during which this benefit is paid. The bill makes these provisions operative retroactively to on or after January 1, 2013.

(STATUS: **Approved by the Governor and chaptered on 08/29/22.**)

SB 868 (Cortese) – Signed by Governor

Current law creates the Teachers' Retirement Fund and establishes within that fund a segregated account named the Supplemental Benefit Maintenance Account. Current law continuously appropriates funds in the Supplemental Benefit Maintenance Account for expenditure for the purpose of restoring the purchasing power of the allowances of retired members and nonmember spouses, disabled members, and beneficiaries, and prescribes various schedules pursuant to which these allowances are augmented. This bill prescribes additional benefits to be paid quarterly from the Supplemental Benefit Maintenance Account, beginning July 1, 2023, to retired members and nonmember spouses, disabled members, and beneficiaries, to be made pursuant to a specified schedule. By providing for additional payments to be made from a continuously appropriated fund, this bill makes an appropriation. The bill requires the amount of these increases to be determined on July 1, 2023, as specified, and requires that amount to be increased each year commencing on July 1, 2024, but not compounded. The bill specifies that these increases are not part of the base allowance, are payable only to the extent that funds are available from the Supplemental Benefit Maintenance Account and states the extent to which these payments will be vested.

(STATUS: **Approved by the Governor and chaptered on 09/29/22.**)

SB 1168 (Cortese) – Signed by Governor

Existing law, applicable to agencies that contract with PERS to provide benefits to their employees, requires a payment of \$500 to be made to a beneficiary upon the death of a member after retirement and while receiving a retirement allowance from PERS, unless otherwise provided. This bill, for a death occurring on or after July 1, 2023, increases the amount of the above-described benefit to \$2,000.

(STATUS: **Approved by the Governor and chaptered on 08/26/22.**)

SB 1402 (Umberg) -- Signed by Governor

Current law authorizes a member of CalSTRS to receive creditable service for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Current law authorizes a member who is a state employee, or a retired member who retired immediately following service as a state employee, as specified, to receive credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Current law requires, in this context, that the member contribute sufficient funds to cover the total cost of military service credit, as specified. Current law limits the application of this authorization to receive premembership service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. This bill deletes the limitation

that the service must have occurred prior to January 1, 1950, from these provisions, unless certain exceptions apply, and deletes the requirement that the electing member is a state employee or a retired member who retired immediately following service as a state employee.

Existing law authorizes specified members of CalPERS, including state members, to receive public service credit for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Existing law authorizes receipt of public service credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Existing law requires, in this context, that the member contribute funds to cover the total cost of this public service credit, as specified. Existing law limits the application of this authorization to receive this public service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. Existing law provides that this authorization only applies to agencies contracting with PERS if the agency elects to amend its contract. This bill deletes the limitation that the service must have occurred prior to January 1, 1950 and requires contracting agencies to provide members the option to receive the public service credit for specified service in the Armed Forces of the United States or in the Merchant Marine of the United States.

(STATUS: Approved by the Governor and chaptered on 08/26/22.)

Attachments:

Legislative Update

2022 Legislative Calendar

Submitted by:



Gina M. Ratto

General Counsel



**OCERS BOARD OF RETIREMENT
October 17, 2022 MEETING**

**LEGISLATIVE UPDATE – ATTACHMENT
2021 - 2022 CALIFORNIA STATE LEGISLATIVE SESSION
BILLS OF INTEREST**

New or updated information in bold text

AB 386 (Cooper) – Dead (failed to pass out of committee)

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Current law excludes from disclosure certain records regarding alternative investments in which public investment funds invest. This bill would exempt from disclosure under the act specified records regarding an internally managed private loan made directly by CalPERS. Under the bill, these records would include quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. The bill would prescribe specified exceptions to the new exemption from disclosure.

(STATUS: Read first time in Senate on 06/02/21. Read second time, amended, and re-referred to Com. on JUD on 06/29/21. In committee: Set, first hearing; failed passage; and reconsideration granted on 07/13/21. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, AB 386 will not move forward this session.*)

AB 551 (Rodriguez) – Signed by Governor; Chaptered

Current law, until January 1, 2023, establishes a disability retirement presumption that is applicable to the members of various public employee retirement systems who are employed in certain firefighter, public safety officer, and health care job classifications, among others, who test positive for COVID-19, as specified. The law requires, if the member retires for disability on the basis, in whole or in part, of a COVID-19-related illness, that it be presumed that the disability arose out of, or in the course of, the member's employment, unless rebutted. This bill would extend the operation of the provisions described above until January 1, 2024.

(STATUS: **Approved by the Governor and chaptered on 09/29/22.**)

AB 826 (Irwin) – Vetoed by Governor

This bill, which would apply only in Ventura County, would provide that compensation and compensation earnable include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan, as specified, if certain conditions are met. Among these conditions, the bill would require that the retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, that the employer and employee paid contributions to the retirement system based on the flexible benefit plan allowance, and that the employer and an employee continues to pay those contributions as the employee earns this allowance. The bill would apply these provisions to eligible members who retire on or before December 31, 2025. For members who retire after December 31, 2025, the bill would

require the retirement system to refund any contributions made by the member, and to credit any contributions made by the employer, that were made based on remuneration under these provisions but are excluded from the definition of compensation or compensation earnable in accordance with requirements under the Internal Revenue Code.

(STATUS: **Vetoed by Governor on 09/29/22.**)

AB 1667 (Cooper) – Signed by Governor

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. Existing law also creates the Cash Balance Benefit Program, administered by the STRS board, to provide a retirement plan for the benefit of participating employees who provide creditable service for less than 50% of full time. Existing law authorizes the STRS board to audit, or cause to be audited, the records of any public agency as often as it deems necessary.

This bill would prescribe various requirements and duties in connection with audits of public agencies by the STRS board. The bill would require the board to provide written notice of and the purpose and scope of an intended audit to the affected public agency and to the exclusive representative of the members affected by the audit. The bill would define "exclusive representative" for purposes of STRS. The bill would require the public agency to provide information requested by the board in a timely manner and, at that time, to also provide the information to the exclusive representative of the members affected by the audit. The bill would authorize an audited public agency and the exclusive representative of affected members to provide the board or its designee information relevant to the audit and would require the board to consider this information in preparing its audit findings. The bill would require the board to provide to the audited public agency and the exclusive representative of the affected members the preliminary audit findings, the statutes being addressed by the audit, and a list of every member known to be affected. The bill would authorize recipients to provide the board written responses to the preliminary audit findings and would require the board to consider the responses in preparing its final audit report. The bill would require the public agency to provide, as specified, the board and the exclusive representative a list of the names of any member affected by the audit not included in the board's list.

This bill would require the board to provide the final audit report to an audited public agency, to the exclusive representative or representatives of members affected by the audit, and to the affected members, with an explanation of their appeal rights. The bill would authorize the public agency and the affected members to request administrative hearings if they disagree with the final audit and would prescribe a process for this purpose. The bill would require STRS to make all final employer audit reports available on its internet website, as specified.

This bill would require STRS to provide resources, at least annually, that interpret and clarify the applicability of creditable compensation and creditable service laws. The bill would prohibit new interpretations, including

those that would modify prior interpretations, from taking effect until after notice is issued to employers and exclusive bargaining representatives and would prohibit retroactive application to compensation reported prior to that notice, unless that is expressly required by state or federal law, or an executive order of the Governor, and would generally require application on July 1, following the notice. The bill would state that for audits and other actions, including actions and penalties relating to disallowed compensation reporting, employers are responsible for the rules in effect at time the compensation is reported, except when specified. If ~~are~~ compensation reported in accordance with these provisions is later determined by the system to result in disallowed compensation, the bill would require disallowed compensation to be deemed an error by the system, and that it not be recoverable.

The bill, beginning July 1, 2023, would authorize an employer or an exclusive representative to submit to STRS a request for an advisory letter, which would be defined as a written determination relating to compensation that is included or proposed for inclusion in a publicly available written contractual agreement for review by the system in order to provide formal written guidance for the proper reporting of such compensation, as specified. The bill would prescribe a process in this regard, which would include requiring the system to provide an advisory letter within 30 days of the receipt of all information requested by the system, except as specified. The bill would specify that an advisory letter may be superseded by state or federal law, an executive order of the Governor, or a system rule. If compensation reported in accordance with a system advisory letter given pursuant to these provisions is later determined by the system to have been reported in error, the bill would require any resulting overpayment or penalty to be deemed an error by the system and that it not be recoverable. The bill would limit the use, as specified, of an advisory letter to the employer or the member to whom an advisory letter expressly relates.

Existing law requires an employer to deduct from the creditable compensation of members who are employed by the employer the member contributions required by the Teachers' Retirement Law and to remit them to the system plus required employer contributions. Existing law requires a county superintendent of schools, among others, that reports directly to the system to draw requisitions for required contributions, as specified, in favor of STRS, and the requisitions, when allowed and signed by the county auditor, are a warrant against the county treasury. Existing law requires the board to assess penalties if required contributions are not paid or if specified monthly reports are not made or are made in an improper form. Existing law creates the county school service fund and prescribes the expenses to which it may be applied. Existing law generally prohibits expending moneys in the fund for any purpose in excess of the latest proposed expenditures for a purpose as approved by the Superintendent of Public Instruction, as specified. Existing law generally requires a county auditor to approve warrants drawn on the service fund for expenses approved in the county school service fund budget. This bill would authorize the county superintendent of schools to draw requisitions against the county school service fund and the funds of the respective employing agencies for the purpose of making certain payments to STRS, as specified, in amounts equal to employing agency payments or for the purpose of recovering specified amounts paid that are the responsibility of employers.

Existing law generally authorizes the board, in its discretion and upon any terms it deems just, to correct the errors or omissions of a member or beneficiary of the Defined Benefit Program, and of any participant or beneficiary of the Cash Balance Benefit Program, if specified facts exist. Under existing law, the failure by a member, participant or beneficiary to make an inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an error or omission. Existing law requires that any overpayment made to, or on behalf of, any member, former member, or beneficiary be deducted from any subsequent benefit that may be payable, except as specified. This bill would revise the requirement to deduct, as described above, to except from its application amounts overpaid in a variety of situations and instead require that overpaid amounts be recovered from the member, participant, former member, former participant, or beneficiary, subject to specified exceptions. The bill would prescribe requirements for the recovery of these and other overpaid amounts. The bill would prohibit recovery of amounts overpaid due to an error by the system. The bill would require the Controller, in certain circumstances, upon the order of the board, to reduce payments from the State School Fund to a county for deposit in the county school service fund or, upon the request of a county superintendent of schools to the county auditor. The bill would require the Controller to reduce payments to a school district for deposit in the district general fund by the amount owed. The bill would require the Controller to then pay specified amounts owed for deposit in the Teachers' Retirement Fund. The bill would except certain recoveries and benefit adjustments from these requirements.

Existing law requires STRS, if an employer reports erroneous information, to calculate the actuarial present value of the expected payments from the member, the former member, or beneficiary, as specified, and requires the employer to pay the difference between the total amount of the overpayment and the calculation of the actuarial present value of expected payments. This bill would delete that provision.

