



Alameda County Employees' Retirement Association  
BOARD OF RETIREMENT

**NOTICE and AGENDA**

**THIS MEETING WILL BE CONDUCTED VIA TELECONFERENCE  
[GOV'T CODE § 54953(e)]**

**ACERA MISSION:**

***To provide ACERA members and employers with flexible, cost-effective, participant-oriented benefits through prudent investment management and superior member services.***

**Thursday, February 17, 2022  
2:00 p.m.**

<b>ZOOM INSTRUCTIONS</b>	<b>BOARD OF RETIREMENT - MEMBERS</b>	
<p>The public can view the Teleconference and comment via audio during the meeting. To join this Teleconference, please click on the link below.  <a href="https://zoom.us/join">https://zoom.us/join</a>  <b>Webinar ID: 879 6337 8479</b>  <b>Passcode: 699406</b>  <b>Call-In Number:</b>  <b>1 (669) 900-6833 US</b></p> <p>For help joining a Zoom meeting, see:  <a href="https://support.zoom.us/hc/en-us/articles/201362193">https://support.zoom.us/hc/en-us/articles/201362193</a></p>	<b>JAIME GODFREY</b>	<b>APPOINTED</b>
	<b>CHAIR</b>	
	<b>LIZ KOPPENHAVER</b>	<b>ELECTED RETIRED</b>
	<b>FIRST VICE-CHAIR</b>	
	<b>OPHELIA BASGAL</b>	<b>APPOINTED</b>
	<b>SECOND VICE-CHAIR</b>	
	<b>DALE AMARAL</b>	<b>ELECTED SAFETY</b>
	<b>KEITH CARSON</b>	<b>APPOINTED</b>
	<b>TARRELL GAMBLE</b>	<b>APPOINTED</b>
	<b>HENRY LEVY</b>	<b>TREASURER</b>
<b>KELLIE SIMON</b>	<b>ELECTED GENERAL</b>	
<b>GEORGE WOOD</b>	<b>ELECTED GENERAL</b>	
<b>NANCY REILLY</b>	<b>ALTERNATE RETIRED<sup>1</sup></b>	
<b>DARRYL WALKER</b>	<b>ALTERNATE SAFETY<sup>2</sup></b>	

1 The Alternate Retired Member votes in the absence of the Elected Retired Member, or, if the Elected Retired Member is present, then votes if both Elected General Members, or the Safety Member and an Elected General Member, are absent.

2 The Alternate Safety Member votes in the absence of the Elected Safety Member, either of the two Elected General Members, or both the Retired and Alternate Retired Members.

*Note regarding accommodations:* The Board of Retirement will provide reasonable accommodations for persons with special needs of accessibility who plan to attend Board meetings. Please contact ACERA at (510) 628-3000 to arrange for accommodation.

*Note regarding public comments:* Public comments are limited to four (4) minutes per person in total.

The order of agendized items is subject to change without notice. Board and Committee agendas and minutes, and all documents distributed to the Board or a Committee in connection with a public meeting (unless exempt from disclosure), are available online at [www.acera.org](http://www.acera.org).

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

**4. CONSENT CALENDAR:**

The Board will adopt the entire Consent Calendar by a single motion, unless one or more Board members remove one or more items from the Consent Calendar for separate discussion(s) and possible separate motion(s).

**A. REPORT OF SERVICE RETIREMENTS:**

*Appendix A*

**B. APPROVE APPLICATIONS FOR RETIREMENT, DEFERRED:**

*Appendix B*

*Appendix B-1*

**C. APPROVE APPLICATIONS FOR DEFERRED TRANSFER:**

*None*

**D. LIST OF DECEASED MEMBERS:**

*Appendix D*

**E. APPROVE REQUEST(S) FOR UP TO 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT:**

*None*

**F. APPROVE STAFF RECOMMENDATIONS (UNCONTESTED) FOR DISABILITY RETIREMENTS:**

*Appendix F*

**G. APPROVE HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS:**

*None*

**H. APPROVAL of BOARD and COMMITTEE MINUTES:**

*January 20, 2022 Minutes of the Regular Board Meeting*

*February 2, 2022 Operations Committee Minutes*

*February 2, 2022 Retirees Committee Minutes*

*February 9, 2022 Investment Committee Minutes*

**I. MISCELLANEOUS MATTERS:**

- *Proposed Findings Regarding State of Emergency Pursuant to Gov't Code §54953(e)(3):*  
*Staff Recommendation: The Board finds that it has reconsidered the circumstances of the state of emergency and (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (2) state or local officials continue to impose or recommend measures to promote social distancing.*
- *Quarterly Report on Member Under/Overpayments*
- *4th Quarter Call Center Report*
- *Approve Staff Recommendation regarding the County of Alameda's Amendment to Pay Item/Code Vacation Maximum Cashout – VMC.*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Vacation Annual Max – VAM.*

-----End of Consent Calendar-----  
(MOTION)

**REGULAR CALENDAR**  
**REPORTS AND ACTION ITEMS**

**5. DISABILITY AND DEATH BENEFIT CLAIMS:**

- A. This Item will be addressed in Closed Session, pursuant to Gov't Code § 54957(b):**

Consideration of Examination of Service-Connected Disability Retiree, Pursuant to Gov't Code §§ 31729 and 31730:

Miya Gardere, Eligibility Service Tech III, Social Services Agency  
Effective Disability Retirement Date: December 17, 2017

**6. COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS:**

- A. Operations: [See February 2, 2022 Operations Committee Agenda Packet for public materials related to the below listed items.]**
1. Summary of February 2, 2022 Meeting.
  2. Motion to approve the 2021 discharge request of benefits overpayments in the amount of \$42,126.20.
  3. Motion to use ACERA's annual inflation assumption (currently 2.75%) as the interest rate that will apply to monthly installments of death benefits under Gov't Code § 31784.

**B. Retirees: [See February 2, 2022 Retirees Committee Agenda Packet for public materials related to the below listed items.]**

1. Summary of February 2, 2022 Meeting.
2. Motion to adopt the Supplemental Cost of Living Adjustment increase for Tier I members who retired on or before April 1, 1981, and Tier 2 members who retired on or before April 1, 2001, effective with the April 1, 2022 monthly retirement allowance. This annual supplemental benefit is non-vested and is funded by the Supplemental Retiree Benefit Reserve.

**C. Investment: [See February 9, 2022 Investment Committee Agenda Packet for public materials related to the below listed items.]**

1. Summary of February 9, 2022 Meeting.

**D. Audit: [See February 17, 2022 Audit Committee Agenda Packet for public materials related to the below listed items.]**

1. Summary of February 17, 2022 Meeting.
2. Motion to approve the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2021, to be performed by Williams, Adley & Company-CA, LLP.

**7. NEW BUSINESS:**

- A. Discussion and possible motion regarding Supplemental Retiree Benefit Reserve (SRBR) benefits survey to be sent to all ACERA active members and retirees.
- B. Chief Executive Officer's Report.

**8. CONFERENCE/ORAL REPORTS**

**9. ANNOUNCEMENTS**

**10. BOARD INPUT**

**11. ESTABLISHMENT OF NEXT MEETING:**

**Thursday, March 17, 2022 at 2:00 p.m.**

**12. CLOSED SESSION (see Item 5A).**

**13. REPORT ON ACTION TAKEN IN CLOSED SESSION**

**14. ADJOURNMENT**



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**APPENDIX A  
APPLICATION FOR SERVICE RETIREMENT**

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ABBOTT, John W.  
Effective: 11/27/2021  
Assessor

ARMSTRONG, Dennis  
Effective: 12/11/2021  
Sheriff's Department

BENTON, Bryan K.  
Effective: 12/11/2021  
Public Works Agency

CANNOBER, Ana  
Effective: 11/13/2021  
Social Services Agency

CHAHAL, Balraj S.  
Effective: 12/11/2021  
General Services Agency

DARBISON, Sandra L.  
Effective: 12/11/2021  
Sheriff's Department

DORSEY, Doreen I.  
Effective: 12/11/2021  
Social Services Agency

DOWDELL, Debbie E.  
Effective: 12/11/2021  
Social Services Agency

DUKE, Heather  
Effective: 12/21/2021  
Alameda Health System

FONE, Donna L.  
Effective: 11/21/2021  
Health Care Services Agency

FOSTER, Michael D.  
Effective: 11/12/2021  
Sheriff's Department

FRICK, Roberta E.  
Effective: 11/30/2021  
Health Care Services Agency

GALLI, Laura A.  
Effective: 10/29/2021  
Health Care Services Agency

GAMBOA, Maria T.  
Effective: 12/11/2021  
Alameda Health System

GATHRIGHT, Cassandra  
Effective: 11/25/2021  
Alameda Health System

GONZALEZ, Gillian G.  
Effective: 11/2/2021  
Alameda Health System

HANSON, Patricia D.  
Effective: 11/26/2021  
Alameda Health System

HART, Camilla N.  
Effective: 12/11/2021  
Sheriff's Department

HAYES, Ara J.  
Effective: 11/14/2021  
Social Services Agency

JACALA, Edward S.  
Effective: 12/1/2021  
Social Services Agency

JAMES, David K.  
Effective: 11/30/2021  
Health Care Services Agency

JONES, Timothy  
Effective: 12/1/2021  
Alameda Health System

KRAYMER, Lisa  
Effective: 12/1/2021  
Alameda Health System

LARSON, Eric C.  
Effective: 11/13/2021  
Sheriff's Department

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**APPENDIX A**  
**APPLICATION FOR SERVICE RETIREMENT**

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LECA, Andrew J.  
Effective: 11/13/2021  
Sheriff's Department

SCHULER, Jeanette M.  
Effective: 11/23/2021  
Health Care Services Agency

LEW, Jerry  
Effective: 12/25/2021  
Health Care Services Agency

SPOELMA, Susan  
Effective: 12/13/2021  
Health Care Services Agency

LI, Qinke  
Effective: 10/30/2021  
Social Services Agency

STODDARD, Cinda L.  
Effective: 11/13/2021  
District Attorney

LIVINGSTON, Eddie C.  
Effective: 12/4/2021  
Health Care Services Agency

TEAL Cynthia A.  
Effective: 12/11/2021  
Dept. of Child Support Services

MARTIN, Alandrea S.  
Effective: 12/3/2021  
Health Care Services Agency

THOMPSON, Gail E.  
Effective: 11/17/2021  
Health Care Services Agency

MC CREARY, Ryan T.  
Effective: 11/13/2021  
Probation Department

TOWNSEND, Mary L.  
Effective: 11/13/2021  
Sheriff's Department

MICHAEL, Jonathan D.  
Effective: 11/13/2021  
Social Services Agency

TURNER, Deborah A.  
Effective: 12/26/2021  
First 5

MITCHELL, Kyndra D.  
Effective: 12/11/2021  
Probation Department

UMOZURIKE, Okoro  
Effective: 12/11/2021  
Health Care Services Agency

SCHANTIN, Allison A.  
Effective: 11/13/2021  
Probation Department

WESTON, Olander  
Effective: 12/11/2021  
General Services Agency

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**APPENDIX B**  
**APPLICATION FOR DEFERRED RETIREMENT**

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BATARA, Jeanine M.  
Alameda Health System  
Effective Date: 10/26/2021

CALLAHAN, Colleen  
Alameda Health System  
Effective: 10/27/2021

BONSHAHI, Rowena  
Alameda Health System  
Effective: 11/29/2021

CEJA, Liana A.  
Social Services Agency  
Effective: 11/26/2021

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**APPENDIX B  
APPLICATION FOR DEFERRED RETIREMENT**

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COOPER, Lisa S.  
Alameda Health System  
Effective: 11/17/2021

MILLER, Samantha B.  
Social Services Agency  
Effective: 12/31/2021

COTTRELL, Juliana M.  
Probation Department  
Effective: 12/24/2021

MORRIS, Adam E.  
General Services Agency  
Effective: 12/16/2021

CROLL, Lorrinda M.  
District Attorney  
Effective: 11/26/2021

PEREZ GARCIA, Ernesto  
Sheriff's Department  
Effective: 1/1/2022

DEMOTT, Priscilla O.  
Auditor-Controller  
Effective: 11/29/2021

PHARN, Jessica L.  
Social Services Agency  
Effective: 10/26/2021

ELLIS, Charles H.  
Probation Department  
Effective: 11/16/2021

RAD, Ali  
Public Defender  
Effective: 12/2/2021

GONZALEZ, Yelba E.  
Social Services Agency  
Effective: 12/13/2021

SISLER, Patrick J.  
Sheriff's Department  
Effective: 1/7/2022

JAUREGUI-JUAREZ, Amalia  
First 5  
Effective: 11/26/2021

SOLES, Dawn  
LARPD  
Effective: 9/18/2021

KIM, Hyun-Joon G.  
District Attorney  
Effective: 12/10/2021

STAUFFER, Mathew D.  
Public Works Agency  
Effective: 1/3/2022

LANGER, Catharine  
Superior Court  
Effective: 12/1/2021

TEIXEIRA, Jennie M.  
Sheriff's Department  
Effective: 1/7/2022

LAU, Wing T.  
Public Works Agency  
Effective: 1/6/2022

WENDELL, Jennifer B.  
Social Services Agency  
Effective: 1/4/2022

WOODFOLK, Ashli D.  
Social Services Agency  
Effective: 10/29/2021

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**APPENDIX B-1  
APPLICATION FOR NON-VESTED DEFERRED**

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ABILLE, Mary Ann T.  
Alameda Health System  
Effective Date: 10/1/2021

MAGALEI, Jeanette M.  
Superior Court  
Effective: 12/10/2021

BONSHAHI, Rowena  
Alameda Health System  
Effective: 11/29/2021

MATSUMURA, Brenda  
Superior Court  
Effective: 12/23/2021

CUMMINGS, Kyle  
Superior Court  
Effective: 11/12/2021

MAYNE, Cynthia A.  
Superior Court  
Effective: 9/29/2021

DELLACQUA, Reno R.  
Zone 7  
Effective: 12/22/2021

MCCORMICK, Stacy B.  
District Attorney  
Effective: 12/30/2021

EL, Assusan F.  
Alameda Health System  
Effective: 11/18/2021

MCWOODS, Stephanie J.  
Social Services Agency  
Effective: 7/23/2021

FINSTER, Jessica S.  
Alameda Health System  
Effective: 11/4/2021

MILLER, Amy  
Superior Court  
Effective: 12/27/2021

HARRIS, Marjorie M.  
Superior Court  
Effective: 11/5/2021

MOORE, Jisel L.  
Health Care Services Agency  
Effective: 12/16/2021

HO, Tina H.  
Alameda Health System  
Effective Date: 10/22/2021

NELSON-LARYEA, Victoria A.  
Alameda Health System  
Effective: 12/14/2021

HUYNH, Nha H.  
Alameda Health System  
Effective: 10/30/2021

NICOLET, Gabrielle C.  
Public Defender  
Effective: 1/7/2022

JIMENEZ, Yesenia  
Community Development Agency  
Effective: 12/10/2021

OSMOND, Jessica L.  
Health Care Services Agency  
Effective: 12/17/2021

KHOJAZADA, Aziz F.  
Alameda Health System  
Effective: 12/23/2021

PITRE, Shamone D.  
Social Services Agency  
Effective: 10/15/2021

LIFSHAY, Julie  
Health Care Services Agency  
Effective: 12/27/2021

RIVERA, Cyrus A.  
Alameda Health System  
Effective: 12/22/2021

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**APPENDIX B-1  
APPLICATION FOR NON-VESTED DEFERRED**

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SOILEAU, Stephanie K.  
District Attorney  
Effective: 12/3/2021

TINSAY, Maria L.  
Alameda Health System  
Effective: 12/21/2021

THOMPSON, Nicole S.  
Alameda Health System  
Effective: 12/7/2021

WEIGEL, Adela C.  
Public Defender  
Effective: 12/8/2021

ZHONGLI, Yon K.  
Alameda Health System  
Effective: 12/1/2021

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**APPENDIX D  
LIST OF DECEASED MEMBERS**

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ELVIN, Kenneth  
Probation Department  
12/29/2021

LEUNG, Franklin  
Alameda Health System  
1/2/2022

FOY JR., Ralph  
Probation Department  
1/15/2022

LYNCH, Thomas D.  
Non-Mbr Survivor of Kay Lynch  
1/6/2022

GAUDINIER, Hazel  
Alameda Health System  
1/8/2022

OSBORN, Michael E.  
Public Works Agency  
12/11/2021

GOLDFARB, Stephen  
Alameda Health System  
6/29/2021

OSHEROFF, Gregory  
Probation Department  
12/16/2021

GONZALEZ, Carlos  
Alameda Health System  
12/24/2021

PEREZ, John E.  
Alameda Health System  
1/16/2022

GREEN, Robert L.  
Non-Mbr Survivor of Janice Green  
1/12/2022

SHUGART, Elizabeth  
Health Care Services Agency  
1/1/2022

HARRIS, Dorothy K.  
Alameda Health System  
12/18/2021

TRUDELL, Paul  
Public Defender  
1/17/2022

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**APPENDIX F**  
**APPLICATION FOR DISABILITY RETIREMENT**

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**Name:** **Manfredi-Giammona, Roxanna**  
**Type of Claim:** Service-Connected

Staff’s Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor’s report, including but not limited to, granting Ms. Manfredi-Giammona’s application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Based on the Medical Advisor’s and Staff’s review and determination of Ms. Manfredi-Giammona’s ability to determine the permanency of her incapacity, to grant Ms. Manfredi-Giammona’s request for an earlier effective date.

