



**Alameda County Employees' Retirement Association
BOARD OF RETIREMENT**

NOTICE and AGENDA

THIS MEETING WILL BE CONDUCTED VIA TELECONFERENCE [SEE EXECUTIVE ORDER N-29-20 ATTACHED AT THE END OF THIS AGENDA.]

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 18, 2021
2:00 p.m.**

ZOOM INSTRUCTIONS	BOARD OF RETIREMENT - MEMBERS	
The public can view the Teleconference and comment via audio during the meeting. To join this Teleconference, please click on the link below. https://zoom.us/join Webinar ID: 813 7063 8874 Passcode: 800226 For help joining a Zoom meeting, see: https://support.zoom.us/hc/en-us/articles/201362193	DALE AMARAL	ELECTED SAFETY
	CHAIR	
	JAIME GODFREY	APPOINTED
	FIRST VICE-CHAIR	
	LIZ KOPPENHAVER	ELECTED RETIRED
	SECOND VICE-CHAIR	
	OPHELIA BASGAL	APPOINTED
	KEITH CARSON	APPOINTED
	TARRELL GAMBLE	APPOINTED
	HENRY LEVY	TREASURER
	ELIZABETH ROGERS	ELECTED GENERAL
	GEORGE WOOD	ELECTED GENERAL
NANCY REILLY	ALTERNATE RETIRED¹	
DARRYL L.WALKER	ALTERNATE SAFETY²	

¹ 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 Elected Safety Member and an Elected General member, are absent).

² Alternate Safety Member (Votes in the absence of (1) the Elected Safety, (2) either of the two Elected General Members, or (3) 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.

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. APPROVE APPLICATIONS FOR SERVICE RETIREMENT:

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 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 21, 2021 Minutes of the Regular Board Meeting

February 3, 2021 Operations Committee Minutes

February 3, 2021 Retirees Committee Minutes

February 10, 2021 Investment Committee Minutes

I. MISCELLANEOUS MATTERS:

Approve Staff Recommendations regarding County of Alameda's New Pay Items/Codes:

- *Clinician with Pre-Planned Use of Force Assignment at Santa Rita Jail – 42M*
- *Pre-Planned Use of Force Assignment at Santa Rita Jail by Mental Health Specialist – 42N*
- *Pre-Planned Use of Force Assignment at Santa Rita Jail with Supervision – 42P Clinician with Pre-Planned Use of Force Assignment at Santa Rita Jail – 84M*
- *Pre-Planned Use of Force Assignment at Santa Rita Jail by Mental Health Specialist – 84N*

Approve Staff Recommendation regarding County of Alameda's amendment to Short Notice Pay – SNP Quarterly Report on Member Under/Overpayments

4th Quarter Call Center Report

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

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

5. DISABILITIES, RECOMMENDATIONS AND MOTIONS:

None.

6. COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS:

A. Operations: [See February 3, 2021 Operations Committee Agenda Packet for all public materials related to the below listed items.]

1. Summary of February 3, 2021 Meeting.
2. Motion to approve the 2020 discharge request of benefits overpayments in the amount of \$13,939.81.

B. Retirees: [See February 3, 2021 Retirees Committee Agenda Packet for all public materials related to the below listed items.]

1. Summary of February 3, 2021 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, 2000, effective with the April 1, 2021 monthly retirement allowance. This annual supplemental benefit is non-vested and is funded by the Supplemental Retiree Benefit Reserve.

C. Investment: [See February 10, 2021 Investment Committee Agenda Packet for all public materials related to the below listed items.]

1. Summary of February 10, 2021 Meeting.
2. Motion to adopt the 2021 – 2022 Investment Plan for ACERA’s Real Estate Asset Class.

D. Governance: [See February 18, 2021 Governance Committee Agenda Packet for all public materials related to the below listed items.]

1. Summary of February 18, 2021 Meeting.
2. Motion to adopt the Governance Committee’s recommended revisions to the *Membership Policy*.
3. Motion to adopt the Governance Committee’s recommendation regarding applicability of *Membership Policy* provisions allowing for adjustments to membership and termination dates, if the Board adopts those provisions.

E. Audit: [See February 18, 2021 Audit Committee Agenda Packet for all public materials related to the below listed items.]

1. Summary of February 18, 2021 Meeting.
2. Motion to approve the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2020, to be performed by Williams Adley & Co. LLP.

7. NEW BUSINESS:

- A. Motion to select, and provide direction to, a Trustee to vote ACERA's Proxy on behalf of the Board of Retirement via electronic proxy voting at the Council of Institutional Investors' (CII) Spring Conference Business Meeting.
- B. Motion to approve the extension of the window for members to file a service retirement application from 60 days to 90 days based on recent legislative changes.
- C. Chief Executive Officer's Report.

8. CONFERENCE/ORAL REPORTS:

9. ANNOUNCEMENTS:

10. BOARD INPUT:

11. ESTABLISHMENT OF NEXT MEETING:

Thursday, March 18, 2021 at 2:00 p.m.

12. CLOSED SESSION:

- A. Conference With Legal Counsel--Existing Litigation (Gov't Code § 54956.9(d)(1)):

Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association, Contra Costa County Superior Court, Case No. MSN12-1870