(STATUS: Introduced 01/19/2022. Passed out of the Assembly on 05/26/22. In Senate, read first time and ordered to Com. on RLS for assignment 05/27/22. Referred to Coms. on L, P.E & R and JUD on 06/08/22. Re-referred to Com. on JUD on 06/23/22. From committee: Do pass and re-referred to Com. on APPR on 06/29/22. From committee chair, with author's amendments; amend and re-refer to committee. Read second time, amended and re-referred to Com. on APPR on 08/01/22. **Read third time and amended. Ordered to third reading on 08/25/22. Read third time. Passed. Ordered to the Assembly on 08/29/22. In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling on 08/30/22. Enrolled and presented to the Governor on 09/12/22. Approved by the Governor and chaptered on 09/29/22.)**

AB 1722 (Cooper) – Signed by Governor

The PERL, until January 1, 2023, provides a state safety member of CalPERS who retires for industrial disability a retirement benefit equal to the greatest amount resulting from three possible calculations. In this regard, the benefit amount is based on an actuarially reduced service retirement, a service retirement allowance, if the member is qualified, or 50% of the member's final compensation, plus an annuity purchased with their accumulated contributions, if any. This bill would delete the termination of these provisions on January 1, 2023, thereby making them operative in perpetuity.

(STATUS: **Approved by the Governor and chaptered on 09/18/22.**)

AB 1795 (Fong) -- Dead (failed to pass out of committee)

The Bagley-Keene Open Meeting Act requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

(STATUS: Introduced on 02/07/22. Referred to Com. on G.O on 02/18/22. NOTE: Since the bill did not pass out of policy committee by July 1, 2022, AB 1795 will not move forward this session.)

AB 1824 (Cooper, Voepel, Calderon, Cooley, O'Donnell, Seyarto) – SACRS Sponsored Bill -- Signed by Governor

This bill represents the annual omnibus bill to propose technical “housekeeping” amendments to Education Code provisions applicable to CalSTRS, the PERL and the CERL. With respect to the CERL, the bill would make the following changes:

1. The CERL requires, upon the death of a member, the payment of a retirement allowance earned but not yet paid to a member to be paid to the member’s designated beneficiary. The CERL requires, upon the death of a person receiving a survivor’s allowance, the payment of any allowance earned but not yet paid to the survivor to be paid to the survivor’s designated beneficiary. This bill would amend Government Code section 31452.7 to include a corporation, a trust, or an estate in the definition of “beneficiary” for purposes of these provisions.
2. The CERL restricts the types of employment for which members may receive credit for service and restricts credit for other employment in public service based upon whether the member is entitled to receive a pension or retirement allowance from another public agency. If a member elects to contribute to obtain credit for other employment in another public agency, the CERL requires certification, as specified, of the fact that pension or retirement allowance will not accrue to the member by virtue of the member’s employment. This bill would amend Government Code section 31641.4 to specify that the provisions described above do not prohibit a member from receiving credit for a period of federal public service if federal law expressly permits the credit even though the member is already entitled to receive a pension or retirement allowance from that service.
3. The CERL prescribes a process for purposes of establishing a date of retirement with reference to safety members. Further, the CERL authorizes a safety member to be retired upon the occurrence of certain events and the filing, with the retirement board, of a written application setting forth the date upon which the member desires their retirement to become effective. The CERL prohibits this date from being more than 60 days after the date of filing the application. This bill would amend Government Code sections 31663.25 and 31663.26 to revise the restrictions on the above-described effective retirement date to prohibit the retirement date from being earlier than the date the application is filed with the board or more than 60 days after the date of filing the application or more than a number of days that has been approved by the board.
4. The CERL authorizes the payment of a death benefit upon the death of a member while in service. It further prescribes the components of the death benefit, which are a member’s accumulated contributions and an amount, provided from contributions by a county or district, calculated pursuant to

a specified method, not to exceed 50% of annual compensation earnable or pensionable compensation of the deceased. This bill would amend Government Code sections 31761, 31762, 31763, 31764 and 31781 to require, in connection with the calculation of the death benefit, that the computation for any absence be based on the compensation of the position held by the member at the beginning of the absence.

5. The bill would also make non-substantive style and technical changes to the CERL. (Government Code sections 31726 and 31726.5.)

(STATUS: **Approved by the Governor and chaptered on 09/02/22.**)

AB 1877 (Fong) -- Dead (failed to pass out of committee)

Current law limits the postretirement compensation of a member of the CalSTRS Defined Benefit Program to an amount calculated by CalSTRS, as specified. If the member's postretirement compensation exceeds this amount, the law requires the member's retirement allowance to be reduced by the amount of excess compensation. Current law, however, permits members retired for service from CalSTRS to perform member activities without being subject to the compensation limit under certain limited conditions and circumstances. This bill would exempt from the postretirement compensation limit the compensation of a member retired for service who was a classroom teacher who has returned to work to fulfill a critical need in a position due to a teacher shortage in the area of special education. The bill would require a local school district, county office of education, or other local educational agency exercising this exemption to submit specified documentation, certified under penalty of perjury, to substantiate a retired member's eligibility.

(STATUS: Introduced 02/08/22. Referred to Com. on P.E & R on 02/18/22. In committee: Set, first hearing; hearing canceled at the request of author on 04/20/22. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, AB 1877 will not move forward this session.*)

AB 1944 (Lee) – Dead (failed to pass out of committee)

The Ralph M. Brown Act (the Brown Act), requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

The Brown Act was previously amended in response to the COVID pandemic to allow, until January 1, 2024, local agencies to use teleconferencing without complying with the aforementioned teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would further amend the Brown Act to require the agenda to identify any member of the

legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. This bill would authorize, upon a determination by a majority vote of the legislative body, a member to be exempt from identifying the address of the member's teleconference location in the notice and agenda or having the location be accessible to the public, if the member elects to teleconference from a location that is not a public place, provided that at least a quorum of members of the legislative body participates from a single physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency has jurisdiction. This bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. This bill would repeal these provisions on January 1, 2030.

(STATUS: Introduced on 02/10/22. Passed out of the Assembly on 05/26/22. In Senate, read first time on 05/27/22. Referred to Coms. on GOV & F and JUD on 06/08/22. In committee: Set, first hearing. Hearing canceled at the request of author. In committee: Hearing postponed by committee on 06/22/22. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, AB 1944 will not move forward this session.*)

AB 1971 (Cooper) – SACRS Sponsored Bill – Signed by Governor

The CERL authorizes a member who returns to active service following an uncompensated leave of absence on account of illness or parental leave to receive service credit for the period of the absence upon the payment of the contributions, as specified. CERL prescribes limits on these benefits and processes for making contributions. CERL authorizes the provision of service credit to members in other specified instances while generally providing that a person is not entitled to service credit for time the person was not in service. This bill would allow a member who returns to active service following an uncompensated leave of absence because of the serious illness of a family member when the absence is eligible for coverage, as specified, to receive service credit for the period of the absence, upon the payment of the member and employer contributions that would have been paid during that period, together with the interest that would have been earned. The bill would prescribe requirements for, and limits on, this benefit and would condition its operation on approval by resolution, as specified, by the county board of supervisors.

This bill would authorize the board to grant members who are subject to a temporary mandatory furlough the same service credit and compensation earnable or pensionable compensation to which the members would have been entitled in the absence of the temporary mandatory furlough. The bill would authorize the board to condition this grant on specified factors.

The CERL generally prohibits a member retired from service from being paid for service rendered to a county or district after retirement, subject to certain exceptions, and prescribes requirements for reinstatement into a retirement system upon reemployment. CERL and PEPRA authorize reemployment of, and service by, retired members in certain capacities after retirement without reinstatement into the applicable retirement system, and prescribe limits on this service. This bill would authorize a person who is retired and receiving a retirement

benefit from a county system to serve as a nonsalaried member without reinstatement for service on a part-time board commission, as specified. The bill would prohibit a retired person acting in this capacity from acquiring benefits, service credit, or retirement rights with respect to the service, but would authorize the receipt of any per diem that is authorized to all members of the board or commission.

The CERL regulates disability retirements and authorizes a retirement board to grant a service retirement allowance pending the determination of the entitlement to disability retirement. If a member is found eligible for disability retirement, CERL requires that appropriate adjustments be made in the member's retirement allowance retroactive to the effective date of their disability retirement. CERL prohibits this authorization from being construed to authorize a member to receive more than one type of retirement allowance for the same period of time or to entitle a beneficiary to receive benefits which the beneficiary would not otherwise have been entitled to receive. This bill would apply specified provisions in this regard to a member retired for service who subsequently files an application for disability retirement and, if the member is found to be eligible for disability retirement, would require appropriate adjustments to be made in the retirement allowance retroactive to the effective date of the disability retirement.

The CERL authorizes a member or a retired member, until the first payment of a retirement allowance is made, to elect to have the actuarial equivalent of a retirement allowance, as of the date of retirement, applied to a lesser retirement allowance payable throughout life in accordance with specified optional settlements. This bill would authorize a member retired for service who is subsequently granted a disability retirement to change the type of optional or unmodified allowance that they elected at the time the service retirement was granted. (STATUS: **Approved by the Governor and chaptered on 09/25/22.**)

AB 1993 (Wicks and Low) – Dead (failed to pass out of committee)

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Department of Fair Employment (department) and Housing within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to the enforcement of civil rights laws with respect to housing and employment. Existing federal law, the Federal Food, Drug, and Cosmetic Act, authorizes the United States Secretary of Health and Human Services to approve new drugs and products, including vaccines, for introduction into interstate commerce, and authorizes the secretary to authorize vaccines for use in an emergency upon declaring a public health emergency. On February 4, 2020, the secretary determined that there is a public health emergency and declared circumstances exist justifying the authorization of emergency use of drugs and biological products. The secretary subsequently authorized the emergency use of 3 vaccines for the prevention of COVID-19, and on August 23, 2021, the secretary approved a vaccine for the prevention of COVID-19.

The California Emergency Services Act authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. On March 4, 2020, the Governor declared a state of emergency relating to the COVID-19 pandemic. Pursuant to this authority, the Governor issued several executive orders requiring individuals in specified employment, health care, school, or other settings to provide proof of a COVID-19 vaccination status, unless specified exceptions are met.

This bill would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof. This bill would require, on January 1, 2023, each employer to affirm, in a form and manner provided by the department, that each employee or independent contractor complied with these provisions and would require the employer to affirm that each new employee or independent contractor is in compliance at the time of hiring or contracting with that person. The bill would require the department to impose a penalty of an unspecified amount on an employer for any violation of these provisions.

The bill would apply to both private and public employers, and defines “public employer” as (1) the state and every state entity, including, but not limited to, the Legislature, the judicial branch, the University of California, and the California State University; and (2) a political subdivision of the state, or agency or instrumentality of the state or subdivision of the state, including, but not limited to, a city, county, city and county, charter city, charter county, school district, community college district, powers authority, joint powers agency, and any public agency, authority, board, commission, or district.

This bill would repeal these provisions when the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices determines that COVID-19 vaccinations are no longer necessary for the health and safety of individuals. This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. This bill would declare that its provisions are severable.