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**Name:** **Neufville-Pratt, Zondell**  
**Type of Claim:** Non-Service Connected

Staff’s Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor’s report, including but not limited to, granting Ms. Neufville-Pratt’s application for a non-service connected disability, and waiving future annual medical examinations and questionnaires.

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**Name:** **Silva, Marlon**  
**Type of Claim:** Service-Connected

Staff’s Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor’s report, including but not limited to, granting Mr. Silva’s application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

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**Name:** **Verbeck, Angela**  
**Type of Claim:** Service-Connected

Staff’s Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor’s report, including but not limited to, granting Ms. Verbeck’s application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

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**January 20, 2022**  
**Minutes of the Regular Board Meeting**  
**For approval under February 17, 2022**  
**Board “Consent Calendar”**



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
*BOARD OF RETIREMENT*  
MINUTES

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**THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO**

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**Thursday, January 20, 2022**

Chair Dale Amaral called the meeting to order at 2:01 p.m.

Trustees Present: Dale Amaral  
Keith Carson  
Tarrell Gamble  
Jaime Godfrey  
Liz Koppenhaver  
Henry Levy  
Kellie Simon  
George Wood  
Nancy Reilly (*Alternate*)  
Darryl Walker (*Alternate*)

Trustees Excused: Ophelia Basgal

Staff Present: Angela Bradford, Executive Secretary  
Sandra Dueñas-Cuevas, Benefits Manager  
Kathy Foster, Assistant Chief Executive Officer  
Jessica Huffman, Benefits Manager  
Harsh Jadhav, Chief of Internal Audit  
Vijay Jagar, Retirement Chief Technology Officer, ACERA  
David Nelsen, Chief Executive Officer  
Jeff Rieger, Chief Counsel  
Betty Tse, Chief Investment Officer

Staff Excused: Victoria Arruda, Human Resource Officer

**PUBLIC INPUT**

George Kelly, an East Bay Times reporter and member of the NewsGuild-CWA, addressed the Board. Mr. Kelly cited an article published by the NiemanLab and stated that Cerberus Capital Management is the shadow banker behind the hedge-fund Alden Global Capital and that Alden played an active role in the destruction of local newspapers. For that reason, Mr. Kelly requested that the Board not make future investments with Cerberus Capital Management, divest public pension money from Cerberus, and engage Cerberus on Cerberus' relationship with Alden. Because this item was not on today's Board agenda, the Trustees and Staff agreed that a report on the matter would be created by Staff and submitted to the Chair and the Chair would decide if this item would be agendized and discussed at a future Investment Committee and/or Board meeting.



Board Chair Dale Amaral called for nominations regarding the election of the Board Chair for 2022.

Trustee Dale Amaral nominated Jaime Godfrey to serve as the 2022 Board Chair.

**22-01**

**It was moved by Dale Amaral and seconded by Liz Koppenhaver to nominate Jaime Godfrey as Chair of the Board of Retirement.**

There were no further nominations. The nominations were closed.

**Jaime Godfrey was elected as Chair of the Board of Retirement by a vote of 7 yes (Amaral, Carson, Gamble, Koppenhaver, Levy, Simon, Wood), 0 no, and 1 abstention (Godfrey).**

Trustees expressed their appreciation to Trustee Amaral for his service as the 2021 Board Chair.

Newly elected Board Chair Jaime Godfrey took over and led the remainder of the Board meeting and called for nominations regarding the election of the First and Second Vice-Chairs.

Trustee Jaime Godfrey nominated Liz Koppenhaver to serve as the 2022 First-Vice Chair.

**22-02**

**It was moved by Jaime Godfrey and seconded by Dale Amaral to nominate Liz Koppenhaver as First-Vice Chair of the Board of Retirement.**

There were no further nominations. The nominations were closed.

**Liz Koppenhaver was elected as First-Vice Chair of the Board of Retirement by a vote of by a vote of 7 yes (Amaral, Carson, Gamble, Godfrey, Levy, Simon, Wood), 0 no, and 1 abstention (Koppenhaver).**

Trustee Jaime Godfrey nominated Ophelia Basgal to serve as the 2022 Second-Vice Chair.

**21-03**

**It was moved by Jaime Godfrey and seconded by Liz Koppenhaver to nominate Ophelia Basgal as Second Vice-Chair of the Board of Retirement.**

There were no further nominations. The nominations were closed.

**Ophelia Basgal was elected as Second Vice-Chair of the Board of Retirement by a vote of 8 yes (Amaral, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood), 0 no, and 0 abstentions.**

**CONSENT CALENDAR  
REPORTS AND ACTION ITEMS**

**APPROVAL of APPLICATIONS FOR SERVICE RETIREMENT**

*Appendix A*

**APPROVAL of APPLICATIONS FOR RETIREMENT, DEFERRED**

*Appendix B  
Appendix B-1*

**APPROVAL of APPLICATIONS FOR DEFERRED TRANSFER**

*None*

**LIST OF DECEASED MEMBERS**

*Appendix D*

**APPROVAL of REQUEST FOR 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT**

*Appendix E*

**APPROVAL of STAFF RECOMMENDATIONS (UNCONTESTED) FOR DISABILITY RETIREMENTS**

*Appendix F*

**APPROVAL of HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS**

*None*

**APPROVAL of COMMITTEE and BOARD MINUTES**

*December 16, 2021 Minutes of the Regular Board Meeting  
January 12, 2022 Investment Committee Minutes*

**MISCELLANEOUS MATTERS**

*Proposed Findings Regarding State of Emergency Pursuant to Gov't Code § 54953(e)(3):  
**Staff Recommendation:** The Board finds that it has reconsidered the circumstances of the state of emergency and (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (2) state or local officials continue to impose or recommend measures to promote social distancing.  
Operating Expenses as of November 30, 2021.*

**22-04**

**It was moved by Keith Carson and seconded by Dale Amaral that the Board adopt the Consent Calendar. The motion carried 8 yes (Amaral, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood), 0 no, and 0 abstentions.**

**REGULAR CALENDAR  
REPORTS AND ACTION ITEMS**

**DISABILITIES, RECOMMENDATIONS AND MOTIONS**

None.

**COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS**

*This month's Committee reports were presented in the following order:*

***Investment:***

George Wood gave an oral report stating the Investment Committee met on January 12, 2022 and that the Committee discussed adopting an up to \$60 Million investment in Great Hill Partners Fund VIII as part of ACERA's Private Equity Portfolio – Buyout.

**22-05**

**It was moved by George Wood and seconded by Kellie Simon that the Board adopt an up to \$60 million investment in Great Hill Partners Fund VIII as part of ACERA's Private Equity Portfolio – Buyout, pending completion of Legal and Investment due diligence and successful contract negotiations. The motion carried 8 yes (*Amaral, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.**

Trustee Wood further reported that the Committee discussed an Implementation Plan for ACERA's Environmental, Social & Governance (ESG) Policy,

**22-06**

**It was moved by George Wood and seconded by Keith Carson that the Board adopt the integration approach to ESG implementation, Phase 1: (i) adoption of ISS Public Fund Policy in replacement of current ISS Benchmark Policy, (ii) at the discretion of Staff develop ESG evaluation framework and incorporate discreet evaluation criteria for ESG risk factor management approach within ACERA manager/strategy due diligence and manager monitoring processes, (iii) annually conduct review of ESG risk factor management activities of current ACERA investment managers, and (iv) annually conduct review of ACERA emerging manager exposures (addresses ESG element of Social capital risk) for its ESG Policy. The motion carried 7 yes (*Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 1 no (*Amaral*), and 0 abstentions.**

Staff presented its proposed Investment Committee Workplan (there was no discussion on this item).

Minutes of the meeting were approved as part of the Consent Calendar.

**NEW BUSINESS:**

**Discussion and possible motion regarding Mark McGoldrick’s claim for exemption from the Board’s June 17, 2021 decisions regarding the inclusion of vacation sell back and cash out in “final compensation” and discussion and possible motion regarding other similarly situated members.**

Chief Counsel Jeff Rieger reported that Mark McGoldrick (who was not present at the Board meeting, but was aware that this issue would be discussed and was invited to participate) is an ACERA member who was negatively impacted by the Board’s June 17, 2021 decision to implement changes to the amount of vacation sell back and cash out that is allowed in retired members’ final compensation. Mr. McGoldrick requested that the Board exempt him from the June 17, 2021 decision, because, when he made plans for his retirement, he relied on an expected retirement benefit allowance that was calculated under ACERA’s prior rules. For detailed information regarding this issue, see Mr. Rieger’s January 20, 2022 memo.

After discussion, the Chair announced that the Board would go into Closed Session and address all of the Closed Session matters in Closed Session before returning to Open Session: **1)** Mark McGoldrick (Item 8A), **2)** Purchase of Particular, Specific Pension Fund Investments (Item 13A); and **3)** *Alameda Health System v. ACERA* (Item 13B).

The Board reconvened into Open Session and Mr. Rieger reported that no reportable action was taken in Closed Session regarding the Mark McGoldrick matter. Mr. Rieger reported that, during Closed Session, Mr. McGoldrick confirmed by email that he did not plan on attending the meeting. Mr. Rieger also reported on the other Closed Session matters as set forth below under “CLOSED SESSION.”

Following further discussion regarding Mark McGoldrick, the following motion was made:

**22-07**

**It was moved by Liz Koppenhaver and seconded by Henry Levy that the Board deny Mark McGoldrick’s claim. The motion carried 5 yes (*Amaral, Gamble, Godfrey, Koppenhaver, Levy*), 1 no (*Wood*), and 1 abstention (*Simon*).**

**David Nelsen, Chief Executive Officer’s Report**

Chief Executive Officer Dave Nelsen presented his January 20, 2022 written CEO Report which provided an update on: **1)** Senior Manager Recruitment for Assistant CEO of Operations; **2)** Committee and Board Action Items; **3)** Other Items: **a)** COVID-19 Responses; **b)** Pension Administration System Project; **c)** Board Operations; **d)** Other Recruitments for: **i)** an Investment Operations Officer; and **ii)** two Retirement Benefit Specialist positions; and **5)** Key Performance Indicators.

Chief Executive Officer Dave Nelsen announced that former Board Trustee Paul Trudell passed away. Trustees and Staff expressed their condolences and appreciation for Mr. Trudell’s service on the Board.

## **CONFERENCE/ORAL REPORTS**

None.

## **ANNOUNCEMENTS**

Chair Godfrey asked the Trustees to provide him and Mr. Nelsen with a list of the Committees they would like to serve on this year. Mr. Nelsen will provide the Trustees with a document to record the Committees they would like to serve on.

## **BOARD INPUT**

None.

## **CLOSED SESSION**

- A. Consider the Purchase of Particular, Specific Pension Fund Investments (Cal. Gov. Code § 54956.81) (3 fund-of-hedge-funds investments – (i) BlackRock; (ii) GCM Grosvenor; and (iii) Morgan Stanley).

The Board reconvened into Open Session and Mr. Rieger reported that the following motion was made in Closed Session:

### **22-08**

**It was moved by Nancy Reilly and seconded by George Wood to invest in a Morgan Stanley fund-of-hedge-funds vehicle, pending completion of legal and investment due diligence and successful contract negotiations. The motion carried 4 yes (*Amaral, Simon, Reilly, Wood*), 3 no (*Gamble, Godfrey, Levy*), and 0 abstentions. (*Trustee Koppenhaver did not vote on the motion*).**

- B. Existing Litigation pursuant to Government Code Section 54956.9(d)(1): *Alameda Health System v. ACERA*, San Francisco County Superior Court, Case No. CGC-19-516795.

Mr. Rieger reported that Trustee Carson recused himself from the discussion and that no reportable action was taken in Closed Session regarding the *Alameda Health System v. ACERA* matter.

**ADJOURNMENT**

The meeting was adjourned at approximately 4:59 p.m.

Respectfully Submitted,



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David Nelsen  
Chief Executive Officer

02/17/22

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Date Adopted

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**APPENDIX A  
APPLICATION FOR SERVICE RETIREMENT**

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ALIZIO, David  
Effective: 10/16/2021  
Sheriff's Office

RITTER, Kyle  
Effective: 11/1/2021  
Non-Member

ALLEN, Linda  
Effective: 10/16/2021  
Social Services Agency

RUPPELT, Patricia  
Effective: 11/4/2021  
Health Care Services Agency

BAGLEY, Laurie  
Effective: 11/3/2021  
Alameda Health System

SCHWIMMER, Valerie  
Effective: 10/30/2021  
Health Care Services Agency

BAILEY, Lisa  
Effective: 10/30/2021  
Dept. of Child Support Svcs

SENDAYDIEGO, Carlo  
Effective: 10/21/2021  
Public Works Agency

BYRNS, Diana  
Effective: 10/19/2021  
Alameda Health System

STEVENS, Nikki  
Effective: 10/23/2021  
Auditor-Controller

CLOVER, Jon  
Effective: 11/13/2021  
Probation Department

VAZQUEZ, Benjamin  
Effective: 11/1/2021  
Assessor

DEMARTINI, Donna  
Effective: 11/16/2021  
Probation Department

WINFREY, Lisa  
Effective: 11/1/2021  
Assessor

DIAL, Lazandra  
Effective: 10/2/2021  
Social Services Agency

WOO, Michael  
Effective: 10/30/2021  
District Attorney

MCKINNEY, Raymond  
Effective: 11/6/2021  
Alameda Health System

WU, Tsu-Loong  
Effective: 10/16/2021  
Assessor

PREVOST, Ethel  
Effective: 10/30/2021  
Social Services Agency

YOUNG, Remedios  
Effective: 11/1/2021  
Alameda Health System

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**APPENDIX B  
APPLICATION FOR DEFFERED RETIREMENT**

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ALLISON, Lauren M.  
Health Care Services Agency  
Effective Date: 11/12/2021

HERNANDEZ, Rodolfo R.  
Health Care Services Agency  
Effective: 11/12/2021

AMOS, Wayneatta F.  
Social Services Agency  
Effective: 7/9/2021

LU, Hong A.  
Health Care Services Agency  
Effective: 11/20/2021

COADY HEIKKILA, Kimberly A.  
Health Care Services Agency  
Effective: 11/12/2021

SILVA, Karina R.  
District Attorney  
Effective: 11/19/2021

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**APPENDIX B-1  
APPLICATION FOR NON-VESTED DEFFERED**

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BRUMFIELD, Jason  
General Services Agency  
Effective Date: 10/28/2021

KLEIN, Meryl B.  
County Administrator  
Effective: 11/26/2021

CALVERT, Corrine M.  
Library  
Effective: 10/16/2021

LE, Kim Anh T.  
Social Services Agency  
Effective: 11/5/2021

CEN, Yihong  
Health Care Services Agency  
Effective: 10/16/2021

MAIDLLOW, Hong X.  
Sheriff's Office  
Effective: 11/28/2021

DUMLAO, Teofil  
Superior Court  
Effective: 10/15/2021

SAM-KING, Nyanda A.  
Health Care Services Agency  
Effective: 11/19/2021

IVERSEN, Sharon A.  
Alameda Health System  
Effective: 11/4/2021

TERHUNE, Benjamin W.  
Superior Court  
Effective: 12/22/2021

VAZQUEZ-GALVAN, Guillermo F.  
Health Care Services Agency  
Effective: 11/18/2021