13. REPORT ON ACTION TAKEN IN CLOSED SESSION:

14. ADJOURNMENT:

APPENDIX A
APPLICATION FOR SERVICE RETIREMENT

ARMSTRONG, Donald C.
Effective: 7/13/2020
Social Services Agency

HUMPHREY, Donald
Effective: 12/1/2020
LARPD

BAILEY, Jonna M.
Effective: 12/12/2020
Social Services Agency

JACKSON, Dimitria E.
Effective: 12/21/2020
Human Resources Services

BOATWRIGHT, Edna M.
Effective: 10/31/2020
Probation

JENKINS, Gwendolyn E.
Effective: 12/1/2020
Sheriff's Office

CUEVAS, Bernardo
Effective: 11/29/2020
Alameda Health System

JOINER, Joseph
Effective: 11/3/2020
Alameda Health System

DAVIS-HARRIS, Jeannette
Effective: 11/10/2020
Alameda Health System

LORD, Patricia
Effective: 11/17/2020
LARPD

DEITSCHMAN, Jason D.
Effective: 10/20/2020
Sheriff's Office

MARBREY, Wilbert G.
Effective: 11/17/2020
Superior Court

EMANUEL, Dennis V.
Effective: 12/24/2020
Public Works Agency

NOBLES, Deborah H.
Effective: 11/15/2020
Alameda Health System

FOX, Donna M.
Effective: 10/1/2020
Probation Department

PARRA, Rachel
Effective: 12/1/2020
Library

GARCIA, Robert D.
Effective: 12/11/2020
Social Services Agency

PENA, Margarita T.
Effective: 12/1/2020
Health Care Services Agency

HIGGINS, Elizabeth L.
Effective: 11/14/2020
Health Care Services Agency

PILECKI, Maria M.
Effective: 11/14/2020
Health Care Service Agency

HILST, Gregory L.
Effective: 12/1/2020
Public Works Agency

RIVERA, Joel O.
Effective: 3/30/2019
Sheriff's Office

HOOPER, Delores A.
Effective: 11/23/2020
Alameda Health System

RODRIGUEZ, Manuel
Effective: 11/14/2020
Alameda Health System

APPENDIX A
APPLICATION FOR SERVICE RETIREMENT

ROZAL, James N.
Effective: 12/18/2020
Superior Court

VIGIL, Rachelle T.
Effective: 11/14/2020
Probation Department

SMITH, Kirby J.
Effective: 10/5/2020
Health Care Services Agency

WILLEY, Kim D.
Effective: 8/10/2020
Sheriff's Office

SMITH, Mary J.
Effective: 10/24/2015
Social Services Agency

WILLIAMS, Kenneth E.
Effective: 12/1/2020
General Services Agency

TOUSLEY, Tony J.
Effective: 12/12/2020
General Services Agency

WYSINGER, Betty J.
Effective: 11/8/2020
Alameda Health System

ZELLER, Scott L.
Effective: 12/5/2020
Alameda Health System

APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT

ADAMS, Mahershalal H.
Superior Court
Effective Date: 9/4/2012

DAVIS, Doris J.
Alameda Health System
Effective: 9/15/2020

BRANCH, Brian
Alameda Health System
Effective: 9/17/2020

DAWKINS, Allison D.E.
Social Services Agency
Effective: 7/17/2020

BRYANT, Forrest A.
Health Care Services Agency
Effective: 7/24/2020

DEMSASH, Fregenet A.
Sheriff's Office
Effective: 9/18/2020

BURTON, Dominique
Human Resources Services
Effective: 6/26/2020

ESPINOZA, Francine A.
Probation
Effective: 9/14/2020

CHU, Hoi-Ho
Sheriff's Office
Effective: 9/18/2020

FALLS, Cmone L.
Health Care Services Agency
Effective: 10/16/2020

CRUZ, Joseph Allen E.
Superior Court
Effective: 12/4/2020

FARNHOLTZ, Janis M.
Alameda Health System
Effective: 9/19/2020

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

GORTON, Wendy A
Alameda Health System
Effective: 12/18/2020

MEDINA, Kimberly A
Health Care Services Agency
Effective: 7/1/2020

GILLESPIE, Lindsay M.
Health Care Services Agency
Effective: 9/9/2020

PAN, Erica S.
Health Care Services Agency
Effective: 7/11/2020

GUZMAN-TINOCO, Patricia
Social Services Agency
Effective: 11/18/2020

PATTERSON, Troy C.
Probation
Effective: 9/3/2020

HATHCOX, Malary J.
District Attorney
Effective: 8/7/2020

PINE, Amy E.
Health Care Services Agency
Effective: 9/11/2020

HAWKS, Jason E.
District Attorney
Effective Date: 11/18/2020

ROBERTS, Elizabeth C.
Social Services Agency
Effective: 12/11/2020

JONES, Alycia S
Social Services Agency
Effective: 7/3/2020

SEAL, Jeffrey L.
Health Care Services Agency
Effective: 10/15/2020

JONES, Paul
Alameda Health System
Effective: 8/7/2020

SWIERS, Randy
LARPD
Effective: 10/3/2020

MCADOO, Michael
Alameda Health System
Effective: 11/20/2020

WATSON, Brittney H.
Alameda Health System
Effective: 12/21/2020

WOLFE, Sterling W.
Sheriff's Office
Effective: 12/18/2020

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

ADKINS, Christopher J.
First 5
Effective Date: 5/15/2020

CURTIS, Kimberly M.
Health Care Services Agency
Effective: 9/18/2020

ALEXANDER, Leatanya L.
Alameda Health System
Effective: 10/29/2020

DUFFLEY, James J.
Zone 7
Effective: 9/11/2020

AVILA, Carmen M.
Alameda Health System
Effective: 7/15/2020

ELLISON, Tramaine
Public Works Agency
Effective: 9/18/2020

BHAMBRA, Supreet K.
Social Services Agency
Effective: 9/15/2020

FOSTER, Karalyn R.
Social Services Agency
Effective: 9/11/2020

BISWAS, Sutapa
Health Care Services Agency
Effective: 11/13/2020

GRANT, Latoya R
Human Resource Services
Effective Date: 9/15/2020

BREAUD, Scott J.
Alameda Health System
Effective: 11/15/2020

GUZMAN ANGEL, Ana G.
Sheriff's Office
Effective: 9/4/2020

CADE, Rose C.
Community Development Agency
Effective: 8/19/2020

HAVERSTOCK, Jeffrey W.
Superior Court
Effective: 9/11/2020

CATRINA, Donato V.
District Attorney's Office
Effective: 8/7/2020

HURST, Tammy F.
Alameda Health System
Effective: 7/16/2020

COLLADO, Emil E.
Public Works Agency
Effective: 11/13/2020

ITHIPHOL, Nida
Superior Court
Effective: 7/10/2020

COLLIER, Robert D.
Alameda Health System
Effective: 7/23/2020

JONES, Joseph C.
Alameda Health System
Effective: 7/30/2020

CONTRERAS SANCHEZ, Aolani
Superior Court
Effective: 12/15/2020

JOSEPH, Sheila A.
Social Services Agency
Effective: 10/23/2020

CRILEY, Grace M.
Alameda Health System
Effective: 9/4/2020

KAGOTHU, Magdalene W.
Alameda Health System
Effective: 9/10/2020

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

KAN, Elaine W.
Assessor's Office
Effective: 10/2/2020

KVALHEIM, Alicia D.
Superior Court
Effective: 7/15/2020

KAYE, Dawn M.
Dept. of Child Support Services
Effective: 7/24/2020

LAM, Maggie
Housing Authority
Effective: 10/30/2020

KENISON, Stacey
LARPD
Effective: 10/3/2020

MORAWIEC, TANIA D.
Health Care Services Agency
Effective: 9/4/2020

KEOHAVONG, Steve
General Services Agency
Effective: 9/9/2020

SPIER, William M.
Public Works Agency
Effective Date: 10/13/2020

KOOKEN, Jason E.
Superior Court
Effective: 11/4/2020
Years of Service: 0.95

STANCIL, Tarra C.
Social Services Agency
Effective: 9/15/2020

THOMAS, Jacquelyn
Housing Authority
Effective: 8/20/2020

**APPENDIX D
LIST OF DECEASED MEMBERS**

BALL, Claudia S.
Non-Mbr Survivor of Charles Ball
12/26/2020

GEORGE, Edward L.
Social Services Agency
01/05/2021

BARNES, Bertron O.
Assessor's Office
12/28/2020

GURROLA, Richard A.
General Services Agency
12/22/2020

BARRON, Eugene V.
Assessor's Office
12/27/2020

HOLLOWAY, Terri D.
Probation Department
01/05/2021

CARSCH, Harry
Superior Court
12/31/2020

JOHNSTON, William Richard
Superior Court
12/20/2020

FRANKLIN, Jessye M.
Alameda Health System
01/02/2021

LARA, Frank R.
Social Services Agency
12/20/2020

**APPENDIX D
LIST OF DECEASED MEMBERS**

BALL, Claudia S.
Non-Mbr Survivor of Charles Ball
12/26/2020

JOHNSTON, William Richard
Superior Court
12/20/2020

BARNES, Bertron O.
Assessor's Office
12/28/2020

LARA, Frank R.
Social Services Agency
12/20/2020

BARRON, Eugene V.
Assessor's Office
12/27/2020

LARA, Violeta T.
Social Services Agency
01/11/2021

CARSCH, Harry
Superior Court
12/31/2020

MALSAM, Frederick A.
Public Works Agency
12/29/2020

FRANKLIN, Jessye M.
Alameda Health System
01/02/2021

RICE, Wilma J.
Non-Mbr Survivor of George Rice
01/07/2021

GEORGE, Edward L.
Social Services Agency
01/05/2021

STEELE, D.F.
Public Works Agency
01/05/2021

GURROLA, Richard A.
General Services Agency
12/22/2020

THIEL, Christine R.
Social Services Agency
11/25/2020

HOLLOWAY, Terri D.
Probation Department
01/05/2021

WILLIAMS, Margaret D.
Sheriff's Office
01/14/2021

WOLFE, Deborah M.
Superior Court
12/30/2020

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: De Dios, Whilma
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. De Dios’s application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Name: Garcia, Andrew
Type of Claim: Annual Review for SCD (Granted on 5/16/19)

Staff’s Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor’s report to continue the allowance for Mr. Garcia’s service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Ghanim, Nancy
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. Ghanim’s application for a non-service connected disability, and waiving future annual medical examinations.

Name: Northington, Tyrone
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 Mr. Northington’s application for a non-service connected disability, and waiving future annual medical examinations.

**APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT**

Name: Oxley, Zaydra
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. Oxley’s application for a non-service connected disability, and waiving future annual medical examinations.

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

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

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

January 21, 2021
Minutes of the Regular Board Meeting
For approval under February 18, 2021
Board “Consent Calendar”



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

Thursday, January 21, 2021

Chair Henry Levy called the meeting to order at 2:02 p.m.

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

Staff Present: Margo Allen, Fiscal Services Officer
Victoria Arruda, Human Resource Officer
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
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: Kathy Foster, Assistant Chief Executive Officer

PUBLIC INPUT

An ACERA member informed the Board that she sustained an on-the-job injury and stated that medical (disability) retirements in the Probation Department where she works takes a considerable amount of time to be processed when it pertains to on-the-job injuries. Therefore, the member asked that the Board look into the matter and requested that her disability retirement application be expedited. The Board and Staff assured the member that this issue would be referred to the appropriate Benefits Staff for discussion and that Staff will follow-up with the member regarding any and all options.

Board Chair Henry Levy called for nominations regarding the election of the Board Chair for 2021.

Elected Member Elizabeth Rogers and 2020 First Vice-Chair informed the Board that she is unable to serve as the 2021 Board Chair. Trustee Rogers nominated Elected Member Dale Amaral to serve as the 2021 Board Chair.

21-01

It was moved by Elizabeth Rogers and seconded by George Wood to nominate Dale Amaral as Chair of the Board of Retirement.

There were no further nominations. The nominations were closed.

Dale Amaral was elected as Chair of the Board of Retirement by a vote of 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, Wood*), 0 no, and 0 abstentions.

Former Board Chair Henry Levy expressed his appreciation to the Board regarding his service as the 2020 Board Chair. Newly elected Board Chair Amaral also expressed his appreciation to former Board Chair Levy for his service as the 2020 Board Chair.

Trustee Tarrell Gamble inquired as to why the Second Vice-Chair was not pushed forward. Trustees explained that historically, elected and appointed members rotate each year to serve as the Board Chair and Vice-Chairs. Chief Counsel Jeff Rieger explained that the rotation of elected and appointed members is a historical practice, but not a legal requirement. The Board follows an election procedure that complies with Roberts Rules of Order and, under that procedure, any Trustee can be nominated (including self-nominations) and then the determination of who will be the Board officers is made by a Board vote. He also explained that the Board can review its election procedures when it next reviews the Board and Committee Operations Policy.

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

21-02

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

There were no further nominations. The nominations were closed.

Jaime Godfrey was elected as First-Vice Chair of the Board of Retirement by a vote of 8 yes (*Amaral, Basgal, Carson, Gamble, Koppenhaver, Levy, Rogers, Wood*), 0 no, and 1 abstention (*Godfrey*).

21-03

It was moved by Elizabeth Rogers and seconded by George Wood to nominate Liz Koppenhaver as Second Vice-Chair of the Board of Retirement.

There were no further nominations. The nominations were closed.

Liz Koppenhaver was elected as Second Vice-Chair of the Board of Retirement by a vote of 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Rogers, Wood*), 0 no, and 1 abstention (*Koppenhaver*).

**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

None

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 17, 2020 Governance Committee Minutes
December 17, 2020 Minutes of the Regular Board Meeting
January 13, 2021 Investment Committee Minutes*

MISCELLANEOUS MATTERS

Operating Expenses as of November 30, 2020

21-04

It was moved by Keith Carson seconded by Ophelia Basgal and approved by a vote of 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, Wood*), 0 no, and 0 abstentions:

BE IT RESOLVED BY THIS BOARD that the Consent Calendar is approved

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

DISABILITIES, CURRENT AND CONTINUING RECOMMENDATIONS AND MOTIONS

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

Investment:

Elizabeth Rogers gave an oral report stating that the Investment Committee met on January 13, 2021 and was presented with, reviewed information for, and discussed an up to \$30 million Investment in Peak Rock Fund III as part of ACERA’s Private Equity Portfolio – Buyout.

21-05

It was moved by Elizabeth Rogers and seconded by Jaime Godfrey to adopt an up to \$30 million Investment in Peak Rock Fund III as part of ACERA’s Private Equity Portfolio – Buyout, pending completion of legal and investment due diligence and successful contract negotiations. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, Wood*), 0 no, and 0 abstentions.

Elizabeth Rogers further reported that the Committee was presented with, reviewed information for, and discussed an up to \$25 million Investment in Artemis Real Estate Partners Healthcare Fund II as part of ACERA’s Real Estate Portfolio – Value-Added.

21-06

It was moved by Elizabeth Rogers and seconded by Jaime Godfrey to adopt an up to \$25 million Investment in Artemis Real Estate Partners Healthcare Fund II as part of ACERA’s Real Estate Portfolio – Value-Added, pending completion of legal and investment due diligence and successful contract negotiations. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, Wood*), 0 no, and 0 abstentions.

Trustee Gamble clarified statements he made at the January 13, 2021 Investment Committee meeting, stating that he believes the Board should assess the need for revisions to ACERA investment policies to address concentration risk when additional investment(s) are made with existing Investment Manager(s).

Trustee Rogers reported that the Committee was presented with, reviewed information for, and discussed an Information Item regarding the 2021 Proposed Investment Committee Workplan.

Trustee Rogers further reported that the Investment Committee adjourned into Closed Session to consider the purchase or sale of a particular, specific pension fund investment. No reportable action was taken in Closed Session.

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

NEW BUSINESS:

David Nelsen, Chief Executive Officer's Report

Chief Executive Officer Dave Nelsen presented his January 21, 2021, written CEO Report which provided an update on: **1)** Committee and Board Action Items; **2)** Other Items, which included updates on: COVID-19 Responses, the Pension Administration System, Personnel Items and Budget, and Key Performance Indicators. Mr. Nelsen further reported on the following: **1)** ACERA's presentation to the Alameda County Housing Authority regarding pension funding and the current state of the Retirement System on January 13th; **2)** the Board of Supervisors' approval of additional funds to address their UAAL; and **3)** DSA's inquiry regarding purchasing service credit for military-time prior to ACERA membership.

Mr. Nelsen congratulated the newly elected Board Chair and Vice-Chairs and informed the Board that he would send out a list of the Committees to all the Trustees so they can choose which Committee(s) they would like to serve on. Once the completed lists have been returned to Mr. Nelsen, he will assist Chair Amaral with assigning the Trustees to the Committee(s) based on the completed lists.

Mr. Nelsen reported that as part of the County's required protocols regarding the COVID-19 Pandemic, ACERA recently installed a Touchless Temporal Scanner that reads Staff's temperature automatically. It was noted that although the Scanner is not 100% accurate, it does show whether or not an employee's temperature is elevated.

Trustee Basgal inquired about whether or not County employees would be required to show certification that they have been vaccinated in order to return to work. Mr. Nelsen stated that ACERA employees may fall under the 1C Group, the State's hierarchy, which determines when County employees can get vaccinated. Mr. Nelsen will provide the Board with updates regarding the vaccine roll-out and whether or not employees will be required to show certification that they have been vaccinated.

Trustee Keith Carson reported that at today's Update Briefing, **Dr. Nicolas Moss**, Alameda County Public Health Officer, and **Colleen Chawla**, Director of the Alameda County Public Health Care Services Agency and Chair of the Statewide Healthcare Directors Association, are still discussing necessary protocols and when the vaccine may be available on a National, State and Local level. Trustee Carson also reported that the Temporal Scanners have been vetted by a number of institutions other than the County and have been installed in County Buildings that have a flow through of traffic.

CONFERENCE/ORAL REPORTS

None.

ANNOUNCEMENTS

None.

BOARD INPUT

None.

CLOSED SESSION

- A. Consider the Purchase or Sale of Particular, Specific Pension Fund Investment (CA Gov. Code §54956.81) (one investment).

The Board reconvened into Open Session and Chair Dale Amaral announced that the Board took no reportable action on the above-referenced matter.

The Board and Staff congratulated Trustee Tarrell Gamble for his re-appointment to serve on the Board of Retirement.