(STATUS: Introduced 02/10/22. Referred to Coms. on L & E and JUD on 03/17/22. In committee: Hearing canceled at the request of author on 03/29/22. Coauthors revised on 04/18/22. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, AB 1993 will not move forward this session.*)

AB 2443 (Cooley) – Signed by Governor

~~Current law establishes the Legislators’ Retirement System, Public Employees’ Retirement System, the Judges’ Retirement System, and Judges’ Retirement System II, all of which provide retirement and other benefits to their respective members and are administered by CalPERS. Existing federal law prescribes limits on the amount of retirement benefits that a member may receive if a retirement system is to maintain its tax-qualified status and may require that benefits from different retirement plans maintained by the same employer be aggregated. This bill, for purposes of the above-described retirement systems, would prescribe the method by which benefits are to be reduced when federal law requires aggregation of benefits from different plans maintained by the same employer and federal limits on benefits are reached.~~

Existing law establishes the Judges' Retirement System II, which provides retirement and other benefits to its members and is administered by the Board of Administration of the Public Employees' Retirement System. Under existing law, the Judges' Retirement System II, a judge is eligible to retire upon attaining both 65 years of age and 20 or more years of service, or upon attaining 70 years of age with a minimum of 5 years of service. Existing law entitles a judge who retires pursuant to this authorization to elect between a specified a monthly retirement allowance for life or certain monetary credits. **Existing law grants the surviving spouse of a judge who was eligible to retire, as specified, the right to elect to receive either a monthly retirement allowance or monetary credits within 90 days after the judge's death. Existing law establishes the right of the surviving spouse of a retired judge who elected to receive a monthly allowance, or who was retired for disability and receiving an allowance, to a specified monthly allowance.**

This bill, on and after January 1, 2024, **and until January 1, 2029,** would authorize a judge who is not eligible to retire pursuant to the provisions described above to elect ~~other specified, monthly retirement allowances, to retire and defer receipt of a monthly allowance, subject to specified formulations.~~ In order to be eligible for these benefits, the bill would require a judge to be at least 60 years of age and have 15 years or more of service or 65 years of age with a minimum of 10 years of service. The retirement allowances prescribed by the bill would be based on a judge's final compensation and years of service credit adjusted by certain percentages that vary in relation to "full retirement age," as ~~defined, defined, and when the judge retires.~~ The bill would prohibit a retirement allowance calculated pursuant to these provisions from exceeding, at the time of retirement, 75 percent of a judge's final ~~compensation. compensation and would prohibit the calculation of the retirement allowance under these provisions from including more than 20 years of service. The bill would prescribe a process for electing these benefits. The bill would specify that a retirement pursuant to these provisions is a service retirement for purposes of law that regulates the employment of retired judges. This bill would also make conforming changes to account for the right to elect to retire and defer receipt of a monthly allowance in connection with the above-described rights of surviving spouses of judges. The bill would prescribe a process for electing these benefits.~~

Existing law, the Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees' Retirement System, authorizes employees or annuitants, as defined, to enroll in approved health benefit plans. PEMHCA authorizes a judge who leaves judicial office pursuant to specified conditions to continue the judge's coverage and the coverage of any family members upon assuming payment of the contributions otherwise required of the employer and by paying an additional amount to cover administrative expenses, as specified. Existing law establishes the Public Employees' Health Care Fund to fund the health benefit plans administered or approved by the board. Existing law provides for the deposit of certain moneys, including employee and annuitant contributions, into the Public Employees' Health Care Fund, which is continuously appropriated to pay for benefits and claims, as specified. This bill, on and after January 1, 2024, and until January 1, 2029, would authorize a judge who elects to retire pursuant to the retirement benefit that the bill would create, but who is not yet receiving a retirement allowance, and the surviving spouse of such a judge, to elect to continue coverage under PEMHCA upon assuming payment for

contributions and administrative expenses, as described above. By authorizing additional moneys to be deposited in the continuously appropriated Public Employees' Health Care Fund, this bill would make an appropriation.

(STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/05/22. In Senate, read first time on 05/05/22. Read second time; and amended on 06/22/22. From committee chair with author's amendments; read second time; amended on 08/02/22. **Ordered to third reading on 08/11/22. Read third time; amended; and ordered to second reading on 08/24/22. Read second time; ordered to third reading on 08/25/22. Read third time; passed; ordered to the Assembly. Assembly concurred in Senate amendments on 08/31/22. Approved by the Governor and chaptered on 09/25/22.**)

AB 2449 (B. Rubio) – Signed by Governor

The Brown Act, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, **as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made.** The bill would define terms for purposes of these teleconferencing provisions. This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law. (STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/26/22. In Senate, read first time on 05/27/22. Read second time; and amended on 06/15/22. Read second time; and amended on 06/23/22. **Read second time; and ordered to third reading on 08/02/22. Read third time; amended; and ordered to second reading on 08/08/22. Read second time; and ordered to third reading on 08/09/22. Read third time; passed; ordered to the Assembly on 08/24/22. Assembly concurred in Senate amendments on 08/25/22. Approved by the Governor and chaptered on 09/13/22.**)

AB 2493 (Chen) – Dead (Pulled by Author)

This bill would require a retirement system established under CERL, upon determining that the compensation reported for a sworn peace officer or firefighter is disallowed compensation, to require the employer to discontinue reporting the disallowed compensation. The bill would require, for an active sworn peace officer or

firefighter, the retirement system to credit all contributions made on the disallowed compensation against future contributions to the benefit of the employer that reported the disallowed compensation, and return any contribution paid by, or on behalf of, that member, to the member by the employer that reported the disallowed compensation, except in certain circumstances in which a system has already initiated ~~recalculating a~~ **process, as defined, to recalculate** compensation. The bill would require the system, for a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, to credit the contributions made on the disallowed compensation against future contributions, to the benefit of the employer that reported the disallowed compensation, and to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation. The bill would establish other conditions required to be satisfied with respect to a retired sworn peace officer or firefighter, survivor, or beneficiary when final compensation was predicated upon disallowed compensation, including, among others, requiring a specified payment to be made by the employer that reported contributions on the disallowed compensation to the retired member, survivor, or beneficiary, as appropriate. The bill would authorize a retirement system that has initiated a process prior to July 1, 2022, to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation to use that system in lieu of specified provisions that the bill would enact. The bill would also require certain information regarding the relevant retired member, survivor, or beneficiary needed for purposes of these provisions to be kept confidential by the recipient. The bill would authorize an employer to submit to a retirement system for review a compensation item proposed to be included in an agreement, as specified, on and after January 1, 2022, that is intended to form the basis of a pension benefit calculation and would require the system to provide guidance on the matter. The bill would prescribe a process in this regard. The bill would specify that it does not affect or otherwise alter a party's right to appeal any determination regarding disallowed compensation made by the system after July 30, 2022.

CERL defines "compensation earnable" by a member, for the purpose of calculating benefits, to mean the average compensation, as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and the same rate of pay, subject to certain exceptions. This bill would authorize a retirement system, to the extent it has not defined "grade," in the above-described circumstances, to mean a number of employees considered together because they share similarities in job duties, schedules, unit recruitment requirements, work location, collective bargaining unit, or other logical work-related grouping.

The bill would specify that its provisions are not to be interpreted to alter certain existing laws, including PEPR and the holding in *Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association* (2020) 9 Cal.5th 1032.

(STATUS: Introduced 02/17/22. Passed out of the Assembly on 05/02/22. In Senate, read first time on 05/03/22. Read second time, amended; ordered to third reading on 06/30/22. **Read third time and amended. Ordered to second reading on 08/17/22. Read second time. Ordered to third reading on 08/18/22. Read third time. Passed. Ordered to the Assembly. Bill pulled from Assembly by Author.**)

AB 2647 (Levine) – Signed by Governor

The Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available less than 72 hours before a meeting for public inspection, as specified, at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. **Existing law requires a local agency to post the agenda for a special meeting at least 24 hours prior to the meeting in a location that is freely accessible to members of the public.** (STATUS: Introduced 02/18/22. Passed out of the Assembly on 05/12/22. In Senate, read first time on 05/12/22. **Read second time; amended; and ordered to third reading on 08/01/22. Read third time; amended and ordered to second reading on 08/04/22. Read second time; and ordered to third reading on 08/08/22. Read third time; passed; and ordered to the Assembly on 08/17/22. Assembly concurred in Senate amendments on 08/22/22. Approved by Governor and chaptered 09/30/22.**)

SB 850 (Laird) – Signed by Governor

The PERL requires the payment of death benefits to beneficiaries of members and, under certain conditions, the payment of special death benefits. These special death benefits are payable to the surviving spouse and children of certain member categories, among them peace officer and safety member categories, whose deaths are determined to be industrial. Existing law requires an additional percentage of the special death benefit to be paid to the spouses of members who are killed in the performance of their duties, or who die as a result of an accident or an injury caused by external violence or physical force during the performance of their duties, for each of the members' children, as specified, for the lifetime of the surviving spouse.

This bill, for the purpose of the additional percentage of the special death benefit described above, would require that payment be made to the person having custody of the member's child or children, if the member does not have a surviving spouse but otherwise meets the specified requirements, or if the surviving spouse dies before each child of the member has died, married, or reached 22 years of age. The bill would eliminate the use of the lifetime of the surviving spouse for purposes of determining the term during which this benefit is paid. The bill would make these provisions operative retroactively to on or after January 1, 2013.

(STATUS: **Approved by the Governor and chaptered on 08/29/22.**)

SB 868 (Cortese) – Signed by Governor

Current law creates the Teachers' Retirement Fund and establishes within that fund a segregated account named the Supplemental Benefit Maintenance Account. Current law continuously appropriates funds in the Supplemental Benefit Maintenance Account for expenditure for the purpose of restoring the purchasing power

of the allowances of retired members and nonmember spouses, disabled members, and beneficiaries, and prescribes various schedules pursuant to which these allowances are augmented. This bill would prescribe additional benefits to be paid quarterly from the Supplemental Benefit Maintenance Account, beginning July 1, 2023, to retired members and nonmember spouses, disabled members, and beneficiaries, to be made pursuant to a specified schedule. By providing for additional payments to be made from a continuously appropriated fund, this bill would make an appropriation. The bill would require the amount of these increases to be determined on July 1, 2023, as specified, and would require that amount to be increased each year commencing on July 1, 2024, but not compounded. The bill would specify that these increases are not part of the base allowance, are payable only to the extent that funds are available from the Supplemental Benefit Maintenance Account, and would state the extent to which these payments would be vested.

(STATUS: **Approved by the Governor and chaptered on 09/29/22.**)

SB 931 (Leyva) – Signed by Governor

Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Current law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill would authorize an employee organization, as described, to bring a claim before the Public Employment Relations Board alleging that a public employer violated the above-described provisions. Upon a finding by the board that the public employer violated those provisions, the public employer would be subject to a civil penalty, to be deposited in the General Fund, of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, and subject to attorney's fees and costs. **The bill would also require the board to apply specified criteria when assessing the civil penalty.**

(STATUS: Introduced 02/07/22. Passed out of the Senate on 05/24/22. In Assembly, read first time on 05/25/22. **Read second time; and ordered to third reading on 08/16/22. Read third time; passed; ordered to the Senate on 08/24/22. Assembly amendments concurred in by Senate on 08/30/22. Approved by the Governor and chaptered on 09/29/22.**)

SB 1100 (Cortese, Low, Aguiar-Curry) – Signed by Governor

The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the

orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose. (STATUS: **Approved by the Governor and chaptered on 08/22/22.**)

SB 1168 (Cortese) – Signed by Governor

Existing law, applicable to agencies that contract with PERS to provide benefits to their employees, requires a payment of \$500 to be made to a beneficiary upon the death of a member after retirement and while receiving a retirement allowance from PERS, unless otherwise provided. This bill, for a death occurring on or after July 1, 2023, would increase the amount of the above-described benefit to \$2,000.

(STATUS: **Approved by the Governor and chaptered on 08/26/22.**)

SB 1173 (Gonzalez -- Dead (failed to pass out of committee))

This bill would prohibit the boards of CalPERS and CalSTRS from making new investments or renewing existing investments of public employee retirement funds in a fossil fuel company, as defined. The bill would require the boards to liquidate investments in a fossil fuel company on or before July 1, 2030. The bill would temporarily suspend the above-described liquidation provision upon a good faith determination by the board that certain conditions materially impact normal market mechanisms for pricing assets, as specified, and would make this suspension provision inoperative on January 1, 2035. The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the California Constitution. This bill would require the boards, commencing February 1, 2024, and annually thereafter, to file a report with the Legislature and the Governor, containing specified information, including a list of fossil fuel companies of which the board has liquidated their investments. The bill would provide that board members and other officers and employees shall be held harmless and be eligible for indemnification in connection with actions taken pursuant to the bill's requirements, as specified.