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**APPENDIX D  
LIST OF DECEASED MEMBERS**

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ADAMS, Marilyn  
Superior Court  
10/31/2021

HARDMAN, Jeffrey  
Health Care Services Agency  
12/19/2021

BACON, Barbara  
LARPD  
12/15/2021

HARRIS, Sandra  
Social Services Agency  
12/10/2021

BENSON, Margarita  
Social Services Agency  
12/15/2021

HARVEY, Frederic  
Non-Mbr Survivor of Marietta Harvey  
12/22/2021

BRYANT, Billy  
Non-Mbr Survivor of Mary L. Bryant  
9/15/2021

HICKLING, Madeleine  
Non-Mbr Survivor of Douglas Hickling  
12/2/2021

CARSCH, Gerta  
Non-Mbr Survivor of Harry Carsch  
12/16/2021

HOWERTON, Rita  
Social Services Agency  
12/4/2021

CRAWFORD, Tommie  
Alameda Health Systems  
11/8/2021

HUTCHINSON, Alberta  
Public Health Care Services  
10/23/2021

DE MARIA, Gerald  
Superior Court  
12/26/2021

LAVENGOOD, Pauline  
Alameda Health Systems  
12/1/2021

DIEDRICK, Ione  
Non-Mbr Survivor of Gayle Diedrick  
11/18/2021

LEIGHTON, Jamie  
Alameda Health Systems  
11/3/2021

FORBES, Phillys  
Non-Mbr Survivor of Glenn Forbes  
1/24/2021

MC NULTY, Theresia  
Non-Mbr Survivor of Francis Mc Nulty  
12/7/2021

FRALEY, William  
Public Works Agency  
11/4/2021

MORTENSON, Earl  
Non-Mbr Survivor of Helen Mortenson  
12/11/2021

GARDNER, Ernestine  
Probation Department  
12/9/2021

REED, Gwendolyn  
Assessor  
12/14/2021

GLANZ, Genevieve  
Superior Court  
12/2/2021

ROGERS, Alice  
Alameda Health Systems  
11/17/2021

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**APPENDIX D  
LIST OF DECEASED MEMBERS**

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SALEM, Angela  
Alameda Health Systems  
12/7/2021

SCHNEIDER, Stephen  
Non-Mbr Survivor of Francisca Schneider  
11/16/2021

SANTOS, Norman  
Probation Department  
12/4/2021

SLOWLEY, Stewart  
Alameda Health Systems  
12/16/2021

SUZUKI, Betty  
Social Services Agency  
11/16/2021

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**APPENDIX E  
REQUEST FOR 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT  
CONTRIBUTIONS AND GAIN CREDIT**

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SICAM, Rose Virginie  
Government Code § 31652 Redeposit

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**APPENDIX F  
APPLICATION FOR DISABILITY RETIREMENT**

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**Name:** Randa, Dalen  
**Type of Claim:** Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Randa's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Based on the Medical Advisor's and Staff's review and determination of Mr. Randa's ability to determine the permanency of his incapacity, to deny Mr. Randa's request for an earlier effective date.

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**APPENDIX F**  
**APPLICATION FOR DISABILITY RETIREMENT**

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**Name:** Skinner, Derrick  
**Type of Claim:** Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Skinner's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Based on the Medical Advisor's and Staff's review and determination of Mr. Skinner's ability to determine the permanency of his incapacity, to deny Mr. Skinner's request for an earlier effective date.

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**Name:** Switala, Jamie  
**Type of Claim:** Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Switala's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

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**February 2, 2022**  
**Operations Committee Minutes**  
**For approval under February 17, 2022**  
**Board “Consent Calendar”**



**MINUTES OF FEBRUARY 2, 2022 OPERATIONS COMMITTEE MEETING**  
**THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO**

To: Members of the Operations Committee

From: Ophelia Basgal, Chair

**Subject: Summary of the February 2, 2022 Operations Committee Meeting**

Committee Chair Ophelia Basgal called the February 2, 2022 Operations Committee meeting to order at 9:30 a.m.

**ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE**

Committee members present were Ophelia Basgal, Kellie Simon and George Wood. Also present were Dale Amaral, Jaime Godfrey, Liz Koppenhaver, and alternate member Nancy Reilly. Tarrell Gamble, Darryl Walker and Committee members Henry Levy and Keith Carson joined the meeting soon after roll call.

Staff present were David Nelsen, Chief Executive Officer; Kathy Foster, Assistant Chief Executive Officer; Jeff Rieger, Chief Counsel; Jessica Huffman, Benefits Manager; Betty Tse, Chief Investment Officer; Vijay Jagar, Chief Technology Officer; and Harsh Jadhav, Chief of Internal Audit.

**PUBLIC INPUT**

None

**Action Items**

**1. Discussion and Possible Motion to Recommend to the Board of Retirement to Approve the 2021 Discharge of Benefits Overpayments**

**Recommendation**

Staff recommends that the Operations Committee recommend to the Board of Retirement to approve the 2021 discharge request of benefits overpayments in the amount of \$42,126.20.

It was moved by Henry Levy and seconded by Liz Koppenhaver that the Operations Committee recommend to the Board of Retirement to approve the 2021 Discharge of Benefits Overpayments in the amount of \$42,126.20.

The motion carried 8 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Simon and Wood*), 0 no, and 0 abstentions. Keith Carson was not present at time of vote.

**2. Discussion and Possible Motion to Recommend to the Board of Retirement an Interest Rate for Monthly Installment Plan Payments of Lump Sum Death Benefits, Per Gov't Code § 31784.**

Recommendation

Staff recommends that the Operations Committee recommend to the Board of Retirement an interest rate to be used when a beneficiary elects monthly installment payments, per Gov't Code sec. 31784.

It was moved by Kellie Simon and Seconded by Liz Koppenhaver that the Operations Committee recommend that the Board of Retirement use ACERA's inflation assumption (currently 2.75% per annum) for monthly installments of death benefits paid to beneficiaries under Gov't Code § 31784.

The motion carried 8 (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Simon, and Wood*), 0 no and 0 abstentions. Keith Carson was not present at time of vote.

**INFORMATION ITEMS**

**1. Un-Audited Financial Statements as of 12/31/2021**

Staff presented the Unaudited Financial Statement for the period ending December 31, 2021. Staff stated the net position held in trust and the change in Fiduciary net position compared to the same period in 2021 increased by \$2.21 billion.

**2. Operating Expenses as of 12/31/2021**

Staff presented end-of-year Budget vs. Actual Operating Expense Report. As of December 31, 2021, actual expenses were \$2,192K under budget. Budget overages noted were Depreciation (\$3k over budget). Budget surpluses noted were Staffing (\$1,301K under budget) with 7 vacant positions, Staff Development (\$111K under budget), Professional Fees (\$14K under budget), Office Expense (\$143K under budget), Insurance (\$165K under budget), Member Services (\$49K under budget), Systems (\$72K under budget), and Board of Retirement (\$313K under budget).

**3. Actual Cash Report as of 12/31/2021**

Staff presented the Actual Negative Cash Position for 2021. For the year ending December 31, 2021, with the exception of the months having three-pay-periods, the average monthly negative cash position for the period is -\$3,702,299.

**4. Board Member Conference Expense Report for 4<sup>th</sup> Qtr. 2021**

Staff presented the Board Member Conference and Training Report for the period January 1, 2021 to December 31, 2021. Reported expenses for the period were \$63,282.

**5. Senior Manager Conference and Training Expense Report for 4<sup>th</sup> Qtr. 2021**

Staff presented the Senior Manager Conference and Training Expense Report for the period January 1, 2021 to December 31, 2021. Reported expenses for the period were \$8,273.

**6. Proposed 2022 Operations Committee Work Plan**

Staff presented the draft work plan for the 2022 Operations Committee.

**TRUSTEE INPUT AND DIRECTION TO STAFF**

None

**FUTURE DISCUSSION ITEMS**

**March**

- Operating Expenses as of 01/31/22 (to be considered at March Board meeting )

**April**

- Operating Expenses as of 02/29/22
- Statement of Reserves as of 12/31/21
- 2021 CAFR Report
- Medical Advisor Recommendation

**ESTABLISHMENT OF NEXT MEETING DATE**

The next meeting is scheduled for Wednesday April 6, 2022 at 9:30 a.m.

**MEETING ADJOURNED**

The meeting adjourned at 10:26 a.m.



To: Board of Retirement  
From: Jeff Rieger, Chief Counsel  
Meeting: February 17, 2022  
Subject: **Interest Rate For Gov't Code § 31784**

A handwritten signature in black ink, appearing to be "M. Rieger".

At the February 2, 2022 Operations Committee meeting, the Committee recommended that the Board use ACERA's inflation assumption (currently 2.75%) as the interest rate that will apply to monthly installments of death benefits under Gov't Code § 31784. In response to Trustees' questions at that meeting, this memorandum provides information about how often such monthly installment plans likely will be available to beneficiaries of active, deferred and retired deceased members.

Based on a review of 2021 payments, Staff estimates that about 30 to 40 member deaths per year will result in lump sum payments to beneficiaries who will be eligible to elect a monthly installment plan. These are lump sum death benefits that include amounts remaining in the member's account, which can occur when a member dies before retirement (active or deferred) or when a retired member dies soon after retirement. See, e.g., Gov't Code §§ 31702, 31760.1, 31761 and 31781. Some members have more than one named beneficiary and each beneficiary will be eligible to elect the monthly installment option, but Staff expects that many beneficiaries will not make such an election.

*Note: Gov't Code § 31702 (deferred member deaths) was not referenced in my memorandum to the Operations Committee, but there is no apparent basis to distinguish those deferred member death benefits from the active and retired member death benefits that include payment of amounts remaining in member's account (plus additional amounts in some cases). Thus, Staff expects to make monthly installment plans under Gov't Code § 31784 available to beneficiaries of deferred members who receive lump sum payments under Gov't Code § 31702. In 2021, only seven beneficiaries of deferred members received death benefits under Gov't Code § 31702.*



**February 2, 2022**  
**Retirees Committee Minutes**  
**For approval under February 17, 2022**  
**Board “Consent Calendar”**



**MINUTES OF FEBRUARY 2, 2022 RETIREES COMMITTEE MEETING**

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Retirees Committee

From: Liz Koppenhaver, Chair

**Subject: Summary of the February 2, 2022 Retirees Committee Meeting**

Committee Chair Liz Koppenhaver called the February 2, 2022 Committee meeting to order at 10:31 a.m.

**ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE**

Committee members present were Liz Koppenhaver, Henry Levy, Dale Amaral, and Kellie Simon. Also present were Tarrell Gamble, Jamie Godfrey, George Wood and alternate members Nancy Reilly and Darryl Walker. Ophelia Basgal joined the meeting after roll call.

Staff present were Sandra Dueñas-Cuevas, Benefits Manager; Mike Fara, Communications Manager; Kathy Foster, Assistant Chief Executive Officer; Erica Haywood, Fiscal Services Officer; Jessica Huffman, Benefits Manager; Harsh Jadhav, Chief of Internal Audit; Vijay Jagar, Chief Technology Officer; David Nelsen, Chief Executive Officer; Ismael Piña, Assistant Benefits Manager; Jeff Rieger, Chief Counsel and Betty Tse, Chief Investment Officer.

**PUBLIC INPUT**

Towards the end of the meeting, Pete Albert, President of Alameda County Retired Employees (ACRE) retiree association, expressed his appreciation to the Committee for approving the recommendation to adopt the Supplemental Cost of Living Adjustment increase.

**INFORMATION ITEMS**

Chair Koppenhaver moved the following information item to the top of the agenda at the request of Staff to provide for more complete background before considering the action item:

**1. Annual Cost of Living Adjustment (COLA)**

Staff reported that based on information provided by Segal, ACERA's actuaries, the Cost of Living Adjustment effective April 1, 2022 results in the maximum increase of 3.0% for all Tier 1 and Tier 3 retirees/payees, and all Tier 2 and Tier 4 retirees/payees will receive

2.0%. The Consumer Price Index (CPI) calculation resulted in a change of 4.24%. According to Government Code Sections 31870 and 31870.1, the percentage change should be rounded to the nearest one-half percent, which is 4.0%. The difference between the 4.0% and the maximum COLA adjustment allowed for each Tier group will be banked. Trustee Wood requested Staff to provide information on how often the COLA bank has been used over the last 10-year period.

## **ACTION ITEMS**

### **1. Annual Supplemental Cost of Living Adjustment (COLA)**

Staff provided information regarding the Supplemental Cost of Living Adjustment (COLA) benefit. The Supplemental COLA is provided to retirees who have an accumulated loss of purchasing power of 15% due to inflation. For 2021, there were approximately 578 retirees/payees receiving this benefit at a cost of \$939,406.87. Based on the accumulated loss of purchasing power as of December 31, 2021, those Tier 1 members who retired on or before April 1, 1981, and those Tier 2 members who retired on or before April 1, 2001, will receive the Supplemental COLA increase effective with their April 1, 2022 monthly allowance.

It was moved by Ophelia Basgal and seconded by Kellie Simon that the Retirees Committee recommend to the Board of Retirement that it adopt the Supplemental Cost of Living Adjustment increase for Tier 1 members who retired on or before April 1, 1981, and Tier 2 members who retired on or before April 1, 2001, effective with the April 1, 2022 monthly retirement allowance. This annual supplemental benefit is non vested and is funded by the Supplemental Retiree Benefit Reserve.

The motion carried 8 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, 0 abstentions.

## **INFORMATION ITEMS**

### **2. 2022 Annual Retirees Committee Work Plan Review**

Staff provided a proposed 2022 Retirees Committee Work Plan highlighting two changes from last year's work plan: 1) a discussion regarding the retired member lump sum death benefit, and a report on hearing aid benefits were added to the February meeting; and 2) a placeholder was added to schedule a meeting in September, if needed.

### **3. Annual Health Care Planning Meeting with Retiree Representative/Date Announcement**

Staff presented information regarding the purpose and plans for ACERA's annual health care planning meeting with Trustees, retiree representatives, Benefits Consultants, and the County of Alameda, which will be held virtually and is tentatively scheduled for April 6, 2022.

#### **4. Report on 1099-R Processing**

Staff reported that the 2021 1099-R forms were mailed to retirees/payees the week of January 17<sup>th</sup> prior to the IRS deadline of January 31<sup>st</sup>.

#### **5. Discussion Regarding Retired Member (Lump Sum) Death Benefit**

Staff provided information on the lump sum death benefits paid by the other 1937 Act systems, and estimated annual costs based on last year's total deaths at various benefit amounts. There was discussion to consider increasing this benefit back to the \$5,000 level, which was the amount prior to 2013. Since that time, the Supplemental Retiree Benefit Reserve (SRBR) projected sufficiency payment period has increased, and the fund balance has also increased.

The Trustees directed Staff to send a benefits survey to members and retirees, as was done in 2019, so they can indicate the priority of the benefits paid from the SRBR. Staff will send the Trustees the results of the 2019 benefits survey for further discussion at the February Board of Retirement meeting.

Further discussion regarding possibly increasing the lump sum death benefit will be brought back at a future Committee meeting. Trustee Wood requested that the discussion include retirees' designating the death benefit to be donated to a charitable organization,

Pete Albert, President of Alameda County Retired Employees (ACRE) retiree association, stated that since the Trustees are considering providing the retirees other benefits, such as the hearing aid benefit, asked about the timing of having a decision made to include in our renewal request to the County of Alameda (County). Staff responded that the deadline to make an official request to the County is mid-April.

#### **6. Report on Hearing Aid Benefits**

Segal, ACERA's Benefits Consultant, provided information on the impact of hearing loss nationally, current hearing aid utilization, medical coverage provided, costs, and alternative sources available to ACERA retirees. Based on the discussion to possibly provide hearing aid benefits to non-Medicare eligible retirees, and enhancing the benefit for the Medicare eligible retirees, Staff will get specific cost information to present at the April Committee meeting.

#### **7. Report on Open Enrollment Activity**

Staff provided information on the Plan Year 2022 Open Enrollment activity for ACERA and Via Benefits. ACERA's medical, dental and vision enrollment forms were revised to allow members to complete and sign forms online using fillable DocuSign forms, and submitting them securely.