ADJOURNMENT

The meeting adjourned at approximately 2:45 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

2/18/21

Date Adopted

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

ALCANTARA, Blesilda
Effective: 10/31/2020
Auditor-Controller

HARRIS, Larry
Effective: 10/31/2020
General Services Agency

ELLIOTT, Charlie
Effective: 10/31/2020
General Services Agency

HERRERA, Ted
Effective: 11/3/2020
Alameda Health System

EMBRY, Annabelle
Effective: 9/20/2020
Alameda Health System

JERENE, Margaret
Effective: 10/17/2020
First 5

FARRUGGIA, Cary
Effective: 10/22/2020
Non-Member

JOHNSON, Helen
Effective: 10/31/2020
Public Works Agency

FLORES, Manuel
Effective: 10/31/2020
Health Care Services Agency

LAFARGUE, Craig
Effective: 11/10/2020
Alameda Health System

GARCIA, Julia
Effective: 11/13/2020
Health Care Services Agency

LEE-ESPINOZA, Aracelia
Effective: 10/17/2020
Alameda Health System

GEE, Nancy
Effective: 11/14/2020
Health Care Services Agency

LIN, Mark
Effective: 6/5/2020
Superior Court

GEROW, Karen
Effective: 11/14/2020
Public Defender

MARGRAVE, Wynston
Effective: 12:00:00 AM
Social Services Agency

GONZALEZ, Martha
Effective: 10/17/2020
ACERA

ROBINSON, David
Effective: 10/2/2020
Alameda Health System

GREEN, Catherine
Effective: 10/17/2020
Superior Court

SARGENT, Shawn
Effective: 10/14/2020
Sheriff's Office

GROVER, Saroj
Effective: 10/3/2020
Alameda Health System

SCHLEGEL, Edward
Effective: 9/21/2020
Sheriff's Office

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

TUTTIE, Ann
Effective: 10/18/2020
Alameda Health System

WILLIAMS, Cassandra
Effective: 11/4/2020
Social Services Agency

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

ARCOS-PEREZ, Rolando
Alameda Health System
Effective Date: 11/9/2020

OSIPOVA, Jekaterina
Alameda Health System
Effective: 12/1/2020

JOINER, Joseph
Alameda Health System
Effective: 11/2/2020

OWEN II, Richard K.
Public Defender
Effective: 10/21/2020

LEE, Anna Y.
Health Care Services Agency
Effective: 11/20/2020

PFENNING, Kirsten
Auditor-Controller
Effective: 9/18/2020

LEVY, Keydon A.
District Attorney's Office
Effective: 11/18/2020

PHILLIPS, Rhonda
Alameda Health System
Effective: 11/2/2020

LOUIE, Valerie C.
Alameda Health System
Effective: 11/24/2020

PITRE, Shamone D.
Social Services Agency
Effective: 10/9/2020

MARROQUIN, Stephanie M.
District Attorney's Office
Effective: 11/25/2020

RATNER, Robert B.
Health Care Services Agency
Effective: 11/13/2020

MORALES, Alicia D.
Social Services Agency
Effective: 11/13/2020

REEDY, Jac A.
Alameda Health System
Effective: 11/2/2020

ODES, Rachel
Alameda Health System
Effective: 11/2/2020

SAUNDERS, Christine S.
District Attorney's Office
Effective: 10/23/2020

WORTH, Kacie L.
Probation
Effective Date: 11/16/2020

APPENDIX B-1
APPLICATION FOR NON-VESTED DEFERRED

ALDRICH, Mallory J.
Social Services Agency
Effective Date: 10/29/2020

LABAT, Vijayta R.
District Attorney's Office
Effective: 11/18/2020

ARNO, Claire J.
Superior Court
Effective: 10/14/2020

NELSON, Aisha M.
Social Services Agency
Effective: 11/17/2020

ASLAMI, Zohal
Alameda Health System
Effective: 11/13/2020

PEREZ, Patricia C.
Treasurer-Tax Collector
Effective: 11/20/2020

BOWIE, Aqueela A.
Department of Child Support Services
Effective: 11/13/2020

POBRE, Matthew Shiaree D.
General Services Agency
Effective: 11/13/2020

COHEN, Mariella G.
District Attorney's Office
Effective: 10/23/2020

PUEBLA, Ricardo
Alameda Health System
Effective: 9/4/2020

COULTER, Caitlin F.
Alameda Health System
Effective: 11/16/2020

RAMIREZ MARTINEZ, Leonor A.
Social Services Agency
Effective Date: 7/27/2020

DAVIS, Susan A.
Alameda Health System
Effective: 11/7/2020

ROBERTS, Michelle L.
District Attorney's Office
Effective: 10/16/2020

GLADNEY, Vera L.
Alameda Health System
Effective: 10/18/2020

SIMON, Jennifer A.
Alameda Health System
Effective: 11/25/2020

GROOMS, Jennifer E.
Alameda Health System
Effective: 10/16/2020

SINGH, Ranjita D.
Health Care Services Agency
Effective: 12/11/2020

HUMMEL, Taylor W.
Social Services Agency
Effective: 10/30/2020

TAYLOR, Rachel J.
Superior Court
Effective: 10/30/2020

ISLAS, Tathjiana S.
Social Services Agency
Effective: 11/12/2020

TIEDEMANN, Aaron E.
Community Development Agency
Effective: 12/4/2020

USUKHBAYAR, Enkhjin
District Attorney's Office
Effective: 10/23/2020

APPENDIX D
LIST OF DECEASED MEMBERS

ADAMS, Evelyn Non-Mbr Survivor of Colonel Adams 11/29/2020	LYLES, William Sheriff's Office 12/8/2020
ALBOUZE, Marge Non-Mbr Survivor of Achille Albouze 11/14/2020	MAC FARLANE, Fred General Services Agency 11/15/2020
BERNARD, Ronald Non-Mbr Survivor of Dorothea Bernard 11/7/2020	MAGGY, Bradley Human Resource Services 11/12/2020
BIONDI, David Probation Department 12/20/2020	MOORE-HICKS, Dorothy Alameda Health System 12/3/2020
BUTTS, Eara Alameda Health System 12/4/2020	NUTTING, Anna Alameda Health System 8/22/2020
COLLIER, Larry Sheriff's Office 11/30/2020	O'NEIL, Alicia Alameda Health System 12/28/2020
DIMMER-CUTRERR, Betty Alameda Health System 12/15/2020	PICOU, Patricia Ann Superior Court 11/6/2020
HEICK, Dorothy Non-Mbr Survivor of Robert Heick 12/8/2020	RICHARDS, Marilee Social Services Agency 11/21/2020
HIGGINS, Joan Non-Mbr Survivor of Patrick Higgins 12/15/2020	ROUS, William Non-Mbr Survivor of Anna Rous 11/23/2020
KARSTENS, Mildred Social Services Agency 11/26/2020	SCHNAYER, Irving County Administrator 12/3/2020
LEBLUE, Jessie Alameda Health System 11/21/2020	SHELHAMER, Marjory Non-Mbr Survivor of James Shelhamer 11/20/2020

**APPENDIX D
LIST OF DECEASED MEMBERS**

SHIPLER JR, Glenn
Assessor's Office
10/4/2020

VALINTINO, Marilyn
Social Services Agency
11/29/2020

SULLIVAN, Nancy
Sheriff's Office
11/20/2020

VICERAL, Marina
Alameda County
10/31/2020

TAKASHIMA, Michie
Assessor's Office
12/20/2020

WIEGARDT, Patsy
Non-Mbr Survivor of Alfred Wiegardt
10/30/2020

TIBBETTS, Brian
LARP
12/7/2020

WIGGINS, Jo
Alameda Health System
11/13/2020

TUNGOHAN, Leonito
Superior Court
11/20/2020

WYNN, Harry
Sheriff's Office
11/26/2020

**APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT**

Name: Orange, Felicia
Type of Claim: Service-Connected

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. Orange's application for a service-connected disability. Since Ms. Orange is over 55 years old, future annual medical examinations and questionnaires will not be required.

**February 3, 2021
Operations Committee Minutes
For approval under February 18, 2021
Board “Consent Calendar”**



**MINUTES OF THE FEBRUARY 3, 2021, OPERATIONS COMMITTEE'S MEETING
THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO**

Date: February 3, 2021
To: Members of the Operations Committee
From: Jaime Godfrey, Chair
Subject: Summary of the February 3, 2021, Operations Committee Meeting

Operations Committee Chair Jaime Godfrey called the February 3, 2021, Operations Committee Meeting to order at 9:30 a.m. Committee members present were Jaime Godfrey, Chair; Liz Koppenhaver, Vice Chair; Keith Carson, Henry Levy, and Ophelia Basgal who arrived after roll call. Other Board members present were Dale Amaral; Tarrell Gamble; Elizabeth Rogers; George Wood; and, Alternates Nancy Reilly and Darryl Walker. Staff present were David Nelsen, Chief Executive Officer; Margo Allen, Fiscal Services Officer; Kathy Foster, Assistant Chief Executive Officer; Jeff Rieger, Chief Counsel; Sandra Duenas, Benefits Manager; Jessica Huffman, Benefits Manager; Betty Tse, Chief Investment Officer; Harsh Jadhav, Chief of Internal Audit; and Vijay Jagar, Chief Technology Officer.

ACTION ITEMS

1. Discussion and Possible Motion to Approve the 2020 Discharge of Benefits Overpayments

After discussion, it was moved by Liz Koppenhaver and seconded by Elizabeth Rogers, that the Operations Committee recommend to the Board of Retirement that the Board approve the 2020 discharge request of benefit overpayments in the amount of \$13,939.81.

The motion carried 8 yes (Amaral, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, Wood), 0 no, 0 abstention.

INFORMATION ITEMS

1. Un-Audited Financial Statements as of December 31, 2020

Staff presented the Unaudited Financial Statement for the period ending December 31, 2020. Staff stated the net position held in trust and the change in Fiduciary net position compared to the same period in 2019 increased by \$840 million.

2. Operating Expenses as of December 31, 2020

Staff presented end-of-year Budget vs. Actual Operating Expense Report. As of December 31, 2020, actual expenses were \$2,572K under budget. Budget surpluses noted were Staffing (\$1,480K under budget) with 6 unfilled positions, Staff Development (\$338K under budget), Professional Fees (\$19K under budget), Office Expense (\$119K under budget), Insurance (\$101K under budget), Member Services (\$198K under budget), Systems (\$23K under budget), Depreciation (\$4K under budget), and Board of Retirement (\$282K under budget).

3. Actual Cash Report as of December 31, 2020

Staff presented the Actual Negative Cash Position for 2020. For the year ending December 31, 2020, with the exception of the months having three-pay-periods, the average monthly negative cash position for the period is -\$17,617,476.

4. Board Member Conference Expense Report for 4th Qtr. 2020

Staff presented the Board Member Conference and Training Report for the period January 1, 2020 to December 31, 2020. Reported expenses for the period were \$60,575.

5. Senior Manager Conference and Training Expense Report for 4th Qtr. 2020

Staff presented the Senior Manager Conference and Training Expense Report for the period January 1, 2020 to December 31, 2020. Reported expenses for the period were \$12,867.

6. Proposed 2021 Operations Committee Work Plan

Staff presented the draft work plan for 2021 Operations Committee.

TRUSTEE/PUBLIC INPUT

None

RECOMMENDATIONS

None

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for April 7, 2021 at 9:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 9:48 a.m.

February 3, 2021
Retirees Committee Minutes
For approval under February 18, 2021
Board “Consent Calendar”



MINUTES OF FEBRUARY 3, 2021 RETIREES COMMITTEE MEETING

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Retirees Committee

From: Liz Koppenhaver, Chair, Retired Trustee

Subject: Summary of the February 3, 2021 Retirees Committee Meeting

Committee Chair Liz Koppenhaver called the February 3, 2021 Committee meeting to order at 10:30 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

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

Staff present were David Nelsen, Chief Executive Officer; Kathy Foster, Assistant Chief Executive Officer; Margo Allen, Fiscal Services Officer; Jeff Rieger, Chief Counsel; Sandra Dueñas-Cuevas, Benefits Manager; Jessica Huffman, Benefits Manager; Ismael Piña, Assistant Benefits Manager; Vijay Jagar, Chief Technology Officer; and Harsh Jadhav, Chief of Internal Audit.

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 for 2021

Staff reported that based on information provided by the Segal Group, ACERA's actuaries, the Cost of Living Adjustment effective April 1, 2021 results in an increase of 3.0% for Tier 1 and Tier 3 retirees/payees who retired on or before April 1, 2019, due to carry-over banked from prior years. Tier 1 and Tier 3 retirees/payees who retired on or after April 2, 2019 will receive 2.0%, and all Tier 2 and Tier 4 retirees/payees will receive 2.0%. The Consumer Price Index (CPI) calculation resulted in a change of 2.00%. According to Government Code Sections 31870 and 31870.1, the percentage change should be rounded to the nearest one-half percent, which is 2.0%.