(STATUS: Introduced 02/17/22. Passed out of the Senate on 05/25/22. In Assembly, read first time on 05/26/22. Referred to Coms. on P.E & R and JUD on 06/02/22. June 22 hearing postponed by committee. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, SB 1173 will not move forward this session.*)

SB 1328 (McGuire and Cortese) -- Dead (failed to pass out of committee)

This bill, except as specified, would prohibit the boards of specified state and local public retirement systems from making additional or new investments in prohibited companies, as defined, domiciled in Russia or Belarus, as defined, companies that the United States government has designated as complicit in the aggressor countries', as defined, war in Ukraine, or companies that supply military equipment to the aggressor countries, and to liquidate the investments of the board in those companies, as specified. The bill would also require the board, on or before January 1, 2023, and every year thereafter, to file a specified report with the Legislature. The bill would repeal these provisions on specified triggering events. The bill specifies that it does not require the board to take action as described unless the board determines, in good faith, that the action is consistent with the fiduciary responsibilities of the board as described in Section 17 of Article XVI of the California Constitution. By requiring the boards of local public retirement systems to take specified actions, this bill would impose a state-mandated local program.

(STATUS: Introduced 02/18/22. Passed out of the Senate on 05/26/22. In Assembly, read first time on 05/27/22. Referred to Coms. on P.E & R and A & A.R on 06/09/22. June 22 hearing postponed by committee. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, SB 1329 will not move forward this session.*)

SB 1343 (Leyva) – Dead (failed to pass out of Assembly)

The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes charter schools to elect to make CalSTRS, CalPERS, or both available to qualifying employees. This bill would require a charter school initially authorized to commence operations on and after January 1, ~~2023~~**2025**, to participate in CalSTRS, CalPERS, or both. The bill would specify that this provision does not apply to a charter school seeking a renewal authorization on or after January 1, ~~2023~~**2025**, if the charter school initially received authorization to commence operations before January 1, ~~2023~~**2025**, and has continuously operated as a charter school since that initial authorization. The bill would generally require CalSTRS, the Cash Balance Benefit Program, and CalPERS to apply to a charter school in the same manner as the systems and program apply to other public schools. The bill would require the chartering authority to provide notice to STRS or PERS, as applicable, of the occurrence of specified events, including approval of a charter school petition, within 30 days of the event's occurrence, on a form prescribed by the system. For the purpose of paying contributions on behalf of a charter school, the bill would require a county superintendent, district superintendent, or other employing agency that reports directly to CalSTRS, upon state apportionment to a charter school, to draw requisitions against the funds of the charter school in amounts equal to the estimated contributions required to be paid by the charter school to CalSTRS, as specified, and pay them to the system. The bill would prohibit these requisitions from exceeding an estimated 3 months of contributions to be paid by the charter school. The bill would also require a county superintendent, district superintendent, or other employing agency that reports directly to the retirement system to use any unencumbered funds, otherwise legally available for this purpose, to pay for any amounts due to the system that remain unpaid. The bill would require the estimated amount to be determined by the county superintendent, district superintendent, or other employing agency. The bill would create similar requirements and prohibitions for purposes of requisitions related to the Cash Balance Benefit Program and CalPERS. By depositing additional moneys in continuously appropriated funds, this bill would make an appropriation.

Existing law requires a county superintendent, district superintendent, chancellor of a community college district, or other employing agency that reports directly to CalSTRS to draw requisitions for contributions required pursuant to specified provisions in favor of the system. Existing law requires employers participating in CalSTRS to contribute monthly a specified percentage of the creditable contribution upon which member contributions are based in connection with funding the liability for benefits related to accumulated and unused sick leave. This bill would require that the monthly contributions for benefits related to accumulated and unused sick leave be subject to the above-described requisition process.

(STATUS: Introduced 02/18/22. Passed out of the Senate on 05/25/22. In Assembly, read first time on 05/26/22. Read second time and amended on 06/15/22. **Read second time; amended; and ordered to second reading on 08/15/22. Read second time; and ordered to third reading on 08/16/22. Read third time; refused passage on 08/24/22.**)

SB 1402 (Umberg) -- Signed by Governor

Current law authorizes a member of CalSTRS to receive creditable service for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Current law authorizes a member who is a state employee, or a retired member who retired immediately following service as a state employee, as specified, to receive credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Current law requires, in this context, that the member contribute sufficient funds to cover the total cost of military service credit, as specified. Current law limits the application of this authorization to receive premembership service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. This bill would delete the limitation that the service have occurred prior to January 1, 1950, from these provisions, unless certain exceptions apply, and would delete the requirement that the electing member is a state employee or a retired member who retired immediately following service as a state employee.

Existing law authorizes specified members of PERS, including state members, to receive public service credit for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Existing law authorizes receipt of public service credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Existing law requires, in this context, that the member contribute funds to cover the total cost of this public service credit, as specified. Existing law limits the application of this authorization to receive this public service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. Existing law provides that this authorization only applies to agencies contracting with PERS if the agency elects to amend its contract. This bill would delete the limitation that the service have occurred prior to January 1, 1950, and would require contracting agencies to provide members the option to receive the public service credit for specified service in the Armed Forces of the United States or in the Merchant Marine of the United States.

(STATUS: **Approved by the Governor and chaptered on 08/26/22.**)

SB 1420 (Dahle) -- Dead (failed to pass out of committee)

This bill would require that an agency participating in CalPERS that increases the compensation of a member who was previously employed by a different agency to bear all actuarial liability for the action, if it results in an increased actuarial liability beyond what would have been reasonably expected for the member. The bill would require, in this context, that the increased actuarial liability be in addition to reasonable compensation growth that is anticipated for a member who works for an employer or multiple employers over an extended time. The bill would require, if multiple employers cause increased liability, that the liability be apportioned equitably among them. The bill would apply to an increase in actuarial liability, as specified, due to increased compensation paid to an employee on and after January 1, 2023.

(STATUS: Introduced 02/18/22. Referred to Com. on L, P.E & R on 03/09/22. Heard in committee on 04/27/22; failed passage; reconsideration granted. *NOTE: Since the bill did not pass out of policy committee by July 1, 2022, SB 1420 will not move forward this session.*)

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
Interim Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30	31					

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28					

MARCH							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28	29	30	31		

APRIL							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Spring Recess	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

MAY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
No Hrgs.	22	23	24	25	26	27	28
Wk. 4	29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 14** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed.
- Apr. 7** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)).
Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23 – 27** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 27** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

JUNE							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Summer Recess	17	18	19	20	21	22	23
Summer Recess	24	25	26	27	28	29	30
Wk. 1	31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
No Hrgs.	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 15 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 25 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2023. (Art. IV, Sec. 8(c)).

Nov. 8 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 5 2023-24 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



Memorandum

DATE: October 17, 2022
TO: Members of the Board of Retirement
FROM: Brenda Shott, Asst. Executive Officer, Internal Operations, and Gina M. Ratto, General Counsel
SUBJECT: BOARD MEMBER QUESTIONS REGARDING THE PROCUREMENT AND CONTRACTING POLICY

Written Report

During the CEO Comment portion of the Board meeting held on August 15, 2022, members of the Board asked a few questions about the Procurement and Contracting Policy (Policy). This memorandum responds to those questions.

Question:

What is the threshold dollar amount of a contract that requires Board approval? On multi-year contracts, how is the threshold dollar amount determined for purposes of Board approval?

Answer:

Section VI of the Policy sets forth the requirements applicable to contracts with a “contract value” of \$100,000 or more. Contract value is defined by the Policy as the amount OCERS is obligated to pay for one year under the contract. Subsection C.2. of Section VI states that Board approval is required for contracts covered by Section VI, and that Board approval may be obtained through the budgeting process or the annual Business Plan. In other words, if the expenditure has **not** been approved through the budgeting process or annual Business Plan, the Policy requires staff to obtain Board approval for the expenditure.

Question:

If there are three contracts (with the same vendor or with different vendors) for the same/similar services and those three contracts together exceed \$100,000, would Board approval be required?

Answer:

Each contract, and the contract value of each contract, is evaluated separately. However, the Policy includes provisions that seek to prevent manipulation of the contracting process (e.g., by “stacking” multiple contracts in order to not exceed \$100,000 on any one contract) including the following:

- With the exception of Sole Source Contracts, contracts with a contract value of between \$1,000 and \$99,999 must be procured through one of the following competitive search and selection processes: (i) an Invitation for Bid (IFB), (ii) a Request for Proposal (RFP), (iii) the Small Purchase

Procedure Process which requires a minimum of three quotes from qualified sources, or (iv) from a Contracted Supplier¹. (Section IV of the Policy.)

- With the exception of Sole Source Contracts, contracts with a contract value of \$100,000 or more (and contracts with a Named Service Provider) must be procured through an IFB or RFP. (Section IV of the Policy.)
- Contracts with a contract value of between \$1,000 and \$99,999 must be approved by the CEO, Assistant CEO, CIO or the General Counsel who manages the budget line item for the funds committed under the contract, **and** require the signature of both that executive and one other executive, director or manager.
- Contracts with a contract value of \$100,000 or more must be approved by the CEO, **and** require the signature of both the CEO (or the CIO on investment related contracts) and an Assistant CEO, the CIO or the General Counsel.
- Sole Source Contracts:
 - Sole source contracts are permitted only (i) in cases where a competitive search and selection process will not likely yield a viable alternative to a known service provider; or (ii) where legal services are urgently needed, a competitive search and selection process will not be timely, and a known service provider exists.
 - Before a sole source contract is allowed, a report describing the unique characteristics of the situation, the known service provider, and the sound justification for a sole source approach must be provided to the Executive (defined as the CEO, an Assistant CEO, the CIO or the General Counsel), who will either approve or deny the request to use a sole source approach. When an Assistant CEO, the CIO or the General Counsel wishes to use a sole source approach, the report will be provided to the CEO, who will either approve or deny the request. When the CEO is the executive who wishes to use the sole source approach, the report will be provided to the Board Chair and Vice-Chair, who will either approve or deny the request to use a sole source approach.

(Section III. C. of the Policy.)

Question:

Is it possible for the CEO to approve a contract with a contract value of \$100,000 with the same contractor every year without following an RFP process?

¹ The Policy at Section III. B. provides that “[w]here a Contractor has been selected by OCERS pursuant to a competitive search and selection process or by the County of Orange or other governmental agency pursuant to a competitive search and selection process, the Contractor may be used as a Contracted Supplier under certain circumstances as set forth in this policy. Such Contracted Suppliers may include, by way of example, retail sellers of off the shelf office supplies contracted by the County of Orange or directly by OCERS.”

Answer:

Yes, provided that each year the CEO complies with the requirements applicable to sole source contracts, which requires the CEO to provide a report to the Board Chair and Vice-Chair describing the unique characteristics of the situation, the known service provider and sound justification for a sole source approach, and the Board Chair and Vice-Chair approve the request to use the sole source approach. (Section III. C. of the Policy.) Note that the Contract Administrator is required to provide an annual report to the Board that discloses all contracts with a contract value of \$100,000 or more. (Section I. C. 4. of the Policy.)

Revisions to the Policy

Staff plans on presenting the Policy to the Governance Committee at the committee’s first meeting in 2023 to address revisions to the Policy recommended by the Internal Auditors in their Audit of Procurement Process Report dated October 3, 2022. At the same time, staff will be prepared to suggest additional revisions to the Policy that would add further controls to the approval, selection and reporting processes contained in the Policy.

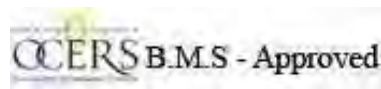
A copy of the Policy is attached for the Board’s ease in reference.