## **8. Miscellaneous Updates**

Staff provided information on ACERA's plans to promote the one-year trial of the Silver&Fit® Healthy Aging and Exercise Program for Kaiser Permanente Senior Advantage (KPSA) members. In addition to posting information about this program on ACERA's website, Staff proposed to send email blasts and a postcard to KPSA members. Trustee Basgal requested that a list of participating gyms be included in the information to be provided to the members.

In July, an electronic survey will be sent via email blast and/or via postcard, which would provide the link to the survey. The results of the survey will be presented at the August Committee or Board of Retirement meeting.

### **TRUSTEE REMARKS**

None.

### **ESTABLISHMENT OF NEXT MEETING DATE**

The next meeting is scheduled for April 6, 2022 at 10:30 a.m.

### **MEETING ADJOURNED**

The meeting adjourned at 11:44 a.m.

**February 9, 2022  
Investment Committee Minutes  
For approval under February 17, 2022  
Board “Consent Calendar”**

**The February 9, 2022  
Investment Committee Minutes  
will be distributed under separate cover**

**February 17, 2022**  
**Audit Committee Minutes**  
**For approval under March 17, 2022**  
**Board “Consent Calendar”**

## **CONSENT CALENDAR ITEM**

**Proposed Findings Regarding State of Emergency**

**Pursuant to Gov't Code §54953(e)(3):**

**Staff Recommendation: The Board finds that it has reconsidered the circumstances of the state of emergency and (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (2) state or local officials continue to impose or recommend measures to promote social distancing.**



## **CONSENT CALENDAR**

### **Quarterly Report on Member Under/Overpayments**



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MEMORANDUM TO THE BOARD OF RETIREMENT

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DATE: February 17, 2022

TO: Members of the Board of Retirement

FROM: Jessica Huffman, Retirement Benefits Manager 

SUBJECT: **Quarterly Report on Member Underpayments and Overpayments**

Attached are the quarterly reports regarding member contributions and overpayments of retirement allowance due to death for the most current six-month period. The report regarding Staff errors contains the cases initially presented that have not yet been resolved, along with recently discovered errors. The information below provides more specifics in each of these categories.

Overpayments of Retirement Allowance Due to Death

This report provides any payments (including HRA (Health Reimbursement Arrangements) payments) made after the death of a retiree. In instances where a death is not reported timely, an overpayment occurs. For the six-month reporting period April 04, 2021 through October 02, 2021, 191 deaths occurred. There are five overpayments due to unreported deaths to report at this time. Staff is actively attempting to collect on these overpayments.

Staff Errors

There are no staff errors to report.

Overpayments and Underpayments of Member Contributions

This report, which is for the period April 04, 2021 through October 02, 2021, shows discrepancies in member contribution amounts resulting in an underpayment or overpayment above the \$50 threshold, average time to resolve, and an explanation of the error type. For this reporting period, staff identified three members who underpaid their mandatory employee contributions and one member who overpaid their mandatory employee contributions. Staff reviewed and resolved each of the four cases of incorrect payment. There were a total of 2,458 exceptions from all Participating Employers. The most common exception type was underpayments due to the Employers withholding retirement contributions based on the incorrect salary.

Attachments

**Overpayments of Retirement Allowance Due to Unreported Death**  
**April 04, 2021 to October 02, 2021**

<b>Benefit Type</b>	<b>Date of Death</b>	<b>Date ACERA Notified of Death</b>	<b>Last Check Issued</b>	<b>Net Receivable Owed</b>	<b>Staff's Comment</b>
Service Retirement	05/27/2021	06/18/2021	05/31/2021	\$5,392.05	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Service Retirement	06/11/2021	07/02/2021	6/30/2021	\$1,661.27	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Service Retirement	07/04/2021	07/30/2021	07/30/2021	\$1,272.85	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Service Retirement	08/18/2021	09/20/2021	08/31/2021	\$2,176.33	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment
Service Retirement	09/26/2021	10/11/2021	09/30/2021	\$1,661.90	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment
<b>Total Receivable</b>				<b>\$12,164.40</b>	

**Active Members - Overpayments and Underpayments of Member Contributions  
April 4, 2021 to October 2, 2021**

<b>Alameda County</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments: 1</b>	\$54.17	6/15/21	6/15/21	1	Withheld Contribution Based on Incorrect Salary
<b>Underpayments: 1</b>	\$46.17	6/17/21	6/18/21	2	Withheld Contribution Based on Incorrect Salary
<b>Summary</b>	<p align="center"><b>Most Common Exception Type: Withheld Contribution Based on Incorrect Salary</b>  <b>Total Exceptions: 1181</b>  <b>% Above Exceptions of Total Exceptions: 0.18%</b></p>				

<b>Alameda County Housing Authority</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments:</b>	No Overpayments to Report				
<b>Underpayments:</b>	No Underpayments to Report				
<b>Summary</b>	<p align="center"><b>Most Common Exception Type: N/A</b>  <b>Total Exceptions: 56</b>  <b>% Above Exceptions of Total Exceptions: 0.00%</b></p>				

<b>Alameda Health Systems</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments:</b>	<b>No Overpayments to Report</b>				
<b>Underpayments: 1</b>	<b>\$19.22</b>	<b>6/17/2021</b>	<b>6/17/2021</b>	<b>1</b>	<b>Withheld Contribution Based on Incorrect Salary</b>
<b>Underpayments: 2</b>	<b>\$31.81</b>	<b>7/1/21</b>	<b>7/2/21</b>	<b>2</b>	<b>Withheld Contribution Based on Incorrect Salary</b>
<b>Summary</b>	<b>Most Common Exception Type: N/A</b> <b>Total Exceptions: 1125</b> <b>% Above Exceptions of Total Exceptions: 0.18 %</b>				

<b>First 5 Alameda County</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments:</b>	<b>No Overpayments to Report</b>				
<b>Underpayments:</b>	<b>No Underpayments to Report</b>				
<b>Summary</b>	<b>Most Common Exception Type: N/A</b> <b>Total Exceptions: 8</b> <b>% Above Exceptions of Total Exceptions: 0.00%</b>				

<b>Livermore Area Recreation and Park District</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments:</b>	<b>No Overpayments to Report</b>				
<b>Underpayments:</b>	<b>No Underpayments to Report</b>				
<b>Summary</b>	Most Common Exception Type: N/A Total Exceptions: 2 % Above Exceptions of Total Exceptions: 0.00%				

<b>Alameda County Superior Courts</b>					
	<b>Amount</b>	<b>Date Discovered/ Received</b>	<b>Date Completed</b>	<b># of days to complete</b>	<b>Cause</b>
<b>Overpayments:</b>	<b>No Overpayments to Report</b>				
<b>Underpayments:</b>	<b>No Underpayments to Report</b>				
<b>Summary</b>	Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 86 % Above Exceptions of Total Exceptions: 0.00%				

## **CONSENT CALENDAR**

### **4<sup>th</sup> Quarter Call Center Report**



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MEMORANDUM TO THE BOARD OF RETIREMENT

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DATE: February 17, 2022

TO: Members of the Board of Retirement

FROM: Ismael Piña, Assistant Benefits Manager 

SUBJECT: **4th Quarter 2021 Call Center Report**

Attached is the Service Level Report for the fourth quarter of 2021. Our service levels exceeded our benchmark this past quarter. The team handled a total of 4,497 incoming calls this past quarter, 96.6% of which were answered within 60 seconds. The team also responded to a total of 240 member voicemails within 1 business day or less.

The matrix below provides the five highest call volume categories for Q3 2021 and Q4 2021.

Q3 2021 Highest Volume	Categories of Calls	Q4 2021 Highest Volume	Categories of Calls
36%	Retirement/Membership/ Job Status Change Related Q's	38%	Health/Dental/ Vision related Q's
21%	Retiree Payroll Change Requests	31%	Retirement/Membership/ Job Status Change Related Q's
21%	Health/Dental/ Vision related Q's	16%	Retiree Payroll Change Requests
13%	Award Letter/EFT Statement/1099R Requests	9%	Award Letter/EFT Statement/1099R Requests
9%	Service Purchase/Retirement Estimate Requests	6%	Service Purchase/Retirement Estimate Requests

Attachment



**ACERA**

**YTD 2021 Member Services and Reception Service Level Report**

<b>Performance Indicators</b>	<b>January 2021 Member Services</b>	<b>February 2021 Member Services</b>	<b>March 2021 Member Services</b>	<b>April 2021 Member Services</b>	<b>May 2021 Member Services</b>	<b>June 2021 Member Services</b>
<b>KPI - Service Level</b>	93.85%	90.12%	86.73%	89.50%	93.86%	90.64%
<b>Total Number of Call Offered</b>	1272	1292	1622	1253	1203	1361
<b>ACD Agent Handled Calls</b>	1253	1275	1590	1229	1189	1325
<b>Number of Abandoned Calls</b>	19	17	32	24	14	36
<b>Average Hold Time Before Abandon (minutes:seconds)</b>	2:30	3:11	2:56	2:30	4:24	2:22
<b>Abandon Call Rate (Goal: 3% or less)</b>	1.49%	1.31%	1.97%	1.90%	1.16%	2.65%
<b>Number of Interflow Calls</b>	0	0	0	0	0	0
<b>Interflow Rate (Goal: 3% or less)</b>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Average Talk Time (minutes:seconds)</b>	5:38	5:53	5:32	5:54	6:11	6:05

<b>Performance Indicators</b>	<b>July 2021 Member Services</b>	<b>August 2021 Member Services</b>	<b>September 2021 Member Services</b>	<b>October 2021 Member Services</b>	<b>November 2021 Member Services</b>	<b>December 2021 Member Services</b>
<b>KPI - Service Level</b>	93.91%	97.08%	95.41%	96.41%	94.47%	98.80%
<b>Total Number of Call Offered</b>	1257	1491	1362	1597	1679	1250
<b>ACD Agent Handled Calls</b>	1247	1471	1350	1587	1663	1247
<b>Number of Abandoned Calls</b>	10	20	12	10	16	3
<b>Average Hold Time Before Abandon (minutes:seconds)</b>	6:07	1:31	1:17	0:38	1:16	0:08
<b>Abandon Call Rate (Goal: 3% or less)</b>	0.80%	1.34%	0.88%	0.63%	0.95%	0.24%
<b>Number of Interflow Calls</b>	0	0	0	0	0	0
<b>Interflow Rate (Goal: 3% or less)</b>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Average Talk Time (minutes:seconds)</b>	5:46	5:20	5:53	5:54	5:58	6:02

**Total Member Calls for 2021**

**16426**

## **CONSENT CALENDAR ITEM**

**Approve Staff Recommendation regarding the County of Alameda's Amendment to Pay Item/Code Vacation Maximum Cashout – VMC.**



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MEMORANDUM TO THE BOARD OF RETIREMENT

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DATE: February 17, 2022

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Amendment to Pay Item/Code Approve as “Compensation Earnable” and Exclude as “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that an amendment to pay item/code Vacation Maximum Cashout – VMC be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” The amendment to this pay item/code allows any vacation leave hours above the employee’s maximum vacation accrual cap as of December 31, 2021, up to an additional 80 hours, to be paid in cash. This provision will sunset upon the last day of the pay period containing January 1, 2023.

On November 23, 2021, the Board of Supervisors of the County of Alameda approved amending Subsection 3-21.100 to Article 3, Section 21 (Miscellaneous) of the Alameda County Salary Ordinance. Since the current provision, which was created effective June 30, 2020, expired on December 31, 2021, this section was amended to clarify that reference to maximum vacation cap accrual is also in the County Administrative Code, and to provide authority to pay in cash any vacation leave hours above the employee’s maximum vacation accrual cap, up to an additional 80 hours.

The amendment to this provision states: “Effective June 15, 2020, the County shall allow an additional 80-hours vacation accrual above the maximum vacation accrual cap, stipulated in each respective Memoranda of Understanding (“MOUs”) or County Administrative Code, for all eligible employees, through December 31, 2021. For employees subject to the vacation hard cap, any vacation leave hours above the employee’s maximum vacation accrual cap as of December 31, 2021, up to the additional 80-hours, shall be paid in cash. For employees subject to vacation soft cap, up to the additional 80-hours, shall be handled in accordance with the respective provisions of the MOUs or County Administrative Code in the pay period containing January 1 of year 2023. This subsection shall sunset upon the last day of the pay period containing January 1, 2023 and shall be deleted from the Salary Ordinance upon the sunset date.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that the amended pay item/code does not qualify as “pensionable compensation” (for PEPRA members). However, this amended pay item/code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Payments for unused vacation are excluded from “pensionable compensation,” based on Government Code Section 7522.34(c)(5), which states: “Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.” Such payments are, however,

Amendment to Pay Item/Code Approve as “Compensation Earnable” and Exclude as “Pensionable Compensation” – County of Alameda (continued)

February 17, 2022

Page 2 of 2

included as “compensation earnable.” See *Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association* (2020) 9 Cal.5th 1032. The two relevant Government Code sections are attached for the Board of Retirement’s (Board) reference.

Staff informed the County that its determination will be included on the Board’s consent calendar for its February 17, 2022 meeting. If this item is not pulled from the consent calendar for discussion, then the Board will approve Staff’s determination to exclude amended pay item/code Vacation Maximum Cashout – VMC from “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



**ALAMEDA COUNTY**  
**AUDITOR-CONTROLLER AGENCY**  
**MELISSA WILK**  
AUDITOR-CONTROLLER/CLERK-RECORDER

**REQUEST FOR ACERA'S REVIEW OF A NEW PAY ITEM/CODE**

Employer Name:	County of Alameda
Date of Request	11/24/2021
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Satjit Dale
Contact Person Telephone incl area code	(510) 272-6520
Contact Person Email address	satjit.dale@acgov.org
<b>Pay Item Name (and code Number)</b>	<b>VMC Vacation Maximum Cashout</b>
Pay Item Effective Date per authorization:	12/31/2021
State if additional documentation is attached	Yes – Board Letter

**NOTE:** The following information is required before ACERA can review and respond to the request. To meet ACERA's requirements, please provide substantive responses below or on a separate paper and return, with this form, all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

**RESPONSE #1: Open to all employees with a vacation hard cap**

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

**RESPONSE #2: Full Time**

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or "not to exceed one employee")

**RESPONSE #3: All employees that are subject to a vacation hard cap and have vacation balances exceeding employees' maximum vacation accrual as of 12/31/21**

4. State whether pay item is for overtime or regular base pay

**RESPONSE #4: Regular base pay**

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

**RESPONSE #5: Based on hourly rate and excess vacation hours**

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

**RESPONSE #6: One time vacation pay out**

7. State whether the pay item is an ad hoc payment (i.e, stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

**RESPONSE #7: No**

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

**RESPONSE #8: No**

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

**RESPONSE #9: 40 and 37.5 Hour Workweek**

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

**RESPONSE #10: No**

11. State whether the pay item is for deferred compensation

**RESPONSE #11: No**

12. State whether the pay item is for retro payments

**RESPONSE #12: No**

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

**RESPONSE #13: Yes, Vacation**

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

**RESPONSE #14: No**

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

**RESPONSE #15: No**

16. State whether the pay item is paid in one lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

**RESPONSE #16: One lump sum**

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

**RESPONSE #17:**

**Per Salary Ordinance Section 3-21.100**

Salary Ordinance Section 3-21.100

3-21.100 - Effective June 15, 2020, the County shall allow an additional 80-hours vacation accrual above the maximum vacation accrual cap, stipulated in each respective Memoranda of Understanding ("MOUs") or County Administrative Code, for all eligible employees, through December 31, 2021.

For employees subject to the vacation hard cap, any vacation leave hours above the employee's maximum vacation accrual cap as of December 31, 2021, up to the additional 80-hours, shall be paid in cash. For employees subject to vacation soft cap, up to the additional 80-hours, shall be handled in accordance with the respective provisions of the MOUs or County Administrative Code in the pay period containing January 1 of year 2023. This subsection shall sunset ~~effective December 31, 2024~~ upon the last day of the pay period containing January 1, 2023 and shall be deleted from the Salary Ordinance upon the sunset date.