ACTION ITEMS

1. Annual Supplemental Cost of Living Adjustment

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 2020, there were approximately 591 retirees/payees receiving this benefit at a cost of \$1,114,025.65. Based on the accumulated loss of purchasing power as of December 31, 2020, those Tier 1 members who retired on or before April 1, 1981, and those Tier 2 members who retired on or before April 1, 2000, will receive the Supplemental COLA increase effective with their April 1, 2021 monthly allowance.

It was moved by Ophelia Basgal and seconded by Elizabeth Rogers that the Retirees Committee recommend to the Board of Retirement that it adopts 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, 2000, effective with the April 1, 2021 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, Rogers, Wood*), 0 no, 0 abstentions.

INFORMATION ITEMS

2. 2021 Annual Retirees Committee Work Plan Review

Staff provided a proposed 2021 Retirees Committee Work Plan stating that there are no major changes from last year's Work Plan.

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 7, 2021.

4. Report on 1099-R Processing

Staff reported that the 2020 1099-R forms were mailed to retirees/payees the week of January 18th prior to the IRS deadline of January 31st.

5. Report on Open Enrollment Activity

Staff provided information on the Plan Year 2021 Open Enrollment activity for ACERA and Via Benefits.

6. Miscellaneous Updates

Segal, ACERA's Benefits Consultant, provided information regarding the COVID-19 vaccine distribution and the amended allocation guidelines, stating that the production and distribution of the vaccine is limited and does not meet the current need. Trustee Reilly directed Staff to move the latest information on the COVID-19 vaccine to a more prominent place on the COVID-19 update section of ACERA's website.

TRUSTEE INPUT AND DIRECTION TO STAFF

Trustee Levy stated that the financial retirement planning section of ACERA's website is excellent and is very thorough. He directed Staff to look into providing metrics on the number of people who access this section of the website, and whether they experience any issues navigating through the site. He also directed Staff to add information on the website regarding the ability to schedule an appointment with a financial educator if they are enrolled in the 457(b) Deferred Compensation plan.

PUBLIC INPUT

None.

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for April 7, 2021 at 10:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 10:58 a.m.



MINUTES OF THE FEBRUARY 10, 2021 INVESTMENT COMMITTEE'S MEETING

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Board of Retirement
From: George Wood - Chair
Subject: Summary of February 10, 2021 Investment Committee Meeting

The Investment Committee ("Committee") met on Wednesday, February 10, 2021 at 9:30 a.m. The Committee members present were Dale Amaral, Ophelia Basgal, Keith Carson, Tarrell Gamble, Jaime Godfrey, Liz Koppenhaver, Henry Levy, Elizabeth Rogers, and George Wood. Also present were Alternate Retired Member, Nancy Reilly and Alternate Safety Member Darryl Walker. ACERA Senior Managers and Presenting Staff present were, Jeff Rieger – Chief Counsel, Vijay Jagar – Chief Technology Officer, and Betty Tse – Chief Investment Officer.

Action Items: Matters for discussion and possible motion by the Committee

1. Discussion and Possible Motion to Recommend that the Board Adopt the 2021 – 2022 Investment Plan for ACERA's a Real Estate Asset Class
 - Staff and Callan presented the proposed 2021-2022 Real Estate Investment Plan to the Investment Committee. Callan provided a brief summary of the current real estate portfolio and reviewed the purpose of the asset class. Callan recommended further diversifying the core fund portfolio with the goal of mirroring the index return. Staff reported that it is further vetting the concept and will do more due diligence on the recommendation. Trustees discussed additional considerations with Callan and asked about compliance status. Given the increased value of the Total Fund, Callan's recommendation included net new commitments of \$125M to reach the program's allocation target of 8%. Lastly, Trustees asked for an update on the current real estate market and the effects of COVID-19. Staff will add this request to the ICM Work Plan.
 - After further discussion, Trustee Basgal moved, seconded by Trustee Rogers, to recommend that the Board adopt the 2021 – 2022 Investment Plan for ACERA's Real Estate Asset Class.
 - The motion carried with 9 Yes (Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Rogers, and Wood) 0 No, and 0 Abstention.

Information Items: These items are not presented for Committee action but consist of status updates and cyclical reports

1. Proposed Investment Committee Work Plan 2021

- Staff presented the Investment Committee Work Plan for 2021 (Work Plan)

TRUSTEE/PUBLIC INPUT

None

FUTURE DISCUSSION ITEMS

None

ESTABLISHMENT OF NEXT MEETING DATE

Wednesday, March 10, 2021 at 9:30 a.m.

ADJOURNMENT

The meeting ended at 9:55 a.m.

**February 18, 2021
Governance Committee Minutes
For approval under March 18, 2021
Board “Consent Calendar”**

February 18, 2021
Audit Committee Minutes
For approval under March 18, 2021
Board “Consent Calendar”

CONSENT CALENDAR


**Approve Staff Recommendation regarding
County of Alameda's New Pay Items/Code:
42M, 42N and 42P**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Approval of Three New Pay Items/Codes as “Compensation Earnable” and “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that the following three new pay items/codes be reviewed to determine whether they qualify as “compensation earnable” and “pensionable compensation”. These new pay items/codes establish a footnote provision for additional compensation of 15% of the base pay to be paid to full-time employees in the following job classifications assigned to work at Santa Rita Jail. The effective date of these new pay items/codes is December 27, 2020.

- Clinician with Pre-Planned Use of Force Assignment at Santa Rita Jail – 42M
The job classifications for employees eligible for the additional 15% compensation under this new pay item/code are Behavioral Clinician I (Job Code 6505NM), Behavioral Clinician II (Job Code 6510NM), Marriage and Family Therapist I (Job Code 6496NM), Marriage and Family Therapist II (Job Code 6497NM), Rehabilitation Counselor I (Job Code 6638NM), and Rehabilitation Counselor II (Job Code 6640NM).
- Pre-Planned Use of Force Assignment at Santa Rita Jail by Mental Health Specialist – 42N
The job classifications for employees eligible for the additional 15% compensation under this new pay item/code are Mental Health Specialist I (Job Code 6490NM), Mental Health Specialist II (Job Code 6491NM), and Mental Health Specialist III (6492NM). These employees are required to accompany licensed or licensed-eligible clinicians to participate in pre-planned use of force incidents.
- Pre-Planned Use of Force Assignment at Santa Rita Jail with Supervision – 42P
The job classifications for employees eligible for the additional 15% compensation under this new pay item/code are Behavioral Health Clinical Manager (6527SM) and Behavioral Health Clinical Supervisor (6525SM). These employees are required to participate in, and have supervisory oversight of the clinician’s role in the pre-planned use of force incidents.

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that the new pay items/codes qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members). These pay items/codes increase the employee’s base pay in all pay periods like a normal salary increase. Under the Board of Retirement’s (Board) historical practices, these kinds of pay items/codes have been included in both “compensation earnable” and “pensionable compensation.” The two relevant Government Code sections are attached for the Board’s reference.

Approval of Three New Pay Items/Codes as “Compensation Earnable” and “Pensionable Compensation”
– County of Alameda (continued)
February 18, 2021
Page 2 of 2

Staff informed the County that Staff’s determination will be on the Board’s consent calendar for approval at its February 18, 2021 meeting. If this item is not pulled from the consent calendar for discussion, then the Board will approve Staff’s determination that the pay items/codes are “compensation earnable” under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRA 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	1/11/2021
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
Pay Item Name (and code Number)	42M Clinician w PPUF Asgmt as SRJ
Pay Item Effective Date per authorization:	12/27/2020
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: 6505NM-Behavioral Clinician I, 6510NM-Behavioral Clinician II, 6496NM-Marriage and Family Therapist I, 6497NM-Marriage and Family Therapist II, 6638NM-Rehabilitation Counselor I, 6640NM-Rehabilitation Counselor II

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 in eligible job classification assigned to work at Santa Rita Jail

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: Percentage, paid an additional 15% of base pay.

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



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

RESPONSE #6: No

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: 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: Regular Workweek

11. State whether the pay item if 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: No

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)



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

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: Biweekly

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 3-12.90

3-12.90 – Effective December 27, 2020, employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM, assigned to work at Santa Rita Jail (“SRJ”), ~~and~~ are required to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff, to include the facilitation of crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents shall be compensated an additional 15% of the base pay when working such shifts.

Office of the Auditor-Controller
1221 Oak St., Suite 249
Oakland, CA 94612
Tel: (510) 272-6565
Fax: (510) 272-6502

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1221 Oak St., Suite 220
Oakland, CA 94612
Tel: (510) 208-9900
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Fax: (510) 208-9858

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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	1/12/2021
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
Pay Item Name (and code Number)	42N PPUF Asignmt at SRJ by MHSpec
Pay Item Effective Date per authorization:	12/27/2020
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: 6490NM-Mental Health Specialist I, 6491NM-Mental Health Specialist II, 6492NM-Mental Health Specialist III

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 in eligible job classification assigned to work at Santa Rita Jail

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: Percentage, paid an additional 15% of base pay.

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

RESPONSE #6: No

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

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: 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: Regular Workweek

11. State whether the pay item if 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: No

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)



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

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: Biweekly

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 3-12.91

3-12.91 – Effective December 27, 2020, employees in Job Codes #6490NM, #6491NM and #6492NM, assigned to work at Santa Rita Jail ("SRJ"), are required to accompany licensed or licensed-eligible clinicians to participate in pre-planned use of force ("PPUF") incidents with Alameda County Sheriff's Office sworn staff to include crisis intervention, de-escalation and therapeutic needs of a client, and shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6490NM, 6491NM and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents, shall be compensated an additional 15% of the base pay when working such shifts.

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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	1/12/2021
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
Pay Item Name (and code Number)	42P PPUF Assignmt at SRJ w Suprvisn
Pay Item Effective Date per authorization:	12/27/2020
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: 6527SM-Behavioral Health Clinical Manager, 6525SM-Behavioral Health Clinical Supervisor

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 in eligible job classification assigned to work at Santa Rita Jail

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: Percentage, paid an additional 15% of base pay.

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

RESPONSE #6: No

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ALAMEDA COUNTY
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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: Regular Workweek

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: No

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)



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

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: Biweekly

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 3-12.92

3-12.92 – Effective December 27, 2020, employees in Job Codes #6527SM and #6525SM, assigned to work at Santa Rita Jail, are required to participate in and have supervisory oversight of the clinician's role in pre-planned use of force incidents with Alameda County Sheriff's Office sworn staff, to include crisis intervention, de-escalation and therapeutic needs of a client, shall be compensated an additional 15% of the base pay.

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SECOND READING - CONTINUED FROM 01/05/2021



AGENDA NO. 20 January 5, 2021

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

Human Resource Services

January 5, 2021

2nd reading 1/12/21

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 CERTAIN UNREP M-DESIGNATED & NON-MGMT CLASSES RELATED TO CLASSES REPRESENTED BY ACMEA GG & CONFIDENTIAL UNITS & ESTABLISH THE CLASS OF FORENSIC, DIVERSION AND RE-ENTRY SERVICES DIRECTOR (JC #5074SM); 2) AMEND SUBSECTION 3-12.19 TO ADD JC #5074SM; 3) AMEND SUBSECTIONS 3-12.90 & 3-12.91; AND 4) ADD NEW SUBSECTION 3-12.92

Dear Board Members:

RECOMMENDATIONS:

Adopt Salary Ordinance amendments to:

- i. Update Article 1, Section 1-1 (Pay Rate Schedules), subsection 1-1.1, to: 1) increase the salaries for certain Unrepresented M-designated and Non-Management classifications related to classifications represented by the Alameda County Management Employees Association ("ACMEA") General Government and Confidential Units by three and one-quarter percent (3.25%) retroactive to December 27, 2020 and 2) establish one (1) new classification of Forensic, Diversion and Re-Entry Services Director (Job Code ("JC") #5074SM) located in the Health Care Services Agency ("HCSA") Alameda County Behavioral Health ("ACBH") effective January 24, 2021; and
- ii. Amend Article 3, Section 3-12 (Health Care Services Agency) to: 1) update subsection 3-12.19 to add salary administration criteria for the new classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) effective January 24, 2021; 2) update subsections 3-12.90 and 3-12.91 to include application of the additional compensation of 15% of the base pay to employees in the same classifications, who are not regularly assigned to Santa Rita Jail ("SRJ"), but work overtime shifts at SRJ and therefore, required to perform the same expanded duties; and 3) add subsection 3-12.92, a footnote for additional compensation of 15% of the base salary for employees in the classifications of Behavioral Health Clinical Supervisor (JC #6525SM) and Behavioral Health Clinical Manager (JC #6527SM) in the HCSA ACBH Adult Forensic Behavioral Health ("AFBH") Unit retroactive to December 27, 2020.