Attachment

Submitted by:



Gina Ratto
General Counsel



Brenda Shott
Assistant CEO, Internal Operations



OCERS Board Policy

Procurement and Contracting

I. Purpose and Background

A. Purpose

The Procurement and Contracting Policy (policy) establishes the guidelines by which OCERS will procure goods and services. Investment Management Agreements (as defined below) are exempt from this policy, and will instead be governed by the CIO Charter and the Investment Policy Statement.

B. Objectives

The objectives of this policy are to ensure that:

1. Contractual arrangements for the purchase of goods and services are made in a manner consistent with OCERS' fiduciary duty to its members and beneficiaries;
2. The procurement of goods and services is efficient, transparent, economical, fair, and in compliance with all applicable laws;
3. A system of internal controls related to the procurement of goods and services is implemented;
4. All contracting activities are performed by qualified individuals with specifically delegated authority using sound business practices in an ethical manner;
5. The selection of Contractors reflects a level of rigor that is commensurate with the importance and cost of the service or goods in question.

C. Roles and Responsibilities

1. The role of the Board of Retirement (Board) is to:
 - i. Establish appropriate policies to ensure selection decisions are prudent and sound;
 - ii. Oversee compliance with such policies
 - iii. Select and appoint Named Service Providers; and
 - iv. Authorize staff to execute contracts with Named Service Providers.
2. The role of the Chief Executive Officer (CEO) is to:
 - i. Approve the purchase of goods and services for which the CEO is responsible under this policy; and
 - ii. Keep the Board apprised of contract actions as necessary for the Board to carry out its oversight function.
3. The role of the Responsible Executive is to:
 - i. Approve the purchase of goods and services for which s/he is responsible under this policy;
 - ii. Keep the CEO apprised of all significant contract actions for which the Responsible Executive is responsible;



OCERS Board Policy

Procurement and Contracting

- iii. Ensure that budget authority exists within the budget line item from which a contract will be paid;
 - iv. Select the appropriate procurement process to be used and participate in the preparation of the solicitation documents for the goods and services being procured.
 - v. Select, or recommend that the CEO select as the case may be, Contractors in the area for which the Responsible Executive is responsible;
 - vi. Negotiate, or delegate to an appropriate staff member who will negotiate terms and conditions of contracts for the purchase of goods and services for which s/he is responsible.
4. The role of the Contract Administrator is to:
- i. Manage the Contractor files and the lifecycle management system, and ensure compliance with best practices for Contractor management;
 - ii. Assemble, manage, and distribute all contract solicitations and other contract acquisition efforts;
 - iii. Maintain appropriate contract and solicitations templates in consultation with the Legal Division;
 - iv. Assist the Responsible Executive with selection of Contractors and negotiation of contractual terms;
 - v. Conduct due diligence for potential Contractors;
 - vi. Review Contractors' certificates of insurance to verify compliance with the contracted requirements for coverage;
 - vii. Serve as the CEO's designee under the Quiet Period Policy;
 - viii. Develop (subject to approval of the Responsible Executive and in consultation with the Legal Division) required and preferred terms and conditions to be included in OCERS contracts;
 - ix. Ensure all solicitations are reflected in the Quiet Period Report to the Board;
 - x. Coordinate and oversee the review of Contractors' performance;
 - xi. Monitor the expiration dates of all contracts to ensure either timely extension of the contract term or timely issuance of contract solicitation; and
 - xii. Report to the Board annually all contracts that exceed a Contract Value of \$100,000.
5. The role of General Counsel or his/her designee is to:
- i. Review contracts before execution for compliance with legal requirements and to provide assessment of risk to the agency;



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Procurement and Contracting

- ii. Assist the CEO, Responsible Executive, and Contract Administrator in preparing Requests for Proposals, Invitations to Bid and other solicitations when requested;
- iii. Assist the Responsible Executive and Contract Administrator in negotiation of contractual terms and conditions when requested; and
- iv. Assist the Contract Administrator in developing necessary and preferred terms and conditions and contract templates.

D. Definitions

1. Executive: The CEO, the Assistant CEOs, the Chief Investment Officer, and the General Counsel.
2. Responsible Executive: The Executive who manages the budget line item for the funds being committed under the contract.
3. Contract Value: For the purposes of the dollar thresholds in this policy, the value of a contract is the amount OCERS is obligated to pay for one year under the contract
4. Routine Items: expenses that are regularly budgeted on an annual basis:
 - i. Must have available funds in the approved budget, including any Board approved amendments to the budget.
 - ii. Can be approved by the Executive responsible for the budget item
 - iii. These items include but are not limited to the following:
 - a. Office supplies, postage, furniture, office equipment, subscriptions, temporary services, professional and consulting services engaged to supplement or support staff, and
 - b. General services contracts and agreements such as hearing officers, medical panel reviewers, property management, maintenance and repair of landscaping, building and equipment, printing, Board of Retirement elections, computer consulting, software licenses, messenger services, catering etc.
5. Non-Routine Items: expenses that are not regularly purchased or budgeted on an annual basis. Contracts or purchase orders for non-routine items require:
 - i. Available funds in the approved budget, including any Board approved amendments to the budget designated for the goods or services being procured,
 - ii. Approval by the Executive responsible for the budget in which the goods or services to be paid for expenditures valued at less than \$100,000,
 - iii. Approval by the Board for expenditures valued over \$100,000. The Board may approve of the expenditure either as part of the annual budget, budget amendment, annual Business Plan or a specific Board approval of the contract or purchase order.



OCERS Board Policy

Procurement and Contracting

- 6. Contractors: For purposes of this policy, Contractors include providers of services and vendors of goods.
- 7. Named Service Providers: Contractors recommended by the CEO and selected and appointed by the Board where such providers are retained primarily to fulfill an independent audit or advisory role for the Board. See also below section V.
- 8. Time and Material (T&M) Contracts: agreements with Contractors where the value of the contract is variable based on the time and material costs of the Contractor. In these types of contracts, the contract will include a provision stating that the Contract Value is not to exceed a specified dollar amount, or the Contract Value will be limited by the available budget for the goods or services.
- 9. Investment Management Agreements: agreements of any kind that evidence and/or govern the investment of OCERS’ assets in any investment class. Investment Consultant Agreements are not Investment Management Agreements.

II. Provisions Applicable to All Contracts

A. Contracting Philosophy

- 1. OCERS will consider as broad a universe of qualified Contractors as is practical and reasonable given budgetary, staffing, time and other relevant constraints and considerations.
- 2. The search, selection, monitoring, and reporting provisions contained in this policy serve as minimum requirements. If more stringent requirements are established under the law or within other policies of OCERS, the law and such other policies will control.
- 3. Consistent with Title 2, Division 6, Chapter 7 of the California Code of Regulations, §§ 18700-18720, no OCERS Board Member or staff will be directly or indirectly involved in an OCERS contracting decision if the decision will have a material financial effect on an economic interest of the Board Member, staff person, or the immediate family of the Board Member or staff person.
- 4. OCERS values diversity and inclusion and is committed to fostering diversity in its procurement process through the outreach to small and diverse businesses. In the distribution and publication of solicitations, OCERS will endeavour to reach beyond traditional sources and list opportunities in locations that will notify a diverse audience of Contractors.

B. Authority for Entering Into Contracts.

- 1. Before entering into any contract for goods or services, OCERS must have available funds in the current year’s approved budget, including any Board approved amendments to the budget, to fund the current year’s expense or Contract Value.
- 2. Only the Responsible Executive or his/her designee may bind or commit OCERS for the purchase of goods or services as set forth in this policy, except in emergencies and as may be otherwise authorized by the Board.



OCERS Board Policy

Procurement and Contracting

- 3. An emergency is any circumstance that would interfere with OCERS' ability to meet its fiduciary obligations, threaten the health and safety of its staff, or compromise its legal rights or remedies. If a contract is needed as the result of an emergency, report of the contract will be made to the Responsible Executive or to the Board whose authorization is normally required for such contract as soon as practicable.
- 4. The CEO may delegate his/her authority to execute documents to an Executive.
- 5. A Responsible Executive may delegate his/her authority to approve check requests and/or purchase requisitions.
- 6. All delegations will be documented in writing, identifying the individual to whom the authority is delegated and any dollar restriction or budget account restrictions associated therewith.

C. Contract Term

The term of a contract will not exceed six years.

D. Performance Reviews

- 1. The Contract Administrator will coordinate the evaluation of all Contractors to determine if Contractors are performing their contractual obligations.
- 2. The performance of Named Service Providers and Contractors with Contract Values that exceed \$100,000 will be reviewed at least every three years. In addition, at least six months before the expiration of the initial term of a contract with a Named Service Provider and Contract Value over \$100,000, the continued appropriateness and cost-effectiveness of the Contractor will be assessed. For contracts with Named Service Providers, the CEO and the Board or the pertinent committee of the Board will make the performance review and assessment. For Contract Values over \$100,000, the CEO (or his/her designee) will make the performance review and assessment.
- 3. The results of performance reviews of Named Service Providers will be summarized and reported to the Board.

III. Search and Selection Process

A. Competitive Search and Selection Process

Where a competitive search and selection process is required under this policy, the Responsible Executive will use one of the following procurement methods.

- 1. Invitation for Bid (IFB):
 - i. This method will be used when multiple bidders are available and willing to bid, and procurement needs can be stated in detail, with precision, or where services or products are standardized.



OCERS Board Policy

Procurement and Contracting

- ii. The IFB process requires the evaluation of price, delivery and payment terms, and compliance with technical standards. The bid that provides the best pricing and delivery and payment terms will be selected.
 - iii. The bids may be reviewed by a minimum of three OCERS staff members to identify the bidder who provides the best value to OCERS.
2. Request for Proposal (RFP)
- i. This method will be used where the product or service to be acquired cannot be stated with specificity (such as consulting services) or where OCERS may seek to evaluate a number of different types of professional services or products.
 - ii. The proposal that best meets OCERS' needs, with consideration for price, qualifications, and other relevant factors set forth in the RFP, will be selected.
 - iii. This method will be used in most circumstances where the Contract Value exceeds \$100,000. In cases where the Responsible Executive deems an RFP will not be of benefit, the Responsible Executive or designee will provide a report to the CEO detailing the reasons why an RFP is not beneficial. The CEO must approve the exception prior to selecting a Contractor.
3. Small Purchase Procedure
- i. Where the Contract Value is at least \$1,000 but less than \$100,000, a minimum of three quotes from qualified sources must be obtained. If three qualified sources cannot be reasonably identified, then the Responsible Executive may authorize the use of a sole source process, as set forth below in Section III.C.
4. Process for Receiving Bids in Response to an RFP or IFB
- i. The period for submitting bids in response to an RFP and IFB will be at least fifteen (15) days from the date the RFP or IFB is issued. All RFPs and IFBs will be posted on the OCERS website and distributed to entities that OCERS identifies as likely to be interested.
 - ii. The Contract Administrator or his/her designee will answer questions from any bidder or potential bidder, and all answers provided to any bidder will be made available to all bidders by posting on the OCERS website and by e-mailing all bidders.
 - iii. Best efforts will be made to have at least three OCERS personnel review the bids and recommend finalists. Best efforts will be made to include at least one representative from a department other than the one that has authority over the contract. In the case where external expertise is used to review the bids, at least one reviewer must be an OCERS employee.

B. Contracted Suppliers

Where a Contractor has been selected by OCERS pursuant to a competitive search and selection process or by the County of Orange or other governmental agency pursuant to a competitive search and selection process, the Contractor may be used as a Contracted Supplier under certain circumstances as set forth in this policy. Such Contracted Suppliers may include, by way of example, retail sellers of off the shelf office supplies contracted by the County of Orange or directly by OCERS.



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Procurement and Contracting

C. Sole Source

A sole source approach may be permitted under the following circumstances:

1. In cases where a competitive search and selection process will not likely yield a viable alternative to a known service provider; or
2. Where legal services are urgently needed, a competitive search and selection process will not be timely, and a known Contractor exists.