## SECOND READING - CONTINUED FROM 11/16/2021



AGENDA NO. \_\_\_\_\_ November 16, 2021

Lakeside Plaza Building  
1401 Lakeside Drive, Suite 200  
Oakland, CA 94612-4305  
TDD: (510) 272-3703

### Human Resource Services

November 16, 2021

*2nd Reading 11/23/21*

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, California 94612-4305

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO: 1) UPDATE SUBSECTION 1-1.1 TO INCREASE THE SALARIES FOR UNREPRESENTED DISTRICT ATTORNEY INSPECTOR SERIES & ACMEA GG PUBLIC DEFENDER INSPECTOR SERIES; 2) ADD NEW SUBSECTION 3-17.55 FOR THE ALAMEDA COUNTY SHERIFF'S OFFICE ("ACSO"); AND 3) AMEND SUBSECTION 3-21.100

Dear Board Members:

#### **RECOMMENDATION:**

Adopt Salary Ordinance amendments to:

- i. Update Article 1, Section 1-1 (Pay Rate Schedules), Subsection 1-1.1 to increase the salaries for eight (8) classifications in the Unrepresented District Attorney Inspector Series, and five (5) classifications in the Alameda County Management Employees Association General Government ("ACMEA GG") Public Defender Inspector Series, by three and fifty-two tenths percent (3.52%) retroactive to October 3, 2021;
- ii. Add Article 3, Section 17 (Alameda County Sheriff's Office), subsection 3-17.55 to establish a new footnote for one (1) employee in the classification of Lieutenant (Job Code ("JC") #8620SM) in the Alameda County Sheriff's Office ("ACSO") when assigned special and additional functions as outlined in the Salary Ordinance, to receive an additional compensation of ten percent (10%) of the base pay retroactive to October 3, 2021; and
- iii. Amend Article 3, Section 21 (Miscellaneous), subsection 3-21.100 to provide authority for the following: 1) for employees subject to the vacation hard cap, any vacation leave hours above the employee's maximum vacation accrual cap as of December 31, 2021, up to the additional 80-hours, shall be paid in cash; and 2) for employees subject to vacation soft cap, up to the additional 80-hours, shall be handled in accordance with the respective provisions of the Memoranda of Understanding ("MOUs") or County Administrative Code in the pay period containing January 1 of year 2023.

#### **DISCUSSION/SUMMARY:**

On September 28, 2021, your Board approved increasing the salaries for the four (4) classifications represented by the Deputy Sheriffs' Association ("DSA") by three and fifty-two tenths percent (3.52%). Historically, when the DSA-represented classifications receive a salary increase, this triggers the same salary increase for the eight (8) classifications in the Unrepresented District Attorney Inspector classification series (Inspector I [JC #8533CA]; Inspector II [JC #8535CA]; Inspector III [JC #8536CA]; Lieutenant of Inspectors [JC #8540SM]; Chief of Inspectors [JC #8545SM]; Captain of Inspectors [JC #8543SM]; Assistant Chief of Inspectors [JC #8544SM]; and Director, Victim Witness Program [JC #8575SM]) in the Office of the District Attorney. Moreover, when the Unrepresented District Attorney Inspector classification series receives a salary increase, that too triggers the same salary increase for the five (5) classifications in the Public Defender Investigator classification series (Public Defender Investigator I [JC #8576CA]; Public Defender Investigator II [JC #8577CA]; Public Defender Investigator III [JC #8579CA]; Senior Investigator, Public Defender's Office [JC #8581SM]; and Chief Investigator, Public Defender's Office [JC #8585SM]) as stipulated in the ACMEA GG MOU subsection 15.F. Therefore, staff recommends for said eight (8) and five

*An Equal Opportunity Employer*



(5) classifications in the Unrepresented District Attorney Inspector classification series and ACMEA GG Public Defender Investigator classification series, respectively, to receive the same three and fifty-two tenths percent (3.52%) salary increase retroactive to October 3, 2021.

In addition, staff recommends that your Board approve adding subsection 3-17-55 to Article 3, Section 17 (Alameda County Sheriff's Office) of the Salary Ordinance to establish a footnote to compensate one (1) employee in the classification of Lieutenant (JC #8620SM) an additional ten percent (10%) of the base pay when assigned overall responsibility as a Bomb Technician in the Explosive Ordinance Disposal ("EOD") Team and management and supervision of the Unmanned Aerial Vehicle call outs, EOD dive teams in the United States, canine unit located at the Oakland Airport, the EOD unit, and a fleet of over 100 vehicles within the Special Operation Group Management, retroactive to October 3, 2021. Staff extended an offer to the Alameda County Management Employees Association - Sheriff's Sworn Unit 026, 027 and 026 ("ACMEA Sheriff's Sworn") to meet and confer on the impacts of the decision to add this new footnote and ACMEA Sheriff's Sworn did not respond to the County's offer. This footnote shall expire when the current incumbent in said classification vacates the position and shall be deleted from the Salary Ordinance immediately thereafter.

Lastly, on June 30, 2020, your Board approved creating a new subsection 3-21.100 to Article 3, Section 21 (Miscellaneous) of the Salary Ordinance to allow for an additional 80-hours vacation accrual above the maximum vacation accrual hard cap, stipulated in each respective MOUs, for all eligible employees, retroactive from June 15, 2020 through December 31, 2021. Subsequently on December 15, 2020, your Board approved amending said subsection to provide clarification that the provision is inclusive of both the soft- and hard-cap vacation accrual, stipulated in each respective MOUs. Given that said provision expires on December 31, 2021, staff recommends that your Board approve amending said provision to clarify that reference to maximum vacation cap accrual is also in the County Administrative Code and to provide authority for the following: 1) for employees subject to the vacation hard cap, any vacation leave hours above the employee's maximum vacation accrual cap as of December 31, 2021, up to the additional 80-hours, shall be paid in cash; and 2) for employees subject to vacation soft cap, up to the additional 80-hours as allowed by this provision shall be handled in accordance to the respective provisions of the MOUs or County Administrative Code in the pay period containing January 1 of year 2023. Also, said subsection shall sunset upon the last day of the pay period containing January 1, 2023 and shall be deleted from the Salary Ordinance upon the sunset date.


**FINANCING:**

Funds are available in the 2021-2022 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from these actions.

**VISION 2026 GOAL:**

The Salary Ordinance amendments meet the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:  
  
2CC022F834DA404  
Joe Angelo, Director  
Human Resource Services

c: CAO  
Auditor-Controller  
County Counsel  
Agency/Department Heads

1<sup>st</sup> reading 11/16/21  
2<sup>nd</sup> reading 11/23/21

### SECTION III

3-21.100 - Effective June 15, 2020, the County shall allow an additional 80-hours vacation accrual above the maximum vacation accrual cap, stipulated in each respective Memoranda of Understanding ("MOUs") or County Administrative Code, for all eligible employees, through December 31, 2021.

For employees subject to the vacation hard cap, any vacation leave hours above the employee's maximum vacation accrual cap as of December 31, 2021, up to the additional 80-hours, shall be paid in cash. For employees subject to vacation soft cap, up to the additional 80-hours, shall be handled in accordance with the respective provisions of the MOUs or County Administrative Code in the pay period containing January 1 of year 2023. This subsection shall sunset effective December 31, 2021 upon the last day of the pay period containing January 1, 2023 and shall be deleted from the Salary Ordinance upon the sunset date.

### SECTION IV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means 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 at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.

Gov. Code Sec. 7522.34. (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules.

(b) Compensation that has been deferred shall be deemed pensionable compensation when earned rather than when paid.

(c) "Pensionable compensation" does not include the following:

(1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(2) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member and which was converted to and received by the member in the form of a cash payment.

(3) Any one-time or ad hoc payments made to a member.

(4) Severance or any other payment that is granted or awarded to a member in connection with or in anticipation of a separation from employment, but is received by the member while employed.

(5) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.

(6) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(7) Any employer-provided allowance, reimbursement, or payment, including, but not limited to, one made for housing, vehicle, or uniforms.

(8) Compensation for overtime work, other than as defined in Section 207(k) of Title 29 of the United States Code.

(9) Employer contributions to deferred compensation or defined contribution plans.

(10) Any bonus paid in addition to the compensation described in subdivision (a).

(11) Any other form of compensation a public retirement board determines is inconsistent with the requirements of subdivision (a).

(12) Any other form of compensation a public retirement board determines should not be pensionable compensation.

## **CONSENT CALENDAR ITEM**

**Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Vacation Annual Max – VAM.**



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MEMORANDUM TO THE BOARD OF RETIREMENT

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DATE: February 17, 2022

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **One New Pay Item/Code Approve as “Compensation Earnable” and Exclude as “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that new pay item/code Vacation Annual Max – VAM be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay item/code is effective January 5, 2021, and applies to Teamsters Local Union 856 employees whose employment began prior to January 10, 2010.

On January 5, 2021, the Board of Supervisors of the County of Alameda adopted an Ordinance approving the August 25, 2019 through August 16, 2025 Memorandum of Understanding (MOU) between the Teamsters Local Union 856 and the County of Alameda. This MOU included an update to Subsection 10.A.1, Limitation on Unused Vacation Leave Balances, which eliminated “the provision that places excess vacation into a catastrophic leave bank and instead pay out.” The current language states: “Effective the pay period containing January 1, 2004, and every such pay period containing January 1 thereafter, the vacation leave balance of any employee which exceeds the maximum allowable vacation balance will be paid in cash.” This provision will expire August 16, 2025.

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that this pay item/code does not qualify as “pensionable compensation” (for PEPRAs members). However, this pay item/code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Payments for unused vacation are excluded from “pensionable compensation,” based on Government Code Section 7522.34(c)(5), which states: “Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.” Such payments are, however, included as “compensation earnable.” See *Alameda County Deputy Sheriff’s Association v. Alameda County Employees’ Retirement Association* (2020) 9 Cal.5th 1032. The two relevant Government Code sections are attached for the Board of Retirement’s (Board) reference.

Staff informed the County that its determination will be included on the Board’s consent calendar for its February 17, 2022 meeting. If this item is not pulled from the consent calendar for discussion, then the Board will approve Staff’s determination to exclude pay item/code Vacation Annual Max – VAM from “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



**ALAMEDA COUNTY**  
**AUDITOR-CONTROLLER AGENCY**  
**MELISSA WILK**  
AUDITOR-CONTROLLER/CLERK-RECORDER

**REQUEST FOR ACERA'S REVIEW OF A NEW PAY ITEM/CODE**

Employer Name:	County of Alameda
Date of Request	11/24/2021
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Satjit Dale
Contact Person Telephone incl area code	(510) 272-6520
Contact Person Email address	satjit.dale@acgov.org
<b>Pay Item Name (and code Number)</b>	<b>VAM Vacation Annual Max</b>
Pay Item Effective Date per authorization:	1/5/2021
State if additional documentation is attached	Yes – Board Letter and MOU

**NOTE:** The following information is required before ACERA can review and respond to the request. To meet ACERA's requirements, please provide substantive responses below or on a separate paper and return, with this form, all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

**RESPONSE #1: Teamsters employees hired prior to 1/10/10**

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

**RESPONSE #2: Full Time**

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or "not to exceed one employee")

**RESPONSE #3: All Teamsters employees that were hired prior to 1/10/10 and have vacation balances exceeding employees' vacation maximum accrual as of pay period containing January 1**

4. State whether pay item is for overtime or regular base pay

**RESPONSE #4: Regular base pay**

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

**RESPONSE #5: Based on hourly rate and excess vacation hours**

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

**RESPONSE #6: Annual vacation pay out, expiring 8/16/25**

7. State whether the pay item is an ad hoc payment (i.e, stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

**RESPONSE #7: No**

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

**RESPONSE #8: No**

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

**RESPONSE #9: 40 hour workweek**

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

**RESPONSE #10: No**

11. State whether the pay item is for deferred compensation

**RESPONSE #11: No**

12. State whether the pay item is for retro payments

**RESPONSE #12: No**

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

**RESPONSE #13: Yes, Vacation**

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

**RESPONSE #14: No**

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

**RESPONSE #15: No**



16. State whether the pay item is paid in one lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

**RESPONSE #16: Annual**

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

**RESPONSE #17:  
Per Teamsters 2019-2025 MOU, Section 10, Vacation**

1. **Limitation on Unused Vacation Leave Balances.** Employees whose employment began prior to January 10, 2010, maximum unused vacation leave balances allowable prior to the pay period containing January 1 of any calendar year shall be no more than two (2) times the employee's vacation accrual rate, and shall be allowable as follows:

Accrual Service Time	Vacation Accrual Rate	Maximum Unused Balance
0 to 4 Years (Up to 104 biweekly pay periods.)	2-Weeks (80 Hours)	4-Weeks (160 Hours)
4 to 11 Years (After 104 biweekly pay periods.)	3-Weeks (120 Hours)	6-Weeks (240 Hours)
11 to 20 Years (After 286 biweekly pay periods.)	4-Weeks (160 Hours)	8-Weeks (320 Hours)
20+ Years (After 520 biweekly pay periods.)	5-Weeks (200 Hours)	10-Weeks (400 Hours)

It is the responsibility of the employee and first-line supervisor to monitor vacation leave balances to make every effort to ensure that employees' vacation balances do not exceed the limitations set forth above. Effective the pay period containing January 1, 2004, and every such pay period containing January 1 thereafter, the vacation leave balance of any employee which exceeds the maximum allowable vacation balance will be paid in cash.



**SECOND READING - CONTINUED FROM 12/15/2020**



AGENDA NO. \_\_\_\_\_ December 15, 2020

Lakeside Plaza Building  
1401 Lakeside Drive, Suite 200  
Oakland, CA 94612-4305  
TDD: (510) 272-3703

**Human Resource Services**

December 15, 2020

*2nd reading 1/5/21*

*φ-2021-4*  
*φ-2021-5*

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, California 94612-4305

SUBJECT: TEAMSTERS LOCAL UNION 856 MEMORANDUM OF UNDERSTANDING, INCLUDING TWO (2) NEW SIDELETTERS OF AGREEMENT; AND SALARY ORDINANCE AMENDMENT OF ARTICLE 1, SECTION 1-1, SUBSECTION 1-1.1

Dear Board Members:

**RECOMMENDATIONS:**

- A. Adopt an Ordinance approving the August 25, 2019 through August 16, 2025 Memorandum of Understanding ("MOU") between the Teamsters Local Union 856 ("Teamsters") and the County of Alameda ("County"), including Appendices A through C, and two (2) new Sideletters of Agreement; and
- B. Adopt a Salary Ordinance amendment to update Article 1, Section 1-1, Subsection 1-1.1, to reflect the negotiated wages of the Teamsters MOU for classifications in Representation Units 072 and 037.

**DISCUSSION/SUMMARY:**

The Teamsters MOU expired and was fully terminated as of August 24, 2019. In an effort to reach agreement on a successor MOU, representatives of the County and representatives of Teamsters (collectively, the "Parties") held approximately nine (9) negotiating sessions beginning October 30, 2019. While the MOU expired and fully terminated on August 24, 2019, the laws governing collective bargaining agreements provide that the terms and conditions set forth in the expired MOU remain in full force and effect until modified through the completion of the collective bargaining process. The collective bargaining process has now been completed and the Parties reached agreement on a successor MOU.

As such, we recommend that your Board adopt an Ordinance approving the August 25, 2019 through August 16, 2025 MOU between the Parties, including two (2) new Sideletters of Agreement ("SLA"). The new MOU includes the following updated provisions: 1) Section 2 (No Discrimination) - expanding protected classes as defined by federal and state laws; 2) Sections 3. (Union Security), 4. (Access to Employees; Use of Bulletin Boards; Use of County Facilities; Meetings), and 5. (Shop Steward) - incorporating negotiated language from the Janus Decision, Senate Bill ("SB") 866 and Assembly Bill ("AB") 119; 3) Section 7. (Overtime) - increasing Compensatory Time Off ("CTO") to 120 hours cap with the ability to exceed the cap to 240 hours for reasons of parental leave, military leave, surgery, and FMLA, with CTO paid out if employee returns early from the leave or fails to take the leave; 4) Section 10. (Vacation Leave) - implementing vacation hard cap for all employees effective April 16, 2025; 5) subsection 10.A.1. (Limitation on Unused Vacation Leave Balances) - eliminating the provision that places excess vacation into a catastrophic leave bank and instead pay out; 6) subsection 10.O. (Vacation Sellback) - increasing Vacation Sellback by an additional five (5) days effective Fiscal Year 2021/2022 for employees who accrue 10 or more vacation days; 7) Section 12. (Wages) - providing salary increases of the July 2020 median in two (2) equal increments of 4.12% effective August 9, 2020 and 4.12% effective July 11, 2021, and amending the annual salary survey data gathering to September each year for future years and identifying the effective dates of said salary increases as October 3, 2021, October 2, 2022, October 1, 2023, and October 13, 2024; 8) subsection 12.C. (One-Time Payment) - providing a one-time, non-pensionable, gross payment of two-thousand five-hundred dollars (\$2,500) to all represented employees in the bargaining units of 072 and 037 and in a paid status as of February 7, 2021, to be paid as soon as administratively possible following adoption of the MOU by your Board; 9) Section

14. (Medical and Dental Plans) - increasing the employee's cost share of the medical premiums to 12% effective Plan Year 2022 and 15% effective Plan Year 2024; and 10) Section 34. (Scope of Agreement) - establishing the new term of the MOU from August 25, 2019 to August 16, 2025.