DISCUSSION/SUMMARY:

Historically, certain Unrepresented M-designated and Non-Management classifications related to Management classifications have received the same salary increases and benefit changes as the ACMEA General Government and Confidential Units. As such, we recommend increasing the salaries of the specified Unrepresented M-designated and Non-Management classifications in the attached Salary Ordinance amendment by three and one-quarter percent (3.25%), retroactive to December 27, 2020.

Staff recommends that your Board approve establishing one (1) new unrepresented classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) in HCSA's ACBH, effective January 24, 2021. HCSA ACBH requested to create a new classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) to oversee all diversion and forensic mental health services across systems of care in ACBH. This new classification will be responsible for directing all administrative

An Equal Opportunity Employer

functions and for developing operational policies, procedures, goals, and objectives for all health services programs within ACBH Diversion and Forensic Services. Further, its focus is to lead ACBH in departmental program planning and systems building efforts to support re-entry services and strategy alignment. Oversight will include, but is not limited to, programs for all justice health services provided in Juvenile Hall, Camp Wilmont Sweeney, SRJ, Conditional Release Program and Behavioral Health Court. Staff conducted a salary survey of the five (5) Bay Area counties but did not find sufficient matches for a valid external market survey. However, a review of the internal relationship within ACBH determined that the autonomy and scope of responsibility this new classification will have within the HCSA will be comparable to the other ACBH System of Care Directors (Adult/Older Adult System of Care Director, BHCS, (JC #5091SM) and Child/Young Adult System of Care Director, BHCS (JC #5069SM)), therefore, staff recommends establishing the salary equivalent to the salary range of said classifications, effective January 24, 2021. In addition, staff recommends amending Article 3, Section 3-12 (Health Care Services Agency), subsection 3-12.19 of the Salary Ordinance to include salary administration criteria for this new classification (JC #5074SM), effective January 24, 2021.

On December 8, 2020, your Board approved, effective December 27, 2020, Salary Ordinance subsections 3-12.90 and 3-12.91 which includes additional compensation of 15% of the base pay for specified clinical and paraprofessional classifications. The recommended additional compensation was determined based on the current variance between the Behavioral Health Crisis Intervention Specialist (BHCIS) II (JC #6513) and Behavioral Health Clinician II (JC #6510NM) salaries and the Behavioral Health Crisis Intervention Associate (JC #6509NM) and the Mental Health Specialist III (JC #6492NM) salaries. Due to the staffing shortage at SRJ, employees in the same clinical and paraprofessional classifications, but assigned to other units in HCSA ACBH, are signing up for overtime shifts at SRJ, to ensure continuous staffing of the vacant shifts until positions are permanently filled. As such, the additional compensation specified in Salary Ordinance subsections 3-12.90 and 3-12.91, should be extended to employees not regularly assigned to SRJ, but working overtime shifts at the SRJ location, as they are subject to the same expanded duties of crisis intervention, de-escalation, and accompaniment of pre-planned use of force ("PPUF") incidents as employees who are regularly assigned to SRJ.

Lastly, on December 8, 2020, staff concluded meet and confer with ACMEA General Government Unit also regarding the expansion of the clinical services and staffing of HCSA's AFBH Unit at the ACSO's SRJ and the impact to employees in the classifications of Behavioral Health Clinical ("BHC") Supervisor (JC #6525SM) and BHC Manager (JC #6527SM). Based on the meet and confer discussions with ACMEA, and given the BHC Supervisors (JC #6525SM) and BHC Manager (JC #6527SM) are subject to the same expanded duties and requirements as the clinicians and paraprofessional staff, in addition to overseeing the clinician's role in PPUF incidents, staff recommends establishing the same additional compensation of 15% of the base pay authorized to the SEIU-represented employees to said ACMEA classifications retroactive to the same date, December 27, 2020. Staff does not recommend a sunset date for this footnote as the added clinical duties will be ongoing as part of a four (4) year expanded staffing plan.

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:

2CC022F834DA404...
Joe Angelo, Director
Human Resource Services

1st reads 1/5/2021
2nd reads 1/12/2021

approved 9/12/17); 5791SM (effective 9/23/07); 5801SM (effective 11/15/09, BOS approved 11/10/09); 6141PA, 6186SM, 6494SM, 6645SM, 6516SM, 6517SM (effective 4/4/10, BOS approved 3/30/10); 6518PA (effective 11/14/10, BOS approved 11/2/10); 6647SM (effective 1/25/09, BOS approved 1/27/09); 6780SM (effective 7/28/19, BOS approved 7/23/19); 6910PA (effective 7/28/19, BOS approved 12/19/17); (BOS approved amendment 2/4/20) (BOS approved amendment 10/20/20)

3-12.90 – Effective December 27, 2020, employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM, assigned to work at Santa Rita Jail (“SRJ”), ~~and~~ are required to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff, to include the facilitation of crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents shall be compensated an additional 15% of the base pay when working such shifts.

3-12.91 – Effective December 27, 2020, employees in Job Codes #6490NM, #6491NM and #6492NM, assigned to work at Santa Rita Jail (“SRJ”), are required to accompany licensed or licensed-eligible clinicians to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff to include crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6490NM, 6491NM and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents, shall be compensated an additional 15% of the base pay when working such shifts.

3-12.92 – Effective December 27, 2020, employees in Job Codes #6527SM and #6525SM, assigned to work at Santa Rita Jail, are required to participate in and have supervisory oversight of the clinician’s role in pre-planned use of force incidents with Alameda County Sheriff’s Office sworn staff, to include crisis intervention, de-escalation and therapeutic needs of a client, shall be compensated an additional 15% of the base pay.

SECTION III

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


**Approve Staff Recommendations regarding
County of Alameda's New Pay Items/Codes:
84M and 84N**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of Two New Pay Items/Codes as “Compensation Earnable” and “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that the following two new pay items/codes be reviewed to determine whether they qualify as “compensation earnable” and “pensionable compensation. These new pay items/codes establish a footnote provision for additional compensation of 15% of the base pay to be paid to full-time employees in the following job classifications who are not regularly assigned to work at Santa Rita Jail, but work overtime shifts there. These employees receive the additional compensation only for those overtime hours. The effective date of these new pay items/codes is December 27, 2020.

- Clinician with Pre-Planned Use of Force Assignment at Santa Rita Jail – 84M
The job classifications for employees eligible for the additional 15% compensation under this new pay item/code are Behavioral Clinician I (Job Code 6505NM), Behavioral Clinician II (Job Code 6510NM), Marriage and Family Therapist I (Job Code 6496NM), Marriage and Family Therapist II (Job Code 6497NM), Rehabilitation Counselor I (Job Code 6638NM), and Rehabilitation Counselor II (Job Code 6640NM).
- Pre-Planned Use of Force Assignment at Santa Rita Jail by Mental Health Specialist – 84N
The job classifications for employees eligible for the additional 15% compensation under this new pay item/code are Mental Health Specialist I (Job Code 6490NM), Mental Health Specialist II (Job Code 6491NM), and Mental Health Specialist III (6492NM).

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that the new pay items/codes do not qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members), or “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members).

Payments for work performed outside of the employee’s regular work week such as overtime pay, are excluded from “compensation earnable (Government Code Section 31461(b)(3)) and “pensionable compensation” (Government Code Section 7522.34(c)(6)(8)). 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 18, 2021 meeting. If this item is not pulled from the consent calendar for discussion, then the Board will approve Staff’s determination to exclude pay items/codes Clinician with Pre-Planned Use of Force Assignment at Santa Rita Jail – 84M and Pre-Planned Use of Force Assignment at Santa Rita Jail by Mental Health Specialist – 84N from “compensation earnable”

Exclusion of Two New Pay Items/Codes as “Compensation Earnable” and “Pensionable Compensation”

– County of Alameda (continued)

February 18, 2021

Page 2 of 2

under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs 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	1/12/2021
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
Pay Item Name (and code Number)	84M Clinician w PPUF Asgmt as SRJ
Pay Item Effective Date per authorization:	12/27/2020
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: 6505NM-Behavioral Clinician I, 6510NM-Behavioral Clinician II, 6496NM-Marriage and Family Therapist I, 6497NM-Marriage and Family Therapist II, 6638NM-Rehabilitaion Counselor I, 6640NM-Rehabilitation Counselor II

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 in eligible job classification that are not regularly assigned to work at Santa Rita Jail, but work overtime shifts at Santa Rita Jail

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

RESPONSE #4: Overtime

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

RESPONSE #5: Percentage, paid an additional 15% of base pay.

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

Office of the Auditor-Controller
1221 Oak St., Suite 249
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Fax: (510) 208-9858

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Dublin, CA 94568
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ALAMEDA COUNTY
AUDITOR-CONTROLLER AGENCY
MELISSA WILK
AUDITOR-CONTROLLER/CLERK-RECORDER

RESPONSE #6: No

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: 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: Overtime shifts at Santa Rita Jail

11. State whether the pay item if 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: No

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



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

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: Biweekly

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 3-12.90

3-12.90 – Effective December 27, 2020, employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM, assigned to work at Santa Rita Jail (“SRJ”), ~~and~~ are required to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff, to include the facilitation of crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents shall be compensated an additional 15% of the base pay when working such shifts.



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	1/12/2021
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
Pay Item Name (and code Number)	84N PPUF Asignmt at SRJ by MHSpec
Pay Item Effective Date per authorization:	12/27/2020
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: 6490NM-Mental Health Specialist I, 6491NM-Mental Health Specialist II, 6492NM-Mental Health Specialist III

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 in eligible job classification that are not regularly assigned to work at Santa Rita Jail, but work overtime shifts at Santa Rita Jail

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

RESPONSE #4: Overtime

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

RESPONSE #5: Percentage, paid an additional 15% of base pay.

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

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

RESPONSE #6: No

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: 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: Overtime shifts at Santa Rita Jail

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: No

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)



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

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: Biweekly

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 3-12.91

3-12.91 – Effective December 27, 2020, employees in Job Codes #6490NM, #6491NM and #6492NM, assigned to work at Santa Rita Jail ("SRJ"), are required to accompany licensed or licensed-eligible clinicians to participate in pre-planned use of force ("PPUF") incidents with Alameda County Sheriff's Office sworn staff to include crisis intervention, de-escalation and therapeutic needs of a client, and shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6490NM, 6491NM and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents, shall be compensated an additional 15% of the base pay when working such shifts.

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SECOND READING - CONTINUED FROM 01/05/2021



AGENDA NO. 20 January 5, 2021

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

Human Resource Services

January 5, 2021

2nd reading 1/12/21

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 CERTAIN UNREP M-DESIGNATED & NON-MGMT CLASSES RELATED TO CLASSES REPRESENTED BY ACMEA GG & CONFIDENTIAL UNITS & ESTABLISH THE CLASS OF FORENSIC, DIVERSION AND RE-ENTRY SERVICES DIRECTOR (JC #5074SM); 2) AMEND SUBSECTION 3-12.19 TO ADD JC #5074SM; 3) AMEND SUBSECTIONS 3-12.90 & 3-12.91; AND 4) ADD NEW SUBSECTION 3-12.92

Dear Board Members:

RECOMMENDATIONS:

Adopt Salary Ordinance amendments to:

- i. Update Article 1, Section 1-1 (Pay Rate Schedules), subsection 1-1.1, to: 1) increase the salaries for certain Unrepresented M-designated and Non-Management classifications related to classifications represented by the Alameda County Management Employees Association ("ACMEA") General Government and Confidential Units by three and one-quarter percent (3.25%) retroactive to December 27, 2020 and 2) establish one (1) new classification of Forensic, Diversion and Re-Entry Services Director (Job Code ("JC") #5074SM) located in the Health Care Services Agency ("HCSA") Alameda County Behavioral Health ("ACBH") effective January 24, 2021; and
- ii. Amend Article 3, Section 3-12 (Health Care Services Agency) to: 1) update subsection 3-12.19 to add salary administration criteria for the new classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) effective January 24, 2021; 2) update subsections 3-12.90 and 3-12.91 to include application of the additional compensation of 15% of the base pay to employees in the same classifications, who are not regularly assigned to Santa Rita Jail ("SRJ"), but work overtime shifts at SRJ and therefore, required to perform the same expanded duties; and 3) add subsection 3-12.92, a footnote for additional compensation of 15% of the base salary for employees in the classifications of Behavioral Health Clinical Supervisor (JC #6525SM) and Behavioral Health Clinical Manager (JC #6527SM) in the HCSA ACBH Adult Forensic Behavioral Health ("AFBH") Unit retroactive to December 27, 2020.