A report describing the unique characteristics of the situation, the known Contractor and sound justification for a sole source approach will be provided to the Executive who will either approve or deny the request to use a sole source approach. Executives who wish to use a sole source approach will provide the report to the CEO, who will either approve or deny the request. When the CEO is the Responsible Executive, the report will be provided to the Board Chair and Vice-Chair who will either approve or deny the request to use a sole source approach.

D. Exclusions

Notwithstanding any other provision in this policy, Contractor back-fill or temporary help for staff augmentation does not require Board approval or compliance with this policy as long as budgetary amounts are available for individual contractor positions.

E. Due Diligence

1. Before awarding a contract, the Contract Administrator will conduct due diligence of any bidder selected to ensure that the bidder:
 - i. Meets all minimum qualifications set forth in the solicitation document; and
 - ii. Meets all other standards which, in the exercise of sound business judgment, are required of the Contractor.
2. If a selected bidder is disqualified as a result of the due diligence process, the reason for the disqualification will be documented and forwarded to the Responsible Executive for confirmation.
3. For certain critical Information Technology Contractors, SOC2 reports will be requested during the due diligence process. These reports will then be requested from the Contractor annually to ensure proper Information Technology and security controls are in place.



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Procurement and Contracting

IV. Contract Guidelines Summary

Contract Value	Approver	Signatory	Procurement Requirements
Named Service Provider	Board of Retirement or represented committee	CEO (or CIO on Investment-related contracts) +1 Executive	IFB or RFP
\$100,000 or More	CEO	CEO (or CIO on Investment-related contracts) +1 Executive	IFB or RFP
\$1,000 to \$99,999	Responsible Executive	Responsible Executive + 1 Executive, Director or Manager	IFB, RFP, Small Purchase Procedure, or Contracted Supplier
Under \$1,000	Responsible Executive or designee	Responsible Executive or designee	Contracted Supplier, Small Purchase Procedure, Contracted Supplier
Investment Managers	CEO / CIO	CEO or CIO +1 Executive	In accordance with CIO Charter and IC Charter and IPS

V. Contracts with Named Service Providers

Contracts with Named Service Providers will comply with the requirements of this section.

A. Designation of Named Service Providers

The following service providers are designated as Named Service Providers:

1. Consulting actuary;
2. Actuarial auditor;
3. General investment consultant;
4. Alternative investments consultant;
5. Fiduciary counsel;
6. Securities lending manager;



OCERS Board Policy

Procurement and Contracting

7. Financial auditor; and
8. Any additional consultant not named above but which the Board may, from time to time, designate.

B. Search and Selection Process

1. At least six months before the expiration of the final extension of a contract with a Named Service Provider, or upon direction of the Board following the review of the performance of the Named Service Provider, the CEO will conduct a competitive search and selection process for a Named Service Provider.
2. Prior to conducting a search for a Named Service Provider, the CEO or his designee will present a written summary to the Board, which will include:
 - i. The type of service provider being sought and the supporting rationale;
 - ii. The objectives and selection criteria to be met and their relative importance;
 - iii. An estimated timeline for completion of the search process; and
 - iv. A description of the search methodology that is deemed most appropriate and cost effective in the particular circumstances, and that addresses such issues as:
 - a. What method of competitive search and selection process will be used;
 - b. Whether a consultant is to be used to assist with the search process;
 - c. The due diligence efforts to be undertaken, including such efforts as site visits, and reference checks;
 - d. Such other information that the CEO believes may assist the Board in better understanding the search process.
3. The CEO will provide the Board (or a designated committee of the Board) with periodic reports on the status of all search processes involving Named Service Providers.
4. Upon completion of the analysis and due diligence involved in a search process for a Named Service Provider, the CEO will provide the Board (or a designated committee of the Board) with a written report containing, at a minimum:
 - i. A description of the due diligence activities undertaken;
 - ii. The recommended finalist(s) and analysis of the recommendation;
 - iii. Confirmation of compliance with the objectives, selection criteria and search methodology presented to the Board prior to the commencement of the search, or an explanation of any deviations that occurred;
 - iv. A description of performance expectations and the proper time horizon for evaluation of results;
 - v. A bid (pricing) summary with annotations regarding differentiating features; and



OCERS Board Policy

Procurement and Contracting

- v. A description of the expected performance monitoring and reporting efforts to be carried out with respect to the Named Service Provider throughout the term of the contract, including the reporting to be provided to the Board.
- 5. The Board (or a designated committee of the Board) will interview the candidate or candidates recommended for appointment as a Named Service Provider. If a committee reviews the candidates, the committee will recommend to the Board the appointment of the Named Service Provider. If the Board interviews the candidates, the Board itself will decide on the appointment.
- 6. Upon selection of the candidate, the CEO (or his/her designee) will negotiate a final contract with the selected Named Service Provider, consistent with the terms of the contract solicitation, this policy, and any other direction from the Board. If, at any time during the negotiations, the CEO determines that there is an impasse in negotiations, s/he may recommend to the Board that the Board select an alternate bidder for the Named Service Provider.

C. Approval and Execution

Upon completion of negotiations with a Named Service Provider, the CEO or his/her designee will inform the Board of the general contract terms and conditions that have been negotiated. Contracts with Named Service Providers must be executed by the CEO and one other Executive.

D. Reports

- 1. The CEO will report promptly to the Board any failures by a Named Service Provider to comply with the terms of their contract.
- 2. At least annually, the CEO will provide the Board a schedule of the contracts with Named Service Providers due for renewal and those whose terms will expire in the coming year.
- 3. The CEO will report regularly and in a timely fashion to the Board on all monitoring efforts involving Named Services Providers, identifying any material issues and actions taken in response.

VI. Contracts with Contract Value of \$100,000 or More

Contracts for goods or services, excluding contracts with Named Service Providers, for which the Contract Value exceeds \$100,000 will comply with the requirements of this section.

A. Review and Renewal

- 1. At least six months before the expiration of the term of a contract with a Contract Value over \$100,000, the CEO (or his/her designee) will assess the continued appropriateness and cost-effectiveness of the Contractor in question.
- 2. Upon recommendation of the Responsible Executive (or his/her designee), the CEO will: 1) extend the term of the contract up to the maximum total term of six years; 2) direct the Responsible Executive (or his/her designee) to conduct a new search and selection process; or 3) determine that the goods or services are no longer necessary.



OCERS Board Policy

Procurement and Contracting

B. Search and Selection Process

1. Contracts for goods or services for which the Contract Value exceeds \$100,000, require a competitive search and selection process.
2. Upon completion of a competitive search and selection process, a written report will be provided to the CEO or his/her designee and will include at a minimum:
 - i. Purpose and need for the goods or services being procured;
 - ii. A description of the procurement process and due diligence activities undertaken; and
 - iii. The recommended finalist and analysis concerning the candidates.
3. Upon the CEO's, or his/her designee's approval of the candidate, the Responsible Executive (or his/her designee) will negotiate a final contract, consistent with the terms of the contract solicitation, this policy, and direction from the CEO. If, at any time during the negotiations, the Responsible Executive determines that there is an impasse in negotiations, s/he may recommend to the CEO that the CEO select an alternate candidate.

C. Approval and Execution

1. Contracts for goods or services with a Contract Value that exceeds \$100,000 must be executed by the CEO and one other Executive.
2. For contracts relating to Routine and Non-Routine Items, Board approval of the expenditure may be acquired through either the budgeting process or the annual Business Plan.

VII. Contracts with Contract Value Between \$1,000-\$99,999.99

Contracts for goods or services, excluding contracts with Named Service Providers, with a Contract Value that is at least \$1,000 but less than \$100,000 will comply with the requirements of this section.

A. Search and Selection Process

1. Contracts for goods or services, excluding contracts with Named Service Providers, with a Contract Value of at least \$1,000 but less than \$100,000, the Executive Responsible will require a competitive search and selection process. The use of a Contracted Supplier is permitted.
2. Upon selection of the candidate, the Responsible Executive (or his/her designee) will negotiate a final contract consistent with the terms of the contract solicitation, this policy, and direction from the CEO. If, at any time during the negotiations, the Responsible Executive determines that there is an impasse in negotiations, s/he may select an alternate candidate.

B. Approval and Execution

1. Upon completion of negotiations, the Responsible Executive will approve the contract.



OCERS Board Policy Procurement and Contracting

- 2. Any contract under this provision must be executed by at least two Executives.

VIII. Contracts with Contract Value Less than \$1,000

Contracts for goods or services, excluding contracts with Named Service Providers, for which the Contract Value is less than \$1,000 will comply with the requirements of this section.

A. Search and Selection Process

The Responsible Executive may enter into a contract with any qualified Contractor that the Responsible Executive determines is in the best interest of OCERS. Alternatively, the Responsible Executive may choose to use a competitive search and selection process if s/he determines it is in the best interest of OCERS.

Policy Review and History

- A. The Board will review this policy at least every three (3) years to ensure that it remains relevant and appropriate.
- B. The Board adopted this policy on Monday, November 18, 2002.
- C. This policy was revised May 19, 2008, March 22, 2010, May 20, 2013, January 20, 2015, October 15, 2018, and November 2021.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

Steve Delaney Secretary of the Board	Date: 11/15/21
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Memorandum

DATE: October 17, 2022

TO: Members of the Board of Retirement

FROM: Brenda Shott, Assistant CEO, Finance and Internal Operations, and
Jim Doezie, Contracts, Risk, and Performance Administrator

SUBJECT: BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN EXERCISE EXECUTIVE SUMMARY

Written Report

Background/Discussion

Recognizing that business continuity and disaster recovery planning is a critical component of meeting our obligation to generate member payments each month and perform other core processes, OCERS engaged the services of Castellan Solutions in 2015 to assist with the creation of a formal business continuity (BC) and disaster recovery (DR) program. This process consisted of conducting business impact analyses for each of the major departments within OCERS, identifying and prioritizing core business processes, defining recovery time objectives and creating department recovery plans as well as agency-wide crisis management and crisis communication plans. OCERS has a Crisis Management Team (CMT) which meets quarterly to review and discuss BC/DR matters. Additionally, the CMT conducts a tabletop exercise annually, in which the BC/DR team role-plays scenarios involving the loss of one or more of the following areas: facility, technology, personnel, and/or critical third-party vendors.

The objectives of the tabletop exercises are to:

- Review the business continuity program as a whole
- Use a simulated crisis scenario to validate plan content and strategies
- Build awareness regarding crisis management and business continuity roles and responsibilities
- Increase participation, education, and confidence in managing a crisis that affects ongoing operations
- Identify gaps and improvement opportunities

Exercise Approach

On Tuesday, July 26th, 2022, members of the OCERS' Crisis Management Team (CMT) and select Department Recovery Team Leaders participated in an exercise to test and improve OCERS business continuity program and Crisis Management Plan. The exercise was conducted as a two-hour tabletop exercise combining an earthquake event with an extended IT disruption. During the initial phase of the scenario, the Senior Executive team was made to be unavailable to staff, allowing the group to test the readiness of role alternates and department recovery team members. The facilitators presented exercise participants with a scenario that posed a realistic set of events that required activation of the Crisis Management Team. Participants were unaware of the scenario prior to the start of the exercise with the exception of the Business Continuity Coordinators, who coordinated with Castellan Solutions to develop the scenario. The facilitators gave participants updates and new information to stimulate communication during a real crisis. During the exercise, participants were given time to:

- Discuss how to respond and recover



Memorandum

- Use plans to guide and support decision-making
- Discuss the use of tools and resources to assist in the response and recovery effort

Exercise Results

Strengths

- Two CMT Members quickly assumed appropriate leadership roles in the absence of assigned team leaders
- Participant engagement and involvement was very strong, including active participation among non-CMT members who had not been involved in an exercise in the past
- The team was confident in their ability to execute the mission-critical task for OCERS: executing alternate payroll processes

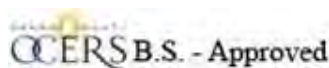
Opportunities for Improvement

- Continue to train on and highlight the Crisis Management and Crisis Communications Plans so that team members remember to reference them right away during a disruption
- Possibly enhance the Communication Plan and Activities beyond simply updating the OCERS website
- Gain clarity around the philosophical idea about emergency responder obligations
- Update and distribute OCERS Continuity Cards
- Ensure that the Crisis Management and Crisis Communications Plans contain appropriate procedures to remind team members to communicate with all appropriate stakeholders, including the Board
- Consider the feasibility of calculating new retiree benefits manually and document processes if it is determined that it is feasible

Exercise Summary

The exercise was considered successful in that it allowed us to highlight our strengths and identify opportunities for improvement. We look forward to continuing this program and look forward to additional exercises in the future.