In addition, there are two (2) new SLA incorporated in the new MOU. The first SLA provides for increases in the County's contribution towards the County Allowance in Plan Year 2022 by \$100 and by an additional \$100 in Plan Year 2024, for a total increase to the County Allowance of \$200 during the term of the MOU. The second SLA allows the Parties to meet and confer on Probation Department ("PD") policies in a timely basis.

A Summary of Significant Negotiated Terms is attached.

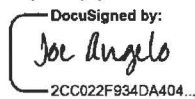
**FINANCING:**

Funds are available in the 2020-2021 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from these actions.

**VISION 2026 GOAL:**

The Salary Ordinance amendments meet the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:  
  
2CC022F934DA404...

Joe Angelo, Director  
Human Resource Services

c: CAO  
Auditor-Controller  
County Counsel  
Chief Probation Officer

Employees in the classification of services-as-needed Probation Interns are excluded from the provisions of Section 10. (Vacation Leave).

Effective August 16, 2025, provisions of subsections 10.A. (For Persons Hired Prior to January 10, 2010) and 10.B. (For Persons Hired on or After January 10, 2010) shall no longer apply.

**10.A. FOR PERSONS HIRED PRIOR TO JANUARY 10, 2010.** Employees whose employment began prior to January 10, 2010, shall accrue vacation leave as follows:

Vacation Accrual Rate Years of Service		Vacation Accrual Rate
0 to 4 Years	(Through the completion of 104 full-time bi-weekly pay periods of continuous employment.)	2-Weeks (80-Hours)
4 to 11 Years	(After the completion of 104 full-time biweekly pay periods (4 years) of continuous employment and until completion of 286 full-time biweekly pay periods (11 years) of continuous employment.)	3-Weeks (120-Hours)
11 to 20 Years	(After the completion of 286 full-time biweekly pay periods (11 years) of continuous employment and until completion of 520 full-time biweekly pay periods (20 years) of continuous employment.)	4-Weeks (160-Hours)
20+ Years	(After the completion of 520 full-time biweekly pay periods (20 years) of continuous employment.)	5-Weeks (200-Hours)

1. **Limitation on Unused Vacation Leave Balances.** Employees whose employment began prior to January 10, 2010, maximum unused vacation leave balances allowable prior to the pay period containing January 1 of any calendar year shall be no more than two (2) times the employee's vacation accrual rate, and shall be allowable as follows:

Accrual Service Time	Vacation Accrual Rate	Maximum Unused Balance
0 to 4 Years (Up to 104 biweekly pay periods.)	2-Weeks (80 Hours)	4-Weeks (160 Hours)
4 to 11 Years (After 104 biweekly pay periods.)	3-Weeks (120 Hours)	6-Weeks (240 Hours)
11 to 20 Years (After 286 biweekly pay periods.)	4-Weeks (160 Hours)	8-Weeks (320 Hours)
20+ Years (After 520 biweekly pay periods.)	5-Weeks (200 Hours)	10-Weeks (400 Hours)

It is the responsibility of the employee and first-line supervisor to monitor vacation leave balances to make every effort to ensure that employees' vacation balances do not exceed the limitations set forth above. Effective the pay period containing January 1, 2004, and every such pay period containing January 1 thereafter, the vacation leave balance of any employee which exceeds the maximum allowable vacation balance will be paid in cash.

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means 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 at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.

Gov. Code Sec. 7522.34. (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules.

(b) Compensation that has been deferred shall be deemed pensionable compensation when earned rather than when paid.

(c) "Pensionable compensation" does not include the following:

(1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(2) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member and which was converted to and received by the member in the form of a cash payment.

(3) Any one-time or ad hoc payments made to a member.

(4) Severance or any other payment that is granted or awarded to a member in connection with or in anticipation of a separation from employment, but is received by the member while employed.

(5) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.

(6) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(7) Any employer-provided allowance, reimbursement, or payment, including, but not limited to, one made for housing, vehicle, or uniforms.

(8) Compensation for overtime work, other than as defined in Section 207(k) of Title 29 of the United States Code.

(9) Employer contributions to deferred compensation or defined contribution plans.

(10) Any bonus paid in addition to the compensation described in subdivision (a).

(11) Any other form of compensation a public retirement board determines is inconsistent with the requirements of subdivision (a).

(12) Any other form of compensation a public retirement board determines should not be pensionable compensation.



**5. DISABILITY AND DEATH BENEFIT CLAIMS:**

- A. This Item will be addressed in Closed Session, pursuant to Gov't Code § 54957(b):**

**Consideration of Examination of Service-Connected Disability Retiree,  
Pursuant to Gov't Code §§ 31729 and 31730:**

Miya Gardere, Eligibility Service Tech III, Social Services Agency  
Effective Disability Retirement Date: December 17, 2017

## **NEW BUSINESS**

- 7.A. Discussion regarding Supplemental Retiree Benefit Reserve (SRBR) benefits survey to be sent to all ACERA active members and retirees.**

# 2019 SRBR Benefits Survey Results



# Administration Method

- Conducted fully online using QuestionPro
- Participants were sent there via [www.acera.org/survey](http://www.acera.org/survey)
- Open during November 2019



# Distribution Method

## Active

- Email via employers
- Postcard to AHS members

## Deferred

- Postcard

## Retirees

- Postcard in OE Packet
- 4 Mailchimp email blasts to  $\approx$  1,350 retirees

## Web

- Homepage carousel ad

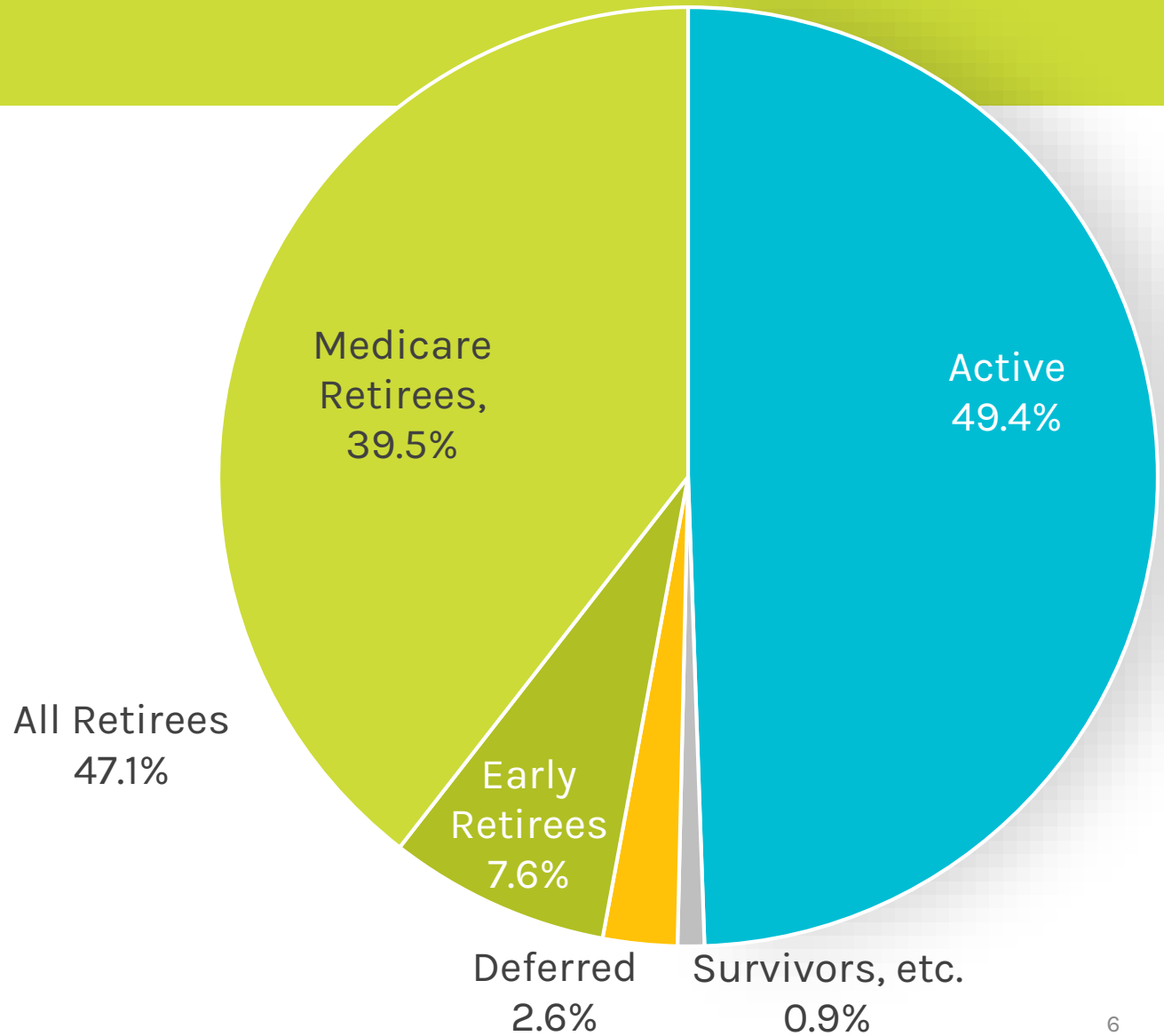
# Response Rate

	<b>Responses</b>	<b>Members</b>	<b>Rate</b>
Active	754	11,368	6.6%
Deferred	39	2,592	1.5%
Retirees	718	8,549	8.4%
Survivors, etc.	14	1,230	1.1%
Overall	1,525	23,739	6.4%

# Response Rate

- 35.2% of respondents who viewed the survey completed it, so 64.8% didn't continue upon viewing it.
- 0 respondents who started the survey dropped out.

# Who Responded?



# Retiree Click Rate - Mailchimp

	<b>Opens</b>	<b>Clicks</b>
3 Weeks Email	61%	32%
1 Week Email	50%	15%
3 Days Email	43%	11%
24 Hours Email	35%	7%

≈ 43% (309) of Retiree responses came through Mailchimp campaign

# Preventing Duplicate Responses

- 11 retiree duplicate responses from duplicate IP addresses were removed from results.
- 8 active duplicate responses from duplicate IP addresses were not removed because of uncertainty due to actives taking survey from work.

# Survey Content



The screenshot shows the top portion of a survey page. At the top left is the ACERA logo. Below it is the title 'Your Opinion on ACERA's Non-Vested Benefits'. A note states 'Questions marked with a \* are required' and there is an 'Exit Survey' link. The main heading is 'A Short Summary of the Current Benefits'. Below this are two sections: 'ACERA Vested Retirement Benefits' and 'ACERA Non-Vested Retirement Benefits'. The 'Vested' section lists a monthly service retirement allowance and an annual COLA adjustment. The 'Non-Vested' section mentions that benefits are based on annual approval. The 'Healthcare Benefits' section is partially visible at the bottom.

**ACERA**

## Your Opinion on ACERA's Non-Vested Benefits

Questions marked with a \* are required [Exit Survey](#)

ACERA's Board of Retirement would like your opinion on ACERA's non-vested benefit options. But first ...

### A Short Summary of the Current Benefits

#### ACERA Vested Retirement Benefits

As an Alameda County Employees' Retirement Association (ACERA) retiree, you are guaranteed the following vested benefits upon eligibility:

- A monthly service retirement allowance for your lifetime
- An annual Cost of Living Adjustment (COLA) to that allowance

#### ACERA Non-Vested Retirement Benefits

ACERA also currently offers retirees a variety of non-vested (non-guaranteed) benefits, based on annual approval by the Board of Retirement and eligibility requirements. These benefits currently are:

#### Healthcare Benefits

- Monthly Medical Allowance (MMA)

- A short summary of current benefits
- A table describing each benefit and showing cost to SRBR in 2018 and % of total cost to SRBR
- 2 constant sum questions
- 1 demographic question

# Constant Sum Questions:

- Ask participant to allocate 100 points among the options
- Provide sliders and typable fields
- Give running total
- Force allocation of 100 points, no more, no less



# Question I

Please allocate 100 points in a way that reflects how important each non-guaranteed benefit is to you, giving more points to the more important benefits. You must allocate all 100 points.

Monthly Medical Allowance (MMA)	<input type="range"/>	<input type="text"/>
Medicare Part B Reimbursement Plan	<input type="range"/>	<input type="text"/>
Dental Coverage Subsidy	<input type="range"/>	<input type="text"/>
Vision Coverage Subsidy	<input type="range"/>	<input type="text"/>
Supplemental Cost of Living Adjustment	<input type="range"/>	<input type="text"/>
Lump Sum Death Benefit	<input type="range"/>	<input type="text"/>
		<input type="text" value="0"/>

# Question 2

- Began with description and ballpark costs for increase/reinstatement of Lump Sum Death Benefit and Active Death Equity Benefit

# Question 2

Considering the possible increase of the Lump Sum Death Benefit and/or the possible reinstatement of the Active Death Equity Benefit, please again allocate 100 points in a way that reflects how important each non-guaranteed benefit is to you, giving more points to the more important benefits. You must allocate all 100 points.