DISCUSSION/SUMMARY:

Historically, certain Unrepresented M-designated and Non-Management classifications related to Management classifications have received the same salary increases and benefit changes as the ACMEA General Government and Confidential Units. As such, we recommend increasing the salaries of the specified Unrepresented M-designated and Non-Management classifications in the attached Salary Ordinance amendment by three and one-quarter percent (3.25%), retroactive to December 27, 2020.

Staff recommends that your Board approve establishing one (1) new unrepresented classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) in HCSA's ACBH, effective January 24, 2021. HCSA ACBH requested to create a new classification of Forensic, Diversion and Re-Entry Services Director (JC #5074SM) to oversee all diversion and forensic mental health services across systems of care in ACBH. This new classification will be responsible for directing all administrative

An Equal Opportunity Employer

functions and for developing operational policies, procedures, goals, and objectives for all health services programs within ACBH Diversion and Forensic Services. Further, its focus is to lead ACBH in departmental program planning and systems building efforts to support re-entry services and strategy alignment. Oversight will include, but is not limited to, programs for all justice health services provided in Juvenile Hall, Camp Wilmont Sweeney, SRJ, Conditional Release Program and Behavioral Health Court. Staff conducted a salary survey of the five (5) Bay Area counties but did not find sufficient matches for a valid external market survey. However, a review of the internal relationship within ACBH determined that the autonomy and scope of responsibility this new classification will have within the HCSA will be comparable to the other ACBH System of Care Directors (Adult/Older Adult System of Care Director, BHCS, (JC #5091SM) and Child/Young Adult System of Care Director, BHCS (JC #5069SM)), therefore, staff recommends establishing the salary equivalent to the salary range of said classifications, effective January 24, 2021. In addition, staff recommends amending Article 3, Section 3-12 (Health Care Services Agency), subsection 3-12.19 of the Salary Ordinance to include salary administration criteria for this new classification (JC #5074SM), effective January 24, 2021.

On December 8, 2020, your Board approved, effective December 27, 2020, Salary Ordinance subsections 3-12.90 and 3-12.91 which includes additional compensation of 15% of the base pay for specified clinical and paraprofessional classifications. The recommended additional compensation was determined based on the current variance between the Behavioral Health Crisis Intervention Specialist (BHCIS) II (JC #6513) and Behavioral Health Clinician II (JC #6510NM) salaries and the Behavioral Health Crisis Intervention Associate (JC #6509NM) and the Mental Health Specialist III (JC #6492NM) salaries. Due to the staffing shortage at SRJ, employees in the same clinical and paraprofessional classifications, but assigned to other units in HCSA ACBH, are signing up for overtime shifts at SRJ, to ensure continuous staffing of the vacant shifts until positions are permanently filled. As such, the additional compensation specified in Salary Ordinance subsections 3-12.90 and 3-12.91, should be extended to employees not regularly assigned to SRJ, but working overtime shifts at the SRJ location, as they are subject to the same expanded duties of crisis intervention, de-escalation, and accompaniment of pre-planned use of force ("PPUF") incidents as employees who are regularly assigned to SRJ.

Lastly, on December 8, 2020, staff concluded meet and confer with ACMEA General Government Unit also regarding the expansion of the clinical services and staffing of HCSA's AFBH Unit at the ACSO's SRJ and the impact to employees in the classifications of Behavioral Health Clinical ("BHC") Supervisor (JC #6525SM) and BHC Manager (JC #6527SM). Based on the meet and confer discussions with ACMEA, and given the BHC Supervisors (JC #6525SM) and BHC Manager (JC #6527SM) are subject to the same expanded duties and requirements as the clinicians and paraprofessional staff, in addition to overseeing the clinician's role in PPUF incidents, staff recommends establishing the same additional compensation of 15% of the base pay authorized to the SEIU-represented employees to said ACMEA classifications retroactive to the same date, December 27, 2020. Staff does not recommend a sunset date for this footnote as the added clinical duties will be ongoing as part of a four (4) year expanded staffing plan.

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:

2CC022F834DA404...
Joe Angelo, Director
Human Resource Services

1st reads 1/5/2021
2nd reads 1/12/2021

approved 9/12/17); 5791SM (effective 9/23/07); 5801SM (effective 11/15/09, BOS approved 11/10/09); 6141PA, 6186SM, 6494SM, 6645SM, 6516SM, 6517SM (effective 4/4/10, BOS approved 3/30/10); 6518PA (effective 11/14/10, BOS approved 11/2/10); 6647SM (effective 1/25/09, BOS approved 1/27/09); 6780SM (effective 7/28/19, BOS approved 7/23/19); 6910PA (effective 7/28/19, BOS approved 12/19/17); (BOS approved amendment 2/4/20) (BOS approved amendment 10/20/20)

3-12.90 – Effective December 27, 2020, employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM, assigned to work at Santa Rita Jail (“SRJ”), ~~and~~ are required to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff, to include the facilitation of crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6505NM, 6510NM, 6496NM, 6497NM, 6638NM, and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents shall be compensated an additional 15% of the base pay when working such shifts.

3-12.91 – Effective December 27, 2020, employees in Job Codes #6490NM, #6491NM and #6492NM, assigned to work at Santa Rita Jail (“SRJ”), are required to accompany licensed or licensed-eligible clinicians to participate in pre-planned use of force (“PPUF”) incidents with Alameda County Sheriff’s Office sworn staff to include crisis intervention, de-escalation and therapeutic needs of a client, ~~and~~ shall be compensated an additional 15% of the base pay.

Employees in Job Codes 6490NM, 6491NM and 6640NM who are not regularly assigned to work at SRJ, but work overtime shifts at SRJ, are required to participate in PPUF incidents, shall be compensated an additional 15% of the base pay when working such shifts.

3-12.92 – Effective December 27, 2020, employees in Job Codes #6527SM and #6525SM, assigned to work at Santa Rita Jail, are required to participate in and have supervisory oversight of the clinician’s role in pre-planned use of force incidents with Alameda County Sheriff’s Office sworn staff, to include crisis intervention, de-escalation and therapeutic needs of a client, shall be compensated an additional 15% of the base pay.

SECTION III

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


**Approve Staff Recommendation regarding
County of Alameda's New Pay Items/Code:
SNP**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of Amended Pay Item/Code from “Compensation Earnable” and “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that the amended pay item/code Short Notice Pay – SNP be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation”. ACERA currently excludes SNP from both “pensionable compensation” and “compensation earnable”.

Currently, the eight hours an employee works a short notice shift is reported as such (SNP) and is paid at 1.5 times above the employee’s regular hourly rate of base pay (e.g., if regular hourly rate is \$100.00, is paid \$150.00 for SNP shift). In addition, eight hours of overtime work is reported for the last scheduled day of that employee’s regular work week, which is reported on a different day than the day the employee works the short notice shift. This reported eight hours of overtime is also paid at 1.5 times above the employee’s regular hourly rate of base pay (e.g., paid an additional \$150.00 per hour for overtime).

There are two changes amending this pay item/code effective December 27, 2020. The first change is that instead of reporting the eight hours of overtime for the last scheduled day of the employee’s work week, it is now being reported on the same day the employee works the short notice shift, and eight hours is reported as regular scheduled time. Since the eight hours is now reported as regular hours worked, it gives the employee an additional eight hours of pensionable service credit for that pay period compared to the prior use of the pay code. The second change is that the SNP hourly rate is reduced from 1.5 times above the employee’s regular hourly rate to .5 times above the employee’s regular hourly rate (e.g., if regular hourly rate is \$100.00, the SNP rate is reduced from \$150.00 to \$50.00).

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

This pay item/code is not “pensionable compensation” because it does not meet the basic definition of “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.” Also, it is likely precluded by section 7522.34(c)(3) (“ad hoc”), (c)(6) (“additional services rendered outside normal working hours”) and (c)(8) (overtime).

Staff also recommends that the Board exclude SNP from “compensation earnable.” It is sometimes used when the employee works overtime and, to the extent it is not used when the employee works

overtime, then it is pay for services outside of normal working hours. See Government Code Section 31461(b)(3). The reason the employee receives the extra pay is because the employee has to work an unexpected shift that is outside of the employee’s normal work schedule. Finally, ACERA currently excludes SNP from “compensation earnable”, and the changes to how SNP will be used do not impact the analysis of whether it is “compensation earnable”.

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 18, 2021 meeting. If this item is not pulled from the consent calendar for discussion, then the Board will approve Staff’s determination to continue to exclude pay item/code Short Notice Pay – SNP from “compensation earnable” under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRA 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	11/3/2020 – Amended 2/9/21
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Dawn Duffy – Amended by Satjit Dale
Contact Person Telephone incl area code	(510) 272-6383
Contact Person Email address	dawn.duffy@acgov.org
Pay Item Name (and code Number)	SNP - Short Notice Pay (Amend Existing Pay Code)
Pay Item Effective Date per authorization:	12/27/2020
State if additional documentation is attached	Yes

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: 4942 Water Plant Operator I, 4943 Water Plant Operator II, 4944 Water Plant Operator III, 4949 Water Quality Lab Technician, 4950 Water Quality Chemist

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

RESPONSE #2: Sideletter of Agreement does not specify employment status

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: No limit

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

RESPONSE #4: Regular base pay or overtime

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

RESPONSE #5: Percentage - Pays an additional 50% above regularly biweekly rate when required to provide short notice shift coverage.

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

Office of the Auditor-Controller
1221 Oak St., Suite 249
Oakland, CA 94612
Tel: (510) 272-6565
Fax: (510) 272-6502

Central Collections Division
1221 Oak St., Suite 220
Oakland, CA 94612
Tel: (510) 208-9900
Fax: (510) 208-9932

Clerk-Recorder's Office, Main
1106 Madison St., 1st Floor
Oakland, CA 94607
Tel: (510) 272-6362
Fax: (510) 208-9858

Clerk-Recorder's Office, Tri-Valley
7600 Dublin Blvd.
Dublin, CA 94568
Tel: (510) 272-6362
Fax: (510) 208-9858



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

RESPONSE #6: No

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: Yes, SNP is for an employee that is working an unexpected shift, but it may also be paid on REG hours if the employee utilizes the time to make up for REG time that was not worked during the work week.

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: Yes, the pay item will be for work performed outside of the regular workweek in most cases, but in certain cases these hours may also be used to make up REG time that was not worked during the work week.

11. State whether the pay item if 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: No

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



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

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: This pay item is paid based on SNP hours reported during the biweekly pay period.

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 Sideletter of Agreement between Local 1021 SEIU and Zone 7

The existing pay coded SNP (Short Notice Pay) that is currently paid at 1.5 times above the employees hourly rate will be changed to pay at .5 times above the employee's regular hourly rate effective 12/27/2020. The .5 pay will occur when an employee is assigned to an overtime shift on short notice. In addition, the way the code is used is changing in that it will no longer count towards the 40 hour workweek.