Submitted by:



Brenda Shott
Assistant CEO, Internal Operations



Jim Doezie
Contracts, Risk and Performance Administrator



Memorandum

DATE: October 04, 2022
TO: Members of the Board of Retirement
FROM: Cynthia Hockless, Director of Human Resources
SUBJECT: UPDATE BOARD ELECTION, GENERAL AND RETIRED MEMBER

Written Report

Informational Only

Background/Discussion:

On March 15, 2022, OCERS contacted the Registrar of Voters requesting that they conduct an election for the General and Retired Member whose terms will expire on December 31, 2022. The following two candidates submitted completed nomination paperwork and biographical statements and were determined qualified candidates:

1. Adele Tagaloa - General Member Election
2. Kira Rubin - General Member Election

On October 04, 2022, the Registrar of Voters declared Adele Tagaloa as the candidate receiving the highest total of votes and elected to the General Member seat.

The Registrar of Voters received one qualified candidate for the Retired Member Election:

1. Roger Hilton - Retired Member Election

On August 03, 2022, the Registrar of Voters determined only one qualified candidate filed nomination papers for the Retired Member Election. The Orange County Employees Retirement System’s Election Procedures state: *“If there is only one qualified candidate for an office, no election shall be held...The Board of Supervisors shall declare that candidate to be duly elected to the Board of Retirement for the term specified.”*

Bob Page, Chief Election Official, at the Registrar of Voters is scheduled to recommend that the Board of Supervisors approve the appointment of Roger Hilton to the position of Retired Board Member and Adele Tagaloa is certified as the winner of the General Member Election at the October 18, 2022, Board of Supervisors meeting.

Attachment:

1. Election Certification from OC Registrar of Voters for General Member Election

Submitted by:



C.H. – APPROVED

Cynthia Hockless
Director of Human Resources



REGISTRAR OF VOTERS
1300 South Grand Avenue, Bldg. C
Santa Ana, California 92705
(714) 567-7600
FAX (714) 567-7627
ocvote.gov

BOB PAGE
Registrar of Voters

Mailing Address:
P.O. Box 11298
Santa Ana, California 92711

October 4, 2022

Ms. Cynthia Hockless
Director of Administrative Services
Orange County Employees Retirement System
2223 Wellington Avenue, Suite 100
Santa Ana, CA 92701

Dear Ms. Hockless:

I have enclosed the Certification of the Registrar of Voters as to the results of the canvass of the election returns for the October 4, 2022, election of a General Member to the Board of Retirement of the Orange County Employees Retirement System.

The Board of Supervisors will receive and file these documents at their October 18, 2022 meeting.

If you have any questions, please contact me at (714) 567-7568 or Marcia.Nielsen@ocvote.gov.

Sincerely,

Marcia Nielsen
Candidate and Voter Services Manager

Enclosure



ELECTION CERTIFICATION

I, Bob Page, Registrar of Voters of Orange County, State of California, hereby certify that I conducted an election among the General Members of the Orange County Employees Retirement System for the purpose of electing a General Member to the Board of Retirement of the County of Orange for the term commencing January 1, 2023 and ending December 31, 2025.

I further certify that the results of the votes indicate that Adele Tagaloa was elected the General Member. I further certify the following to be a complete tally of the votes cast:

GENERAL MEMBER
ORANGE COUNTY BOARD OF RETIREMENT

ADELE TAGALOA	892
KIRA RUBIN	839
TOTAL BALLOTS CAST:	1,731

WITNESS my hand and Official Seal this 4th day of October, 2022.



BOB PAGE
Registrar of Voters
Orange County



Memorandum

DATE: October 5, 2022
TO: Members of the Board of Retirement
FROM: Tracy Bowman, Director of Finance
SUBJECT: **THIRD QUARTER 2022 TRAVEL AND TRAINING EXPENSE REPORT**

Written Report

Background/Discussion

In accordance with OCERS' Travel Policy, the Chief Executive Officer is required to submit a quarterly report to the Board of Retirement on conference attendance and related expenditures incurred by OCERS' Board Members and staff. Attached is the Third Quarter 2022 Travel and Training Expense Report that includes all expenses submitted through September 30, 2022.

Submitted by:

A rectangular stamp with the OCERS logo on the left and the text "OCERS T.B. - Approved" on the right.

OCERS T.B. - Approved

Tracy Bowman
Director of Finance

10-17-2022 REGULAR BOARD MEETING AGENDA - R-10 Third Quarter 2022 Travel and Training Expense Report

TRAVEL AND TRAINING EXPENSE REPORT
THIRD QUARTER 2022
Submitted Through September 30, 2022**

Name	Trip OR Class Dates	Trip Name	Destination	Trip Type	Mileage	Reg. Fee	Meals	Airfare	Hotel	Trans.	Misc.	2022 YTD Total	2021 Total*
ELEY					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	1,184.49
FREIDENRICH	4/29/22	CALAPRS Trustees' Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	119.93	120.00	50.00	-	553.64	-	-	843.57	
Sub Total					119.93	170.00	50.00	-	553.64	-	-	893.57	2,286.78
OATES	2/27-3/1/22	NAPFO 33rd Pension & Benefit	Las Vegas, NV	Training	303.03	635.00	-	-	439.92	36.00	-	1,413.95	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	102.96	250.00	55.65	-	774.24	-	-	1,182.85	
	7/17-7/20/22	SACRS/UC Berkeley 2022 Program: System Pricing	Berkeley, CA	Training	18.75	2,500.00	32.97	305.96	1,536.99	112.40	-	4,507.07	
	10/23-10/26/22	NCPRS 2022 Public Safety Conference	Nashville, TN	Training	-	750.00	-	562.96	-	-	-	1,312.96	
Sub Total					424.74	4,135.00	88.62	868.92	2,751.15	148.40	-	8,416.83	3,897.41
PACKARD					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	550.00
PREVATT	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	118.17	250.00	94.08	-	789.24	-	-	1,251.49	
	3/30-4/1/22	CALAPRS Advanced Principles of Pension Gov for Trustees	UCLA Lusking Center	Training	-	3,100.00	-	-	-	-	-	3,100.00	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	142.16	120.00	39.53	-	845.46	-	-	1,147.15	
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	-	1,400.00	-	-	-	98.42	-	1,498.42	
Sub Total					260.33	4,870.00	133.61	-	1,634.70	98.42	-	6,997.06	1,887.79
TAGALOA	2/26-3/1/22	NASRANIRS Roundtable & Joint Legislative Conference	Washington D.C.	Training	18.72	750.00	30.90	289.20	1,006.96	19.49	-	2,115.27	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	109.52	250.00	62.09	-	774.24	63.00	-	1,258.85	
	3/30-4/1/22	CALAPRS Advanced Principles of Pension Gov for Trustees	Los Angeles, CA	Training	156.20	3,100.00	-	-	-	-	-	3,256.20	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	124.61	120.00	-	-	830.44	-	-	1,075.07	
	6/20-6/22/22	SACRS Committee Meeting	Santa Rosa, CA	Meeting	-	-	-	498.01	840.88	163.09	-	1,501.98	
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	31.25	1,400.00	-	-	981.99	-	-	2,413.24	
	8/21/22	NCPRS 2022 Public Pension Funding Forum	Los Angeles, CA	Training	-	820.00	-	-	-	-	-	820.00	
	8/22-8/23/22	SACRS Committee Meeting	Los Angeles, CA	Meeting	50.63	-	-	-	613.18	-	-	663.81	
Sub Total					490.93	6,440.00	92.99	787.21	5,047.71	245.58	-	13,104.42	7,713.22
VALLONE					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	120.00
BOARD Total					1,295.93	15,615.00	365.22	1,656.13	9,987.20	492.40	-	29,411.88	17,639.69
DELANEY	2/10/22	CALAPRS Administrators Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	2/26-3/1/22	NASRANIRS Round Table & Joint Legislative Conference	Washington D.C.	Training	-	750.00	167.55	346.20	639.14	251.25	-	2,154.14	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	96.64	250.00	27.77	-	516.16	-	-	890.57	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	60.26	120.00	-	-	-	-	-	180.26	
	6/24/22	CALAPRS Administrators Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	6/27-6/28/22	NCPRS 2022 Chief Officers Summit	San Francisco, CA	Speaker	-	-	54.11	287.20	326.78	145.50	-	813.59	
	8/24-8/26/22	YtechCONNECT Annual Summit	Washington D.C.	Training	-	1,195.00	-	1,134.21	308.06	37.91	-	2,675.18	
	9/20-9/25/22	CII Fall 2022 Conference	Boston, MA	Training	-	-	-	903.20	-	-	-	903.20	
	9/28-9/30/22	CALAPRS Administrators Institute	Long Beach, CA	Training	40.01	1,500.00	28.38	-	-	34.00	-	1,602.39	
	10/23-10/26/22	NCPRS 2022 Public Safety Conference	Nashville, TN	Training	-	750.00	-	993.21	-	-	-	1,743.21	
	10/28/22	CALAPRS Trustees' Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	-	-	-	549.18	-	-	549.18	
	Various	UC Berkeley AI: Business Strategies & Application	Online	Training	-	2,380.00	-	-	-	-	-	2,380.00	
Sub Total					196.91	7,095.00	277.81	3,664.02	2,339.32	468.66	-	14,041.72	6,446.07
JENIKE	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	101.91	250.00	-	-	774.24	42.00	-	1,168.15	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	91.85	120.00	-	-	553.64	-	-	765.49	
	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	7/18-7/19/22	IFEBP Benefit Communication and Technology Institute	Online	Training	-	1,325.00	-	-	-	-	-	1,325.00	
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	-	1,325.00	-	-	648.66	-	-	1,994.40	
	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	56.25	149.00	-	-	-	-	-	205.25	
	8/29-9/1/22	CALAPRS Principles of Pension Governance for Trustees	Tiburon, CA	Training	-	-	-	387.97	-	163.27	-	551.24	
Sub Total					250.01	3,219.00	20.74	387.97	1,976.54	205.27	-	6,059.53	1,315.00
NIH	5/6/22	CALAPRS Overview Course in Retirement Plan Admin.	Online	Training	-	100.00	-	-	-	-	-	100.00	
	6/21/22	CALAPRS Administrative Assistants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	Various	Lean Six Sigma Green Belt	Online	Training	-	2,145.00	-	-	-	-	-	2,145.00	
Sub Total					-	2,295.00	-	-	-	-	-	2,295.00	-
SHOTT	2/28-3/1/22	CIO Leadership Forum	Online	Training	-	1,450.00	-	-	-	-	-	1,450.00	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	81.90	250.00	54.89	-	516.16	-	-	902.95	
	5/22-5/25/22	NCPRS 2022 Annual Conference	Washington D.C.	Training	21.06	900.00	219.92	999.84	1,353.84	60.50	-	3,555.16	
	6/5-6/8/22	GFOA Annual Conference	Austin, TX	Training	10.53	555.00	347.60	571.19	1,526.45	144.70	-	3,155.47	
	8/16/22	Executive Off-Site - Leadership Conference	Costa Mesa, CA	Training	-	-	-	-	-	18.00	-	18.00	
	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	18.75	-	-	-	-	20.00	-	38.75	
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	-	-	-	120.00	
	Various	Wharton AI: Business Strategies & Application	Online	Training	-	2,249.10	-	-	-	-	-	2,249.10	
Sub Total					132.24	5,524.10	622.41	1,571.03	3,396.45	243.20	-	11,489.43	2,965.00
EXECUTIVE Total					579.16	18,133.10	920.96	5,623.02	7,712.31	917.13	-	33,885.68	10,726.07