Monthly Medical Allowance (MMA)	<input type="range"/>	<input type="text"/>
Medicare Part B Reimbursement Plan	<input type="range"/>	<input type="text"/>
Dental Coverage Subsidy	<input type="range"/>	<input type="text"/>
Vision Coverage Subsidy	<input type="range"/>	<input type="text"/>
Supplemental Cost of Living Adjustment	<input type="range"/>	<input type="text"/>
Lump Sum Death Benefit (With Possible Increase)	<input type="range"/>	<input type="text"/>
Active Death Equity Benefit (Reinstated)	<input type="range"/>	<input type="text"/>
		<input type="text" value="0"/>

# Question 3

## What type of ACERA member are you?

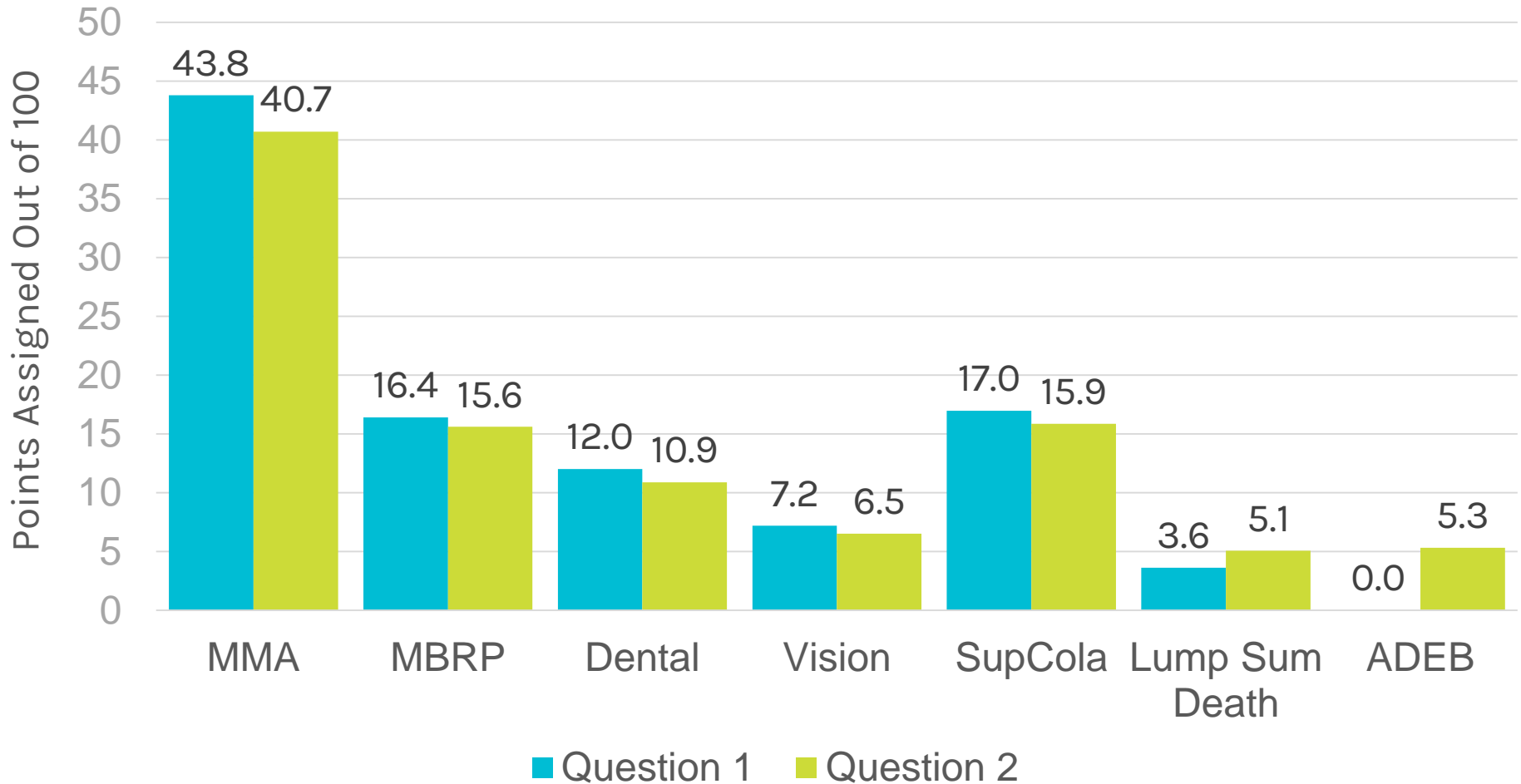
- Active member (actively working for an ACERA participating employer, and not retired yet)
- Deferred member (a former worker for an ACERA participating employer, and not yet retired)
- ACERA retiree, but not Medicare-eligible (under age 65 or not eligible for Medicare)
- Medicare-eligible ACERA retiree (typically age 65 and over)
- Survivor, beneficiary, former spouse/domestic-partner, or other payee of an ACERA member