Enclosed are the following documents:

**Sideletter of Agreement
Timekeeping Examples**



Human Resource Services

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

October 12, 2020

Angela Osayande
Field Representative, SEIU, Local 1021
(Via email: angela.osayande@seiu1021.org)

RE: Conclusion of Meet and Confer – Short-Notice Pay (MC-19-280)

Dear Ms. Osayande

Thank you for meeting with us and reaching agreement on the attached signed Sideletter of Agreement (“SLA”) dated October 9, 2020 related to the amendment to the current *Short Notice Coverage of a Shift* footnote (Section 2.1 of the Footnotes to Salary Schedules for the Alameda County Flood Control and Water Conservative District, Zone 7 (“Zone 7”).

It is Zone 7’s intent to take this SLA to their Board of Directors for approval on October 21, 2020 with an effective date of December 27, 2020.

Please feel free to contact me at (510) 208-4925 should you have any questions.

Sincerely,

Rebecca Chen
Labor Relations Analyst

Attachment: Short Notice Pay SLA

c: Blake Huntsman, Field Representative, SEIU, Local 1021
Tina Tapia, Chapter President, SEIU, Local 1021
Jeff Bailey, IEDA
Margarita Zamora, Labor Relations Manager
Osborn Solitei, Treasurer/Assistant General Manager – Finance, Zone 7
Teri Yasuda, Accounting Manager, Zone 7
Shelisa Jackson, Human Resources Analyst, Zone 7
File No. MC-19-280

**SIDELETTER OF AGREEMENT
BETWEEN
NORTHERN CALIFORNIA PUBLIC SECTOR REGION
LOCAL 1021 OF THE SERVICE EMPLOYEES INTERNATIONAL UNION, CTW
AND
THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT, ZONE 7**

The Alameda County Flood Control and Water Conservation District, Zone 7 ("Zone 7") and the Northern California Public Sector Region Local 1021 of the Service Employees International Union, CTW ("SEIU, Local 1021") (collectively known as the "Parties") have met and conferred and reached agreement on this Sideletter of Agreement ("Agreement") to the Zone 7 Salary Schedules regarding Short-Notice Coverage of Shift stipulated in Appendix A (Footnotes to Salary Schedules), Section 2.1 (Short-Notice Coverage of a Shift). Zone 7 and SEIU Local 1021 agree to amend Section 2.1 (Short-Notice Coverage of Shift) to allow eligible hours worked during short-notice coverage of a shift to count as pensionable hours.

This Agreement is an integral part of the Zone 7 Salary Schedules, effective on December 27, 2020 between Zone 7 and SEIU, Local 1021. In consideration of the foregoing, the Parties agree to amend Section 2.1 (Short-Notice Coverage of a Shift), which shall read as follows:

SECTION 2.1 SHORT-NOTICE COVERAGE OF A SHIFT

Definition of Short-Notice Coverage of a Shift: When a Water Plant Operator I, Zone 7 (Job Code # 4942); Water Plant Operator II, Zone 7 (Job Code #4943); Water Plant Operator III, Zone 7 (Job Code #4944); Water Quality Lab Technician, Zone 7 (Job Code #4949); or Water Quality Chemist, Zone 7 (Job Code #4950) is required to cover a shift or portion of a shift that starts sooner than their next regularly scheduled shift, and that shift or portion of a shift starts less than twelve (12) hours from notification, the employee shall be compensated as detailed below in Compensation.

Short-Notice Pay: Pay that covers only situations not already covered by Call-Back Pay (Section 2.0). Short-Notice Pay cannot be compounded onto other premium pay conditions.

Compensation: Employees required to provide short-notice shift coverage shall be compensated fifty percent (50%) above their regular biweekly rate of pay as Short-Notice Pay for the complete short-notice coverage of the shift or a portion of the short-notice coverage shift worked.

Relationship to Regular Pay: Short-Notice Pay is not part of an employee's regular pay or hourly rate of pay and is not used as a basis for computing overtime pay, shift pay, Relief Operator pay (Section 2.4), or Combination Shifts pay (Section 2.13).

Sideletter of Agreement

Zone 7

SEIU Local 1021

Relationship to Overtime: Short-notice shift coverage may be performed as overtime work, when the short-notice shift coverage is in excess of the forty (40) hour work week (Overtime as defined in the Memorandum of Understanding between SEIU Local 1021 and the County of Alameda, Section 7). When short-notice shift coverage is performed as overtime work, in addition to overtime earnings, the short-notice shift coverage hours worked shall be paid at fifty percent (50%) above the regular biweekly rate of pay and it shall not be compounded onto the premium overtime pay rate, and/or compensatory time earned.

Adopted: 7/3/94; Amended: 12/24/00; 6/20/04; 7/1/07; [date]

WHEREFORE, the Parties by and through their authorized agents and representatives agree to the terms of this Agreement subject to the approval of this Agreement by the Zone 7 Board of Directors.

FOR THE COUNTY:

DocuSigned by:
Jeff Bailey 10/9/2020
5EDF626644F040D...
Jeff Bailey Date
IEDA

DocuSigned by:
Osborn Solitei 10/9/2020
C8B7DC49E841993...
Osborn Solitei Date
Treasurer/Asst GM – Finance, Zone 7

DocuSigned by:
Teri Yasuda 10/9/2020
43E097321BB344A...
Teri Yasuda Date
Accounting Manager, Zone 7

DocuSigned by:
Rebecca Chen 10/9/2020
D147C60B40B440E...
Rebecca Chen Date
Labor Relations Analyst

DocuSigned by:
Shelisa Jackson 10/9/2020
DA5664EF309B4C8...
Shelisa Jackson Date
Human Resources Analyst, Zone 7

FOR SEIU, LOCAL 1021:

DocuSigned by:
Blake Huntsman 10/8/2020
49A0F70CA1B4H31...
Blake Huntsman Date
Field Representative

DocuSigned by:
Tina Tapia 10/8/2020
7CB44A5E5E844CD...
Tina Tapia Date
Chapter President

DocuSigned by:
Tom Hempill 10/8/2020
4A440A0104534B5...
Tom Hempill Date
Steward

Timesheet Examples of Proposed Short Notice Pay (SNP)

Short Notice Pay (SNP) is paid at 50% of the regular bi-weekly rate of pay for the actual hours worked.

The timesheet application of SNP is similar to the timesheet application of shift pay and is reported on the timesheet with REG, OTS, or OTP.

SNP may be performed as overtime (currently not allowed) however the SNP rate remains at 50% of the regular bi-weekly rate and not 50% of the premium overtime rate.

Working SNP alone does not qualify EE for premium shift pay (SOY or SOZ). If SNP is performed as premium overtime (OTP), then premium shift applies (SOY or SOZ).

SNP cannot be worked with Comp Time Earned - Premium (CTP) or Comp Time Earned - Straight (CTS).

In the examples below, the EE is a Water Plant Operator III (4944). EE's hourly rate is \$100/hour. EE is entitled to Additional Pay Codes 431 and 432 for Grade IV and Grade V certificates, respectively.

EXAMPLES OF CURRENT PROCESS

Example 1: EE works Short Notice on Wednesday, their scheduled day off. EE completes their schedule by working Friday.

Schedule: 8/day, Su, Mo, Tu, Th, Fr at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	8.0	8.0	8.0		8.0			32.0	REG ^A	100.00	32.0	3,200.00
SNP				8.0				8.0	SNP	150.00	8.0	1,200.00
OTP						8.0		8.0	OTP	150.00	8.0	1,200.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
Total Pay											6,120.00	
Pensionable Hrs											32.0	
Pensionable \$											3,600.00	

Example 2: Same as example 1 but at Shift 2.

Schedule: 8/day, Su, Mo, Tu, Th, Fr at Shift 2

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	8.0	8.0	8.0		8.0			32.0	REG ^A	100.00	32.0	3,200.00
SNP				8.0				8.0	SNP	150.00	8.0	1,200.00
OTP						8.0		8.0	OTP	150.00	8.0	1,200.00
SHZ ^A	8.0	8.0	8.0		8.0			32.0	SHZ ^A	9.00	32.0	288.00
SOZ				8.0		8.0		16.0	SOZ	13.50	16.0	216.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
Total Pay											6,624.00	
Pensionable Hrs											32.0	
Pensionable \$											3,888.00	

^A Pensionable TRC or APC

EXAMPLES OF PROPOSED PROCESS

Example 1: EE works Short Notice on Wednesday, their scheduled day off. EE completes their schedule by working Friday.

Schedule: 8/day, Su, Mo, Tu, Th, Fr at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	8.0	8.0	8.0		8.0	8.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP				8.0				8.0	SNP	50.00	8.0	400.00
OTP						8.0		8.0	OTP	150.00	8.0	1,200.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
Total Pay											6,120.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

Example 2: Same as example 1 but at Shift 2.

Schedule: 8/day, Su, Mo, Tu, Th, Fr at Shift 2

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	8.0	8.0	8.0		8.0	8.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP				8.0				8.0	SNP	50.00	8.0	400.00
OTP						8.0		8.0	OTP	150.00	8.0	1,200.00
SHZ ^A	8.0	8.0	8.0		8.0	8.0		40.0	SHZ ^A	9.00	40.0	360.00
SOZ				8.0		8.0		16.0	SOZ	13.50	16.0	216.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
Total Pay											6,588.00	
Pensionable Hrs											40.0	
Pensionable \$											4,760.00	

Timesheet Examples of Proposed Short Notice Pay (SNP)

Short Notice Pay (SNP) is paid at 50% of the regular bi-weekly rate of pay for the actual hours worked.

The timesheet application of SNP is similar to the timesheet application of shift pay and is reported on the timesheet with REG, OTS, or OTP.

SNP may be performed as overtime (currently not allowed) however the SNP rate remains at 50% of the regular bi-weekly rate and not 50% of the premium overtime rate.

Working SNP alone does not qualify EE for premium shift pay (SOY or SOZ). If SNP is performed as premium overtime (OTP), then premium shift applies (SOY or SOZ).

SNP cannot be worked with Comp Time Earned - Premium (CTP) or Comp Time Earned - Straight (CTS).

In the examples below, the EE is a Water Plant Operator III (4944). EE's hourly rate is \$100/hour. EE is entitled to Additional Pay Codes 431 and 432 for Grade IV and Grade V certificates, respectively.

EXAMPLES OF CURRENT PROCESS

Example 3: EE reaches 40-hr week on Friday and worked SNP on Saturday but because SNP cannot be compounded onto OTP the EE was only paid OTP.

Schedule: 10/day, Su, Mo, Th, Fri at Shift 1

Timesheet									Pay			
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	10.0	10.0			10.0	10.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP								0.0	SNP	150.00	0.0	0.00
OTP							8.0	8.0	OTP	150.00	8.0	1,200.00
									431 ^A	5.00	40.0	200.00
									432	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
									Total Pay			5,720.00
									Pensionable Hrs		40.0	
									Pensionable \$			4,400.00

Example 4: Same as example 3 but at Shift 3.

Schedule: 10/day, Su, Mo, Th, Fri at Shift 3

Timesheet									Pay			
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	10.0	10.0			10.0	10.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP								0.0	SNP	150.00	0.0	0.00
OTP							8.0	8.0	OTP	150.00	8.0	1,200.00
SHY ^A	10.0	10.0			10.0	10.0		40.0	SHY ^A	12.00	40.0	480.00
SOY							8.0	8.0	SOY	18.00	8.0	144.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
									Total Pay			6,344.00
									Pensionable Hrs		40.0	
									Pensionable \$			4,880.00

^A Pensionable TRC or APC

EXAMPLES OF PROPOSED PROCESS

Example 3: EE reaches 40-hr week on Friday and worked SNP on Saturday. The EE is entitled to SNP with OTP.

Schedule: 10/day, Su, Mo, Th, Fri at Shift 1

Timesheet									Pay			
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	10.0	10.0			10.0	10.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP							8.0	8.0	SNP	50.00	8.0	400.00
OTP							8.0	8.0	OTP	150.00	8.0	1,200.00
									431 ^A	5.00	40.0	200.00
									432	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
									Total Pay			6,120.00
									Pensionable Hrs		40.0	
									Pensionable \$			4,400.00

Example 4: Same as example 3 but at Shift 3.

Schedule: 10/day, Su, Mo, Th, Fri at Shift 3

Timesheet									Pay			
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A	10.0	10.0			10.0	10.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP							8.0	8.0	SNP	50.00	8.0	400.00
OTP							8.0	8.0	OTP	150.00	8.0	1,200.00
SHY ^A	10.0	10.0			10.0	10.0		40.0	SHY ^A	12.00	40.0	480.00
SOY							8.0	8.0	SOY	18.00	8.0	144.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	8.0	120.00
									Total Pay			6,744.00
									Pensionable Hrs		40.0	
									Pensionable \$			4,880.00

Timesheet Examples of Proposed Short Notice Pay (SNP)

Short Notice Pay (SNP) is paid at 50% of the regular bi-weekly rate of pay for the actual hours worked.

The timesheet application of SNP is similar to the timesheet application of shift pay and is reported on the timesheet with REG, OTS, or OTP.

SNP may be performed as overtime (currently not allowed) however the SNP rate remains at 50% of the regular bi-weekly rate and not 50% of the premium overtime rate.

Working SNP alone does not qualify EE for premium shift pay (SOY or SOZ). If SNP is performed as premium overtime (OTP), then premium shift applies (SOY or SOZ).

SNP cannot be worked with Comp Time Earned - Premium (CTP) or Comp Time Earned - Straight (CTS).

In the examples below, the EE is a Water Plant Operator III (4944). EE's hourly rate is \$100/hour. EE is entitled to Additional Pay Codes 431 and 432 for Grade IV and Grade V certificates, respectively.

EXAMPLES OF CURRENT PROCESS

Example 5: EE calls in sick on Tuesday and works Short Notice at Shift 3 on Wednesday.

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 2

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0		8.0	8.0			24.0	REG ^A	100.00	24.0	2,400.00
SLS ^A			8.0					8.0	SLS ^A	100.00	8.0	800.00
SNP				8.0				8.0	SNP	150.00	8.0	1,200.00
OTS						8.0		8.0	OTS	100.00	8.0	800.00
SHZ ^A		8.0	8.0	8.0	8.0	8.0		40.0	SHZ ^A	9.00	40.0	360.00
SOY				8.0				8.0	SOY	18.00	8.0	144.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	8.0	80.00
Total Pay											6,184.00	
Pensionable Hrs											32.0	
Pensionable \$											3,960.00	

Example 6: EE has a scheduled VAC on Friday, the last day of his schedule. EE works Short Notice on Tuesday at shift 3. EE is paid for 8 hrs of VAC in addition to 40-hr week. *This requires special exception processing by Central Payroll*

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0	8.0	8.0			32.0	REG ^A	100.00	32.0	3,200.00
VAC ^A						8.0		8.0	VAC ^A	100.00	8.0	800.00
SNP			8.0					8.0	SNP	150.00	8.0	1,200.00
OTS								0.0	OTS	100.00	0.0	0.00
SOY			8.0					8.0	SOY	18.00	8.0	144.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	0.0	0.00
Total Pay											5,744.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

^A Pensionable TRC or APC

EXAMPLES OF PROPOSED PROCESS

Example 5: EE calls in sick on Tuesday and works Short Notice at Shift 3 on Wednesday.

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 2

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0		8.0	8.0	8.0		32.0	REG ^A	100.00	32.0	3,200.00
SLS ^A			8.0					8.0	SLS ^A	100.00	8.0	800.00
SNP				8.0				8.0	SNP	50.00	8.0	400.00
OTS						8.0		8.0	OTS	100.00	8.0	800.00
SHZ ^A		8.0	8.0	8.0	8.0	8.0		40.0	SHZ ^A	9.00	40.0	360.00
SHY ^A				8.0				8.0	SHY ^A	12.00	8.0	96.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	8.0	80.00
Total Pay											6,136.00	
Pensionable Hrs											40.0	
Pensionable \$											4,856.00	

Example 6: EE has a scheduled VAC on Friday, the last day of his schedule. EE works Short Notice on Tuesday at shift 3. EE is paid for 8 hrs of OTS + SNP for the Tuesday and reports VAC on Friday. *Special exception processing by Central Payroll is no longer needed since OTS + SNP is reported on day worked*

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0	8.0	8.0			32.0	REG ^A	100.00	32.0	3,200.00
VAC ^A						8.0		8.0	VAC ^A	100.00	8.0	800.00
SNP			8.0					8.0	SNP	50.00	8.0	400.00
OTS						8.0		8.0	OTS	100.00	8.0	800.00
SYS			8.0					8.0	SYS	12.00	8.0	96.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	8.0	80.00
Total Pay											5,776.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

Timesheet Examples of Proposed Short Notice Pay (SNP)

Short Notice Pay (SNP) is paid at 50% of the regular bi-weekly rate of pay for the actual hours worked.

The timesheet application of SNP is similar to the timesheet application of shift pay and is reported on the timesheet with REG, OTS, or OTP.

SNP may be performed as overtime (currently not allowed) however the SNP rate remains at 50% of the regular bi-weekly rate and not 50% of the premium overtime rate.

Working SNP alone does not qualify EE for premium shift pay (SOY or SOZ). If SNP is performed as premium overtime (OTP), then premium shift applies (SOY or SOZ).

SNP cannot be worked with Comp Time Earned - Premium (CTP) or Comp Time Earned - Straight (CTS).

In the examples below, the EE is a Water Plant Operator III (4944). EE's hourly rate is \$100/hour. EE is entitled to Additional Pay Codes 431 and 432 for Grade IV and Grade V certificates, respectively.

EXAMPLES OF CURRENT PROCESS

Example 7: Holiday falls on Wednesday and the EE observes it. EE works SNP on Saturday but because SNP cannot be compounded onto Overtime the EE was only paid OTS.

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0		8.0	8.0		32.0	REG ^A	100.00	32.0	3,200.00
HOL ^A				8.0				8.0	HOL ^A	100.00	8.0	800.00
SNP								0.0	SNP	150.00	0.0	0.00
OTS							8.0	8.0	OTS	100.00	8.0	800.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	8.0	80.00
Total Pay											5,280.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

Example 8: Holiday falls on Wednesday and the EE works it. EE also works SNP shift at shift 3 on Holiday.

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0	8.0	8.0			32.0	REG ^A	100.00	32.0	3,200.00
SNP				8.0				8.0	SNP	150.00	8.0	1,200.00
HPO				8.0				8.0	HPO	150.00	8.0	1,200.00
OTP						8.0		8.0	OTP	150.00	8.0	1,200.00
SOY				8.0				8.0	SOY	18.00	8.0	144.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	16.0	240.00
Total Pay											7,584.00	
Pensionable Hrs											32.0	
Pensionable \$											3,600.00	

^A Pensionable TRC or APC

EXAMPLES OF PROPOSED PROCESS

Example 7: Holiday falls on Wednesday and the EE observes it. EE works SNP on Saturday.

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0		8.0	8.0		32.0	REG ^A	100.00	32.0	3,200.00
HOL ^A				8.0				8.0	HOL ^A	100.00	8.0	800.00
SNP							8.0	8.0	SNP	50.00	8.0	400.00
OTS							8.0	8.0	OTS	100.00	8.0	800.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	10.00	8.0	80.00
Total Pay											5,680.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

Example 8: Holiday falls on Wednesday and the EE works it. EE also works SNP shift at shift 3 on

Schedule: 8/day, Mo, Tu, We, Th, Fri at Shift 1

Timesheet								Pay				
TRC	Su	Mo	Tu	We	Th	Fr	Sa	Total	TRC	Hrly Rate	Hours	Total
REG ^A		8.0	8.0	8.0	8.0	8.0		40.0	REG ^A	100.00	40.0	4,000.00
SNP				8.0				8.0	SNP	50.00	8.0	400.00
HPO				8.0				8.0	HPO	150.00	8.0	1,200.00
OTP				8.0				8.0	OTP	150.00	8.0	1,200.00
SOY				8.0				8.0	SOY	12.00	8.0	96.00
									431 ^A	5.00	40.0	200.00
									432 ^A	5.00	40.0	200.00
									MOU	15.00	16.0	240.00
Total Pay											7,536.00	
Pensionable Hrs											40.0	
Pensionable \$											4,400.00	

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.


**Quarterly Report on Member Under/Overpayments
For approval under February 18, 2021
Board “Consent Calendar”**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

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 05, 2020 through October 3, 2020, 167 deaths occurred. There are 0 overpayments due to unreported deaths to report at this time.

Staff Errors

There are no overpayments due to staff errors to report.

Overpayments and Underpayments of Member Contributions

This report, which is for the period April 05, 2020 through October 3, 2020, 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 11 members who underpaid their mandatory employee contributions and 4 members who overpaid their mandatory employee contributions. Staff reviewed and resolved each of the 15 cases of incorrect payment. There were a total of 2,701 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 5, 2020 to October 03, 2020**

Benefit Type	Date of Death	Date ACERA was notified of Death	Last Check Issued	Net Receivable Owed	Staff's Comment
No Overpayments to Report					

**Active Members - Overpayments and Underpayments of Member Contributions
April 5, 2020 to October 3, 2020**

Alameda County					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments: 1	\$350.73	7/30/20	8/5/20	4	Age Adjustment Due to Reciprocity
Underpayments: 1	\$507.50	6/14/20	6/17/20	3	Age Adjustment Due to Reciprocity
2	\$582.89	9/9/20	9/15/20	5	Employer Withheld Contribution Based on Incorrect Salary
Summary	<p align="center">Most Common Exception Type: Age Adjustment Due to Reciprocity Total Exceptions: 1257 % Above Exceptions of Total Exceptions: 0.24%</p>				

First 5 Alameda County					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments	No Overpayments to Report				
Underpayments	No Underpayments to Report				
Summary	<p align="center">Most Common Exception Type: N/A Total Exceptions: 11 % Above Exceptions of Total Exceptions: 0.00%</p>				

Alameda County Housing Authority					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayments:	No Overpayments to Report				
Summary	Most Common Exception Type: N/A Total Exceptions: 48 % Above Exceptions of Total Exceptions: 0%				

Alameda Health Systems					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayment: 1	\$34.69	8/13/20	8/14/20	1	Employer Withheld Contribution Based on Incorrect Salary
Summary	Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 1161 % Above Exceptions of Total Exceptions: 0.09 %				

Overpayments and Underpayments of Member Contributions – Continued

Alameda County Superior Courts					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments: 1	\$115.84	7/31/20	8/3/20	1	Employer Withheld Contribution Based on Incorrect Salary
2	\$27.66	8/31/20	9/2/20	2	Employer Withheld Contribution Based on Incorrect Salary
3	\$25.64	8/31/20	9/2/20	2	Employer Withheld Contribution Based on Incorrect Salary
Underpayments: 1	\$174.97	6/22/20	6/25/20	3	Employer Withheld Contribution Based on Incorrect Salary
2	\$171.98	6/24/20	6/29/20	5	Employer Withheld Contribution Based on Incorrect Salary
3	\$174.97	6/26/20	6/26/20	1	Employer Withheld Contribution Based on Incorrect Salary
4	\$245.55	6/26/20	6/26/20	1	Employer Withheld Contribution Based on Incorrect Salary
5	\$697.97	6/26/20	6/26/20	1	Employer Withheld Contribution Based on Incorrect Salary
6	\$589.90	7/10/20	7/14/20	4	Age Adjustment due To Rescinded Retirement
7	\$432.66	8/5/20	8/11/20	6	Employer Withheld Contribution Based on Incorrect Tier
8	\$345.92	8/7/20	9/1/20	15	Employer Withheld Contribution Based on Incorrect Salary
Summary	<p>Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 215 % Above Exceptions of Total Exceptions: 5.12%</p>				

Overpayments and Underpayments of Member Contributions – Continued

Livermore Area Recreation and Park District					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments	No Overpayments to Report				
Underpayments	No Underpayments to Report				
Summary	Most Common Exception Type: N/A Total Exceptions: 9 % Above Exceptions of Total Exceptions: 0.00%				

**4th Quarter 2020 Call Center Report
For approval under February 18, 2021
Board “Consent Calendar”**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

TO: Members of the Operations Committee

FROM: Ismael Piña, Assistant Benefits Manager

SUBJECT: **4th Quarter 2020 Call Center Report**

Attached is the Service Level Report for the fourth quarter of 2020. Our service levels continue to exceed our benchmark