10-17-2022 REGULAR BOARD MEETING AGENDA - R-10 Third Quarter 2022 Travel and Training Expense Report

TRAVEL AND TRAINING EXPENSE REPORT
THIRD QUARTER 2022
Submitted Through September 30, 2022**

Name	Trip OR Class Dates	Trip Name	Destination	Trip Type	Mileage	Reg. Fee	Meals	Airfare	Hotel	Trans.	Misc.	2022 YTD Total	2021 Total*
BEESON	Various	UCLA Leading High Performing Teams	Online	Training	-	2,600.00	-	-	-	-	-	2,600.00	-
Sub Total					-	2,600.00	-	-	-	-	-	2,600.00	120.00
CHARY					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	4,570.00
CHEN	8/16/22	Executive Off-Site - Leadership Conference	Costa Mesa, CA	Training	-	-	93.34	517.21	369.90	40.39	-	1,020.84	-
Sub Total					-	-	93.34	517.21	369.90	40.39	-	1,020.84	-
JI					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	270.00
MURPHY	4/4/22	Manager DD Meeting with LYUNO-SDI Group	Los Angeles, CA	Meeting/Due Diligence	50.08	-	-	-	-	-	-	50.08	-
	5/1-5/4/22	Milken Institute Global Conference	Beverly Hills, CA	Conference	89.61	-	-	-	2,091.96	-	-	2,181.57	-
	6/10/22	CIO Quarterly Meeting	Los Angeles, CA	Meeting/Due Diligence	-	-	-	-	-	15.00	-	15.00	-
	6/19-6/23/22	FSN Capital, Altor, Constellation, EOT Capital & Nordic Capital	Amsterdam & Stockholm	Due Diligence	37.44	-	130.47	2,083.35	1,508.36	75.70	-	3,835.32	-
	9/8/22	UCSD Advisory Board Meeting	San Diego, CA	Meeting	95.00	-	-	-	-	-	-	95.00	-
	9/26-9/30/22	Super Return Asia & CBC Group Annual Meeting	Singapore	Meeting/Due Diligence	-	-	-	2,973.76	17.16	-	-	2,990.92	-
Sub Total					272.13	-	130.47	5,057.11	3,617.48	90.70	-	9,167.89	4,355.55
WALANDER-SARKIN	3/10/22	Women's Private Equity Summit	Dana Point, CA	Conference	-	-	-	-	-	23.00	-	23.00	-
	4/4/22	Manager DD Meeting with LYUNO-SDI Group	Los Angeles, CA	Meeting/Due Diligence	50.08	-	-	-	-	-	-	50.08	-
Sub Total					50.08	-	-	-	-	23.00	-	73.08	120.00
INVESTMENTS Total					322.21	2,600.00	223.81	5,574.32	3,987.38	154.09	-	12,861.81	9,435.55
KINSLER	4/13/22	CALAPRS Communications Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	50.00
RITCHEY	4/13/22	CALAPRS Communications Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	50.00
COMMUNICATIONS Total					-	100.00	-	-	-	-	-	100.00	100.00
HORST	5/6/22	CALAPRS Overview Course in Retirement Plan Admin.	Online	Training	-	100.00	-	-	-	-	-	100.00	-
	6/21/22	CALAPRS Administrative Assistants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	150.00	-	-	-	-	-	150.00	-
MATSUO	2/18/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	298.41	-	-	418.41	-
	5/27/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	9/23/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	270.00	-	-	298.41	-	-	568.41	220.00
MCINTOSH	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	895.67	-	-	1,015.67	-
Sub Total					-	120.00	-	-	895.67	-	-	1,015.67	1,068.16
RATTO	3/6-3/9/22	NAPPA Board Meetings	New Orleans, LA	Meeting	25.51	-	153.43	696.19	-	88.20	-	1,690.05	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	57.33	120.00	-	-	276.82	-	-	454.15	-
	5/27/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	6/21-6/24/22	NAPPA Legal Education Conference	Louisville, KY	Training	26.92	995.00	24.59	1,387.20	757.77	51.40	-	3,242.88	-
	8/23/22	CalPERS Pathways for Women Conference 2022	Anahem, CA	Training	-	149.00	-	-	-	-	-	149.00	-
	9/29-10/1/22	NAPPA Board Meetings	Philadelphia, PA	Meeting	-	-	-	631.59	-	-	-	631.59	-
Sub Total					109.76	1,314.00	178.02	2,714.98	1,761.31	139.60	-	6,217.67	1,845.58
SERPA	2/18/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	9/23/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	10/25/22	CALAPRS Compliance Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	150.00	-	-	-	-	-	150.00	499.00
SINGLETON	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	120.51	120.00	-	-	160.00	15.00	-	415.51	-
	9/10/22	OCPA 36th Annual Educational Conference	Costa Mesa, CA	Training	7.50	165.00	-	-	-	10.00	-	182.50	-
	9/23/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					128.01	335.00	-	-	160.00	25.00	-	648.01	284.14
LEGAL Total					237.77	2,339.00	178.02	2,714.98	3,115.39	164.60	-	8,749.76	3,916.88
ARDELEANU	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	-
FIELDS	Various	CFP Board's Revised Code & Standard	Online	Training	-	79.45	-	-	-	-	-	79.45	-
	Various	Lean Six Sigma Green Belt	Online	Training	-	2,145.00	-	-	-	-	-	2,145.00	-
Sub Total					-	2,224.45	-	-	-	-	-	2,224.45	-
GUEVARA	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	513.50
IBARRA					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
LAMBERSON	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	2,089.00
LOPEZ	4/11-4/12/22	CALAPRS Management Academy 2022: Module 1	Pasadena, CA	Training	-	3,000.00	-	-	-	-	-	3,000.00	-
Sub Total					-	3,000.00	-	-	-	-	-	3,000.00	513.50
PANAMENO	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	100.00
PERSI	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	40.00
RODRIGUEZ					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
RUBIO					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
MEMBER SERVICES Total					-	5,474.45	-	-	-	-	-	5,474.45	3,556.00

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Name	Trip OR Class Dates	Trip Name	Destination	Trip Type	Mileage	Reg. Fee	Meals	Airfare	Hotel	Trans.	Misc.	2022 YTD Total	2021 Total*
BARKER	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	-	199.00	-	-	-	20.00	-	219.00	-
Sub Total					-	199.00	-	-	-	20.00	-	219.00	220.00
BOWMAN	4/20/22 10/23-10/26/22	GFOA Essential Tools for Policies & Procedure in Treasury Dept. P2F2 Annual Conference 2022	Online Philadelphia, PA	Training Training	-	85.00	-	-	-	-	-	85.00	-
Sub Total					-	85.00	-	563.20	-	-	-	648.20	670.00
DURIGON	9/13/22	CALAPRS Accountants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	191.75
KANG	7/26/22 Various	P2F2 Quarterly Forum: New IRS Forms and WAR CPE Continuing Education for CPA	Online Online	Training Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	1,385.00	-	-	-	-	-	1,385.00	-
REYES	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	-	199.00	-	-	-	20.00	-	219.00	-
Sub Total					-	199.00	-	-	-	20.00	-	219.00	210.00
FINANCE Total					-	1,968.00	-	563.20	-	40.00	-	2,571.20	2,936.75
ACUNA	Various	Lean Six Sigma Black Belt	Online	Training	-	1,499.00	-	-	-	-	-	1,499.00	-
Sub Total					-	1,499.00	-	-	-	-	-	1,499.00	513.50
CORTEZ	Various	Lean Six Sigma Black Belt	Online	Training	-	1,499.00	-	-	-	-	-	1,499.00	-
Sub Total					-	1,499.00	-	-	-	-	-	1,499.00	500.00
DISABILITY Total					-	2,998.00	-	-	-	-	-	2,998.00	1,013.50
DURRAH					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	2,656.75
GUNSOLLEY	5/15-5/18/22	ADT 2022 International Conference & Exposition	Online	Training	-	475.00	-	-	-	-	-	475.00	-
Sub Total					-	475.00	-	-	-	-	-	475.00	756.75
HOCKLESS	6/11-6/15/22 8/23/22	SHRM Annual Conference & Expo 2022 CalPERS Pathways for Women Conference 2022	New Orleans, LA Anaheim, CA	Training Training	-	1,800.00	108.54	758.96	932.79	45.00	-	3,645.29	-
Sub Total					-	1,999.99	108.54	758.96	932.79	65.00	-	3,865.28	400.00
NGUYEN	5/6/22	CALAPRS Overview Course in Retirement Plan Admin.	Online	Training	-	100.00	-	-	-	-	-	100.00	-
Sub Total					-	100.00	-	-	-	-	-	100.00	-
WOZNIUK					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	3,436.75
HUMAN RESOURCES Total					-	2,574.99	108.54	758.96	932.79	65.00	-	4,440.28	7,250.25
D'AIELLO					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
DOEZIE					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	415.00
OPERATIONS SUPPORT SERVICES Total					-	-	-	-	-	-	-	0.00	515.00
LARA					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	40.00
SADOSKI					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	40.00
IT Total					-	-	-	-	-	-	-	0.00	80.00
ADVIENTO	3/31/22 Various Various	MasterCPE Ethics for California CalCPA Government/Commercial IIA 2022 Ignite: Emerging Leaders Conference	Online Online Online	Training Training Training	-	188.95	-	-	-	-	-	188.95	-
Sub Total					-	1,773.95	-	-	-	-	-	1,773.95	1,290.00
KIM	Various Various	Wharton AI: Business Strategies & Application IIA 2022 Ignite: Emerging Leaders Conference	Online Online	Training Training	-	2,249.10	-	-	-	-	-	2,249.10	-
Sub Total					-	1,235.00	-	-	-	-	-	1,235.00	850.00
INTERNAL AUDIT Total					-	5,258.05	-	-	-	-	-	5,258.05	2,140.00
EAKIN	3/5-3/8/22 8/6-8/10/22	CALAPRS General Assembly NASRA 2022 Annual Conference	San Diego, CA Long Beach, CA	Speaker Speaker	-	-	65.10	-	279.08	-	-	344.18	-
Sub Total					-	-	42.32	-	409.01	35.00	-	486.33	40.00
GOSSARD	Various	SANS Auditing & Monitoring Networks	Online	Training	-	8,602.83	-	-	688.09	-	-	9,290.92	-
Sub Total					-	8,602.83	-	-	688.09	35.00	-	9,434.34	40.00
INFORMATION SECURITY Total					-	8,602.83	107.42	-	688.09	35.00	-	9,434.34	40.00
Total					2,435.07	65,663.42	1,903.97	16,890.61	26,423.16	1,868.22	-	115,184.45	59,349.69

Footnotes:

*Prior year totals only presented for 2022 active staff & Board members. Totals include online training.

** Excludes non-training expenses such as misc. meals, mileage, strategic planning and tuition reimbursement.