# Results

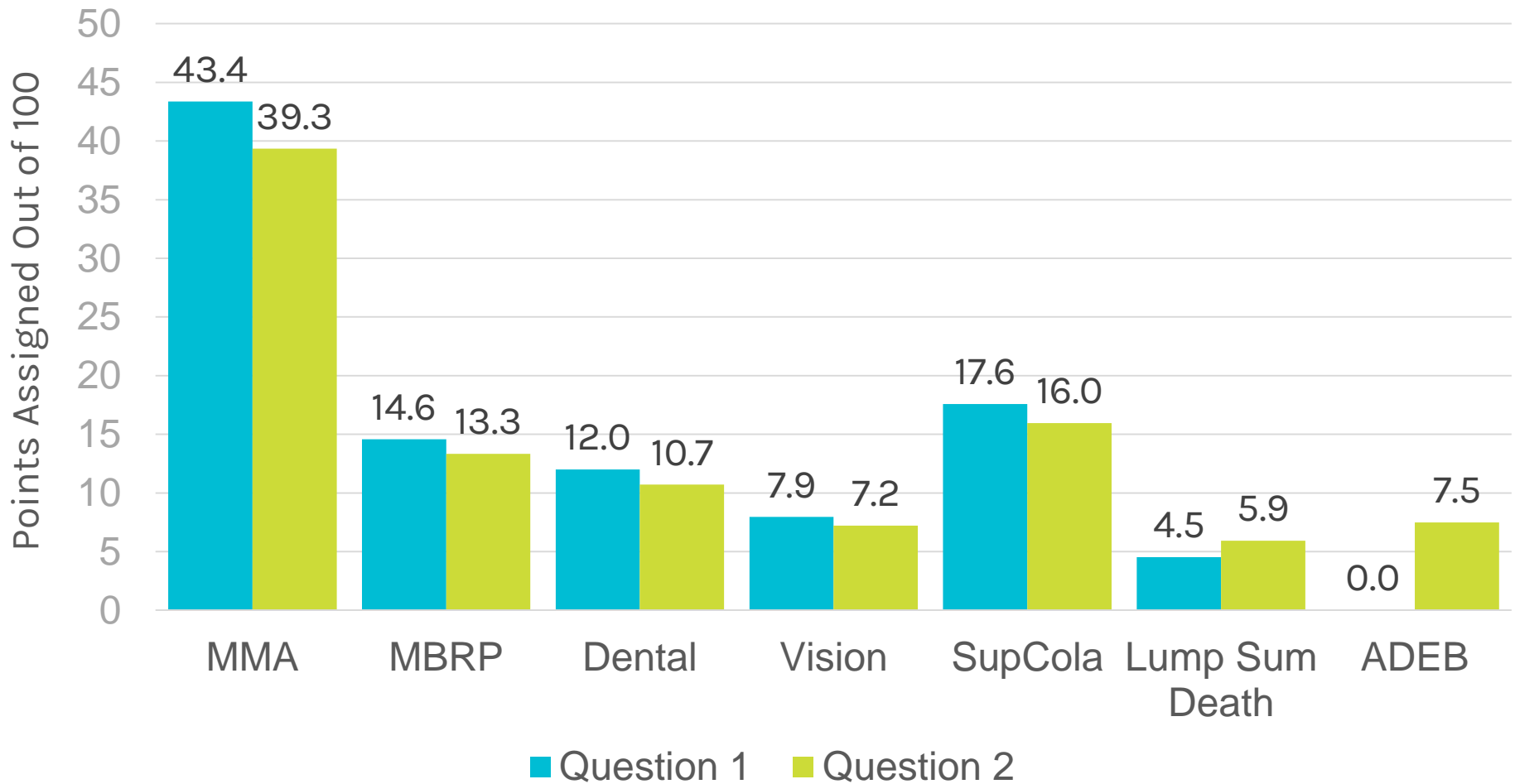
**All results are expressed as means**



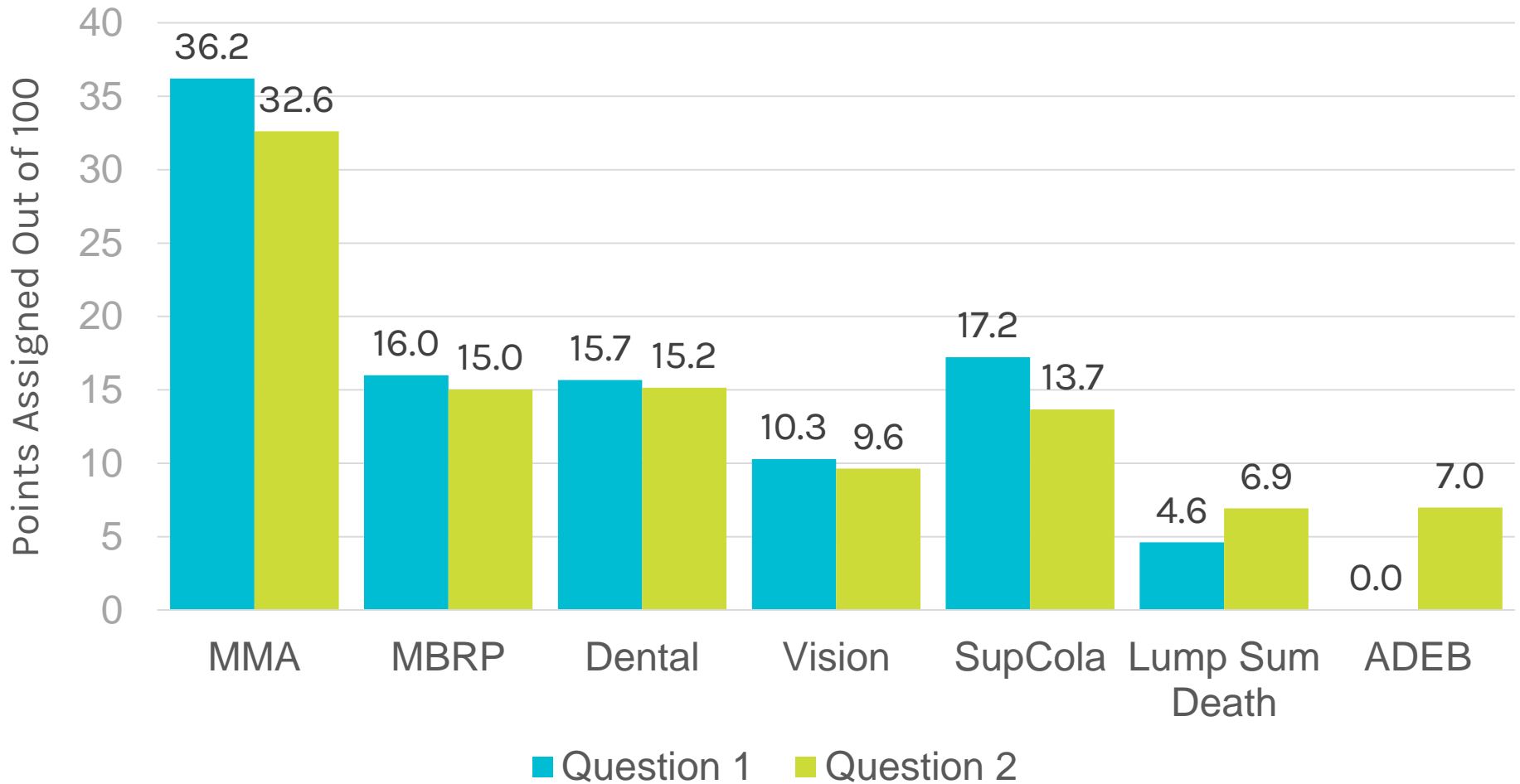
# All Respondents



# Active Members

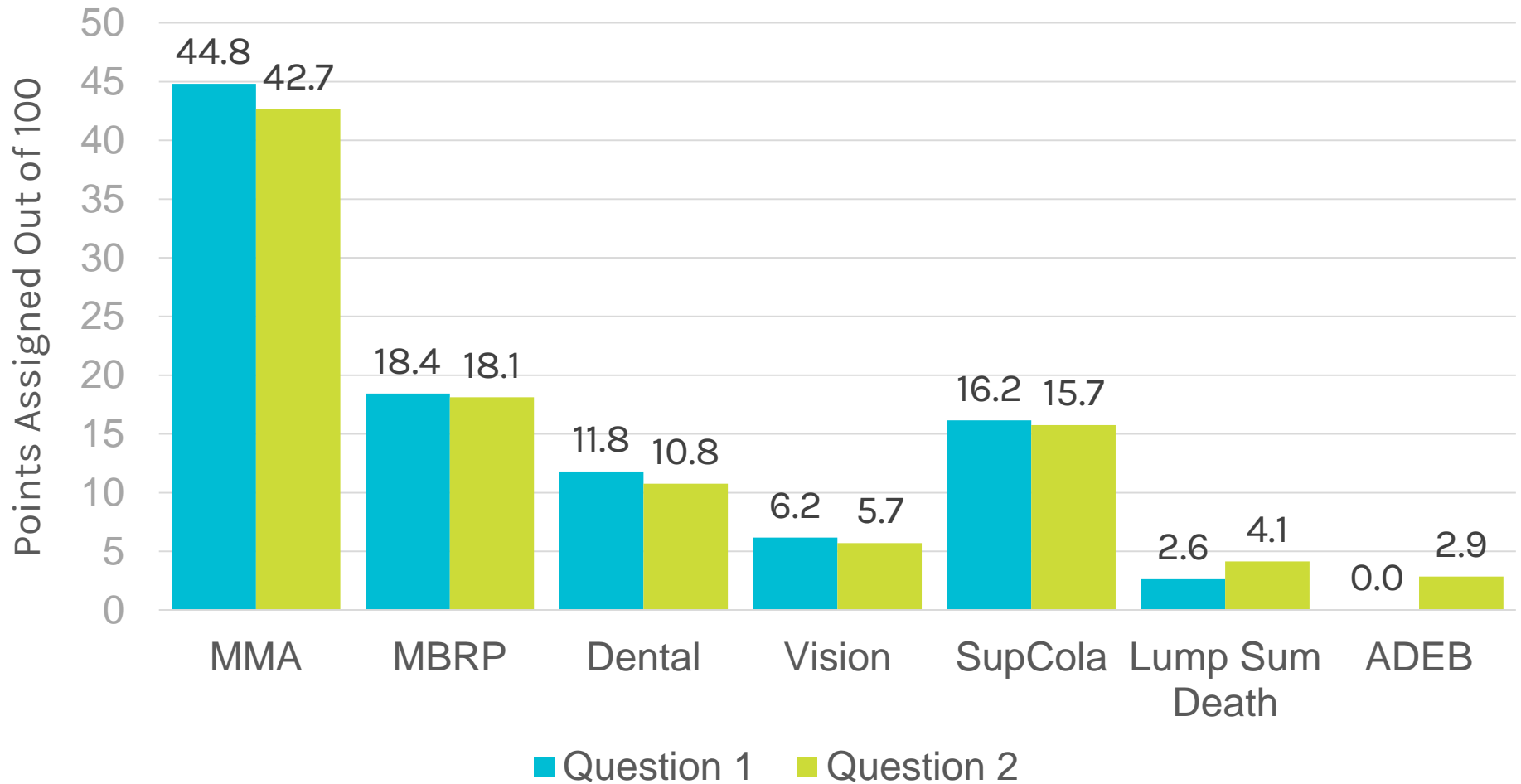


# Deferred Members

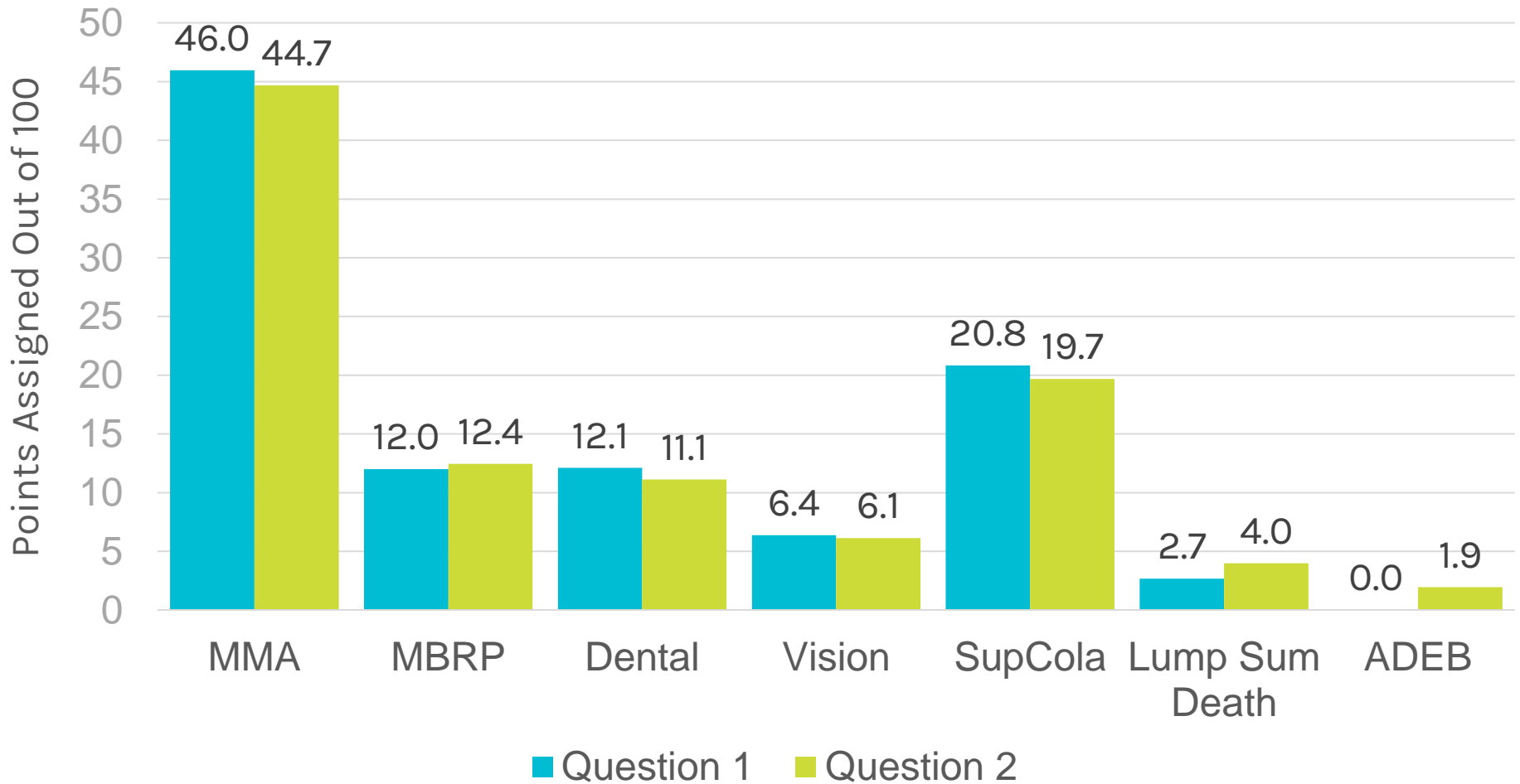




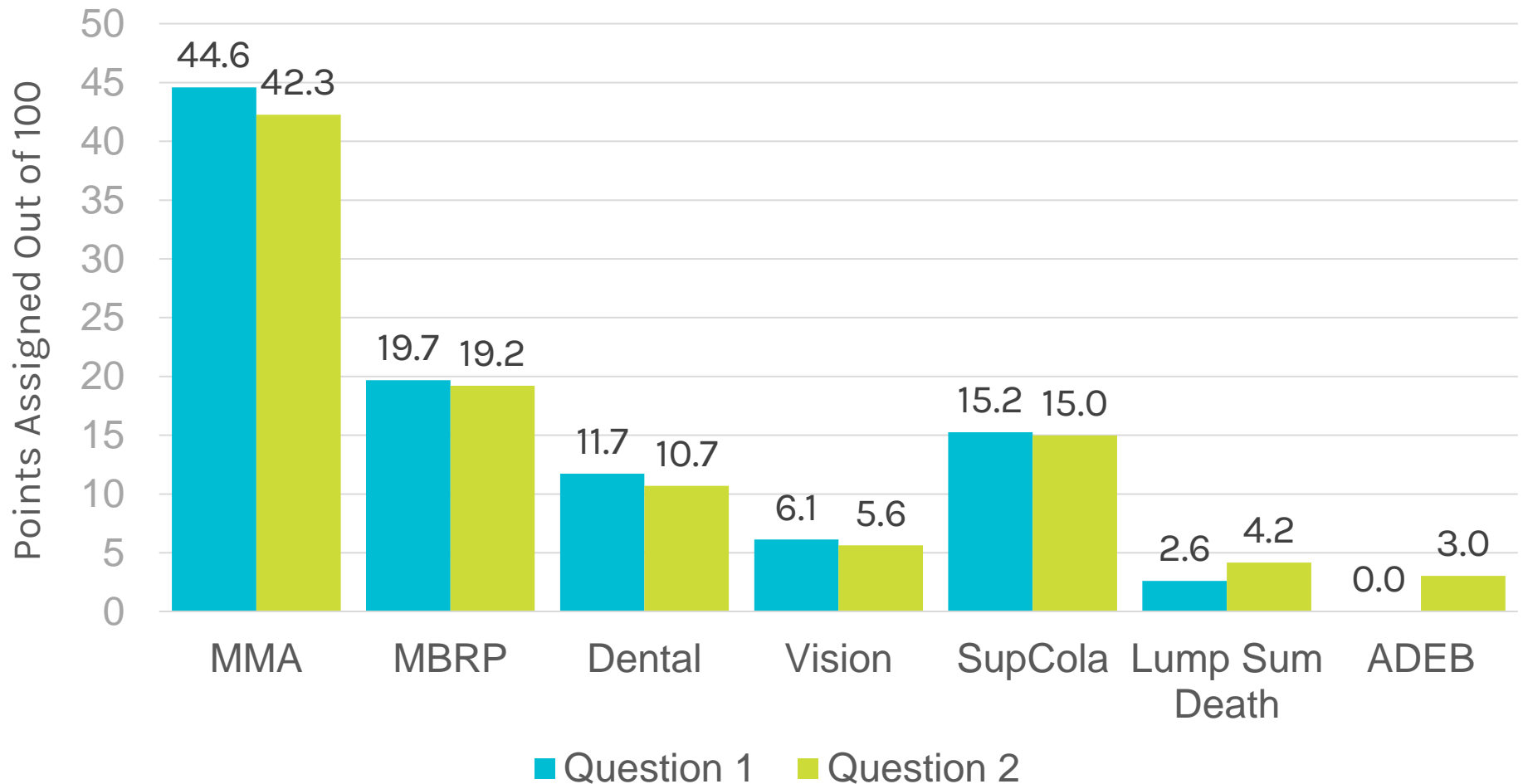
# All Retirees



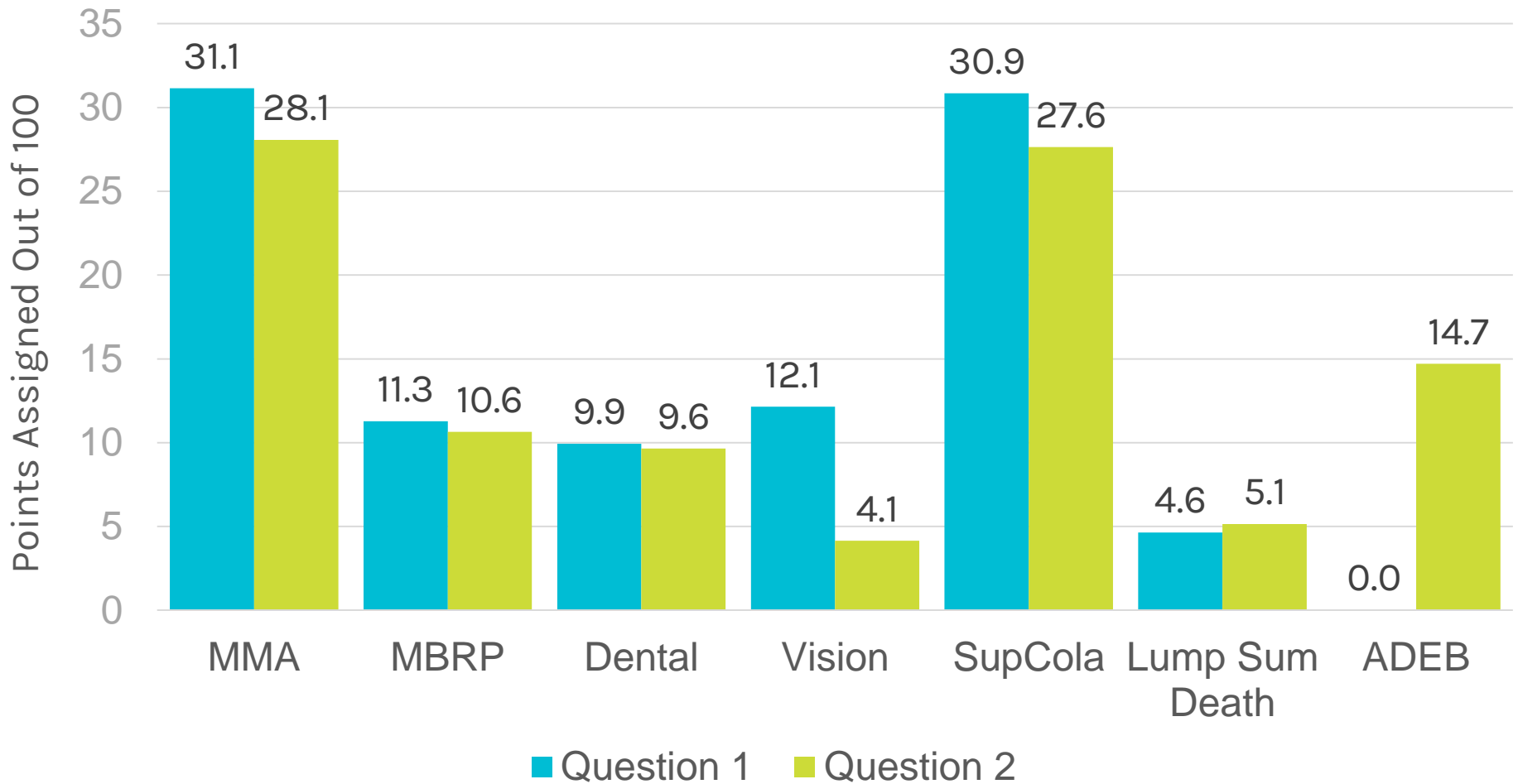
# Early Retirees



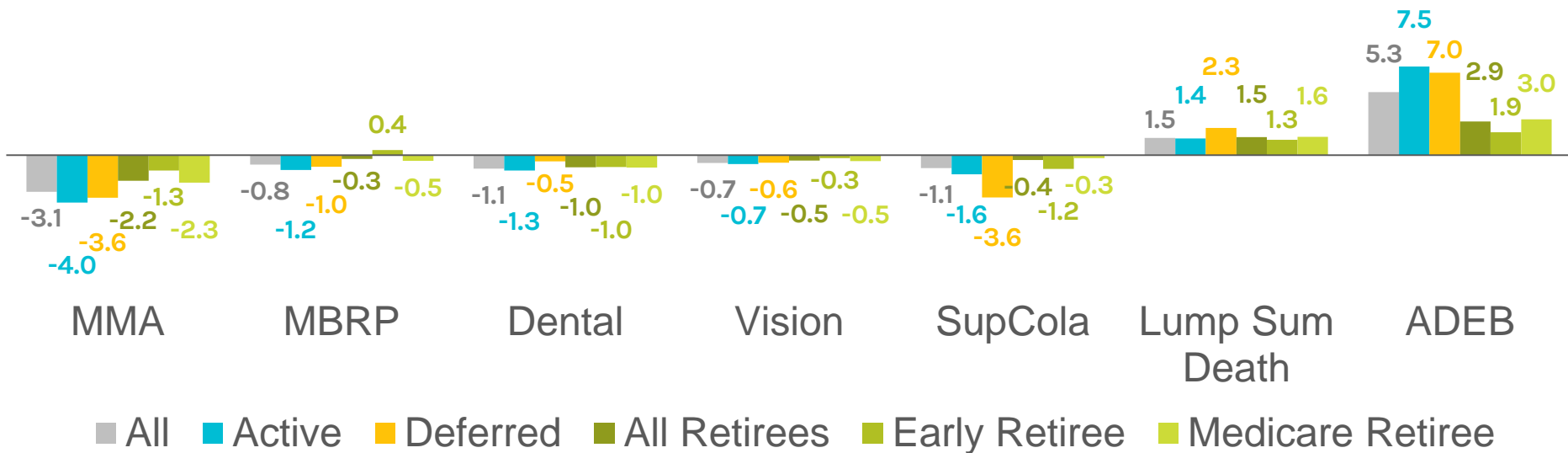
# Medicare Retirees



# Survivors, etc.



# Point Movement Between Questions 1 and 2



# Observations

- In all situations, the MMA ranked as the #1 benefit by far.
- The Supplemental COLA ranked as the #2 current benefit for all groups except Medicare retirees, who ranked the MBRP as #2.

# Observations

- The MBRP mostly ranked above Dental and Vision, except among Deferred Members and Early Retirees who ranked MBRP and Dental about evenly.

# Observations

- The Lump Sum Death Benefit didn't see a lot of additional support between questions 1 and 2—about a 1.5 average point increase among all respondents—suggesting that members felt lukewarm about increasing it in this scenario where they had to take points away from another benefit.



# Observations

- Members were somewhat interested in ADEB reinstatement, especially Active members who ranked it at #5 above Vision and the Lump Sum Death Benefit. Predictably, Retirees showed less interest in it, though they still assigned it almost 3 points on average.

# Observations

- Deferred members ranked the ADEB highly, even though they wouldn't be eligible for it under its previous rules.
- Similarly, Survivors allocated a lot of points to benefits other than the Supplemental COLA, which is the only benefit they're eligible for.
- This possibly suggests these groups did not totally understand the benefit rules. Alternatively, it could suggest interest in accessing these benefits.

# **NEW BUSINESS**

**7.B. Chief Executive Officer's Report.**



*Office of the Chief Executive Officer  
Office of Administration*

DATE: February 17, 2022  
TO: Members of the Board of Retirement  
FROM: Dave Nelsen, Chief Executive Officer *DN*  
SUBJECT: **Chief Executive Officer's Report**

**Senior Manager Recruitment**

Assistant CEO for Operations: Background and reference checks are in progress on the final two candidates.

**Committee/Board Action Items**

**ASSIGNED FOLLOW-UP ITEMS**

<b>Follow-Up Board Item</b>	<b>Assigned Senior Leader</b>	<b>Estimated Completion Date</b>	<b>Completion Date</b>	<b>Notes</b>
Develop ACERA Re-Opening Plan.	Dave Nelsen	July 2021	On-going	The general guidelines of the Plan have been developed and implemented. We are responding to changes as necessary based on new information.

**Conference/Event Schedule**

CALAPRS General Assembly March 6-8, San Diego.

**Other Items**

**COVID-19 Responses**

As we notified the Board last month, ACERA scaled back on-site operations to only the critical items. Additionally, we suspended on-site customer appointments until further notice. While in many places, the impact of the Omicron variant has been lessening, it is still significant. The Omicron variant is still having an impact on staffing and the ability to bring people to the office.

We will continue to monitor the information available and consult with the County regarding plans to phase in our re-opening. We will likely return to appointment only on-site visits in March. While we were open on Tuesdays and Thursdays for appointments, not many members were coming in. We averaged less than five appointments per month since opening in June.

### Pension Administration System Update

The project is continuing to work through its phases. We have completed the first two deliverables, and we are now working on Deliverable Three. We continue to work with the other employers on the new transmittal file layout. Additionally, we are working our On-Base enhancements and integration into the PAS project schedule.

### Board Operations

#### Strategic Planning:

Last year we postponed a Strategic Planning event by the Board due to the inability to meet in person. I have consulted with the Chair and we plan to move forward with this initiative in spite of the challenges of in-person meetings. The facilitator I had been speaking with completed a strategic planning process with the San Joaquin Retirement Board last fall that was completely virtual. The input I received from a Trustee and their CEO was that the process went very well. The current plan is to look at starting the process in May. It is possible we may be able to accomplish this in-person at that time, but if not, we will proceed with a virtual or hybrid process.

#### Board Education:

Due to the complexity of scheduling education for a single day Off-Site event, we will be bringing in guest speakers to Committee/Board meetings throughout the year. Please think about topics you would like guests to speak to and be ready to share them at the Board meeting. I will look to schedule these topics throughout the year.

**Key Performance Indicators**

Below are the high level performance indicators for ACERA, with the latest scores included:

Scorecard KPI	2020 Performance Goal
<b>PRUDENT INVESTMENT PRACTICES</b>	
<b>Portfolio Performance vs. Policy Benchmark</b>	<i>Annualized 10-year return will meet or exceed Policy benchmark at the total fund level</i> <b>December of 2021: We were .02 % above the benchmark.</b>
<b>EFFECTIVE PLAN ADMINISTRATION</b>	
<b>Actual Spent vs. Approved Budget</b>	<i>On budget or 10% below 2021 approved budget</i> <b>Final report for 2021: 10.1% under budget.</b>
<b>COMPREHENSIVE ORGANIZATION DEVELOPMENT</b>	
<b>Employee Engagement Survey Results</b>	<i>80% of responses in top two rating boxes on the question: "Is ACERA a great place to work?"</i> <b>As of the latest survey (October of 2021): 72.7%.</b>
<b>SUPERIOR CUSTOMER SERVICE</b>	
<b>Service Excellence Survey</b>	<i>80% of responses in top two rating boxes on the question: "Did ACERA meet or exceed my expectations for my customer service experience?"</i> <b>For 4th Quarter of 2021: 93%</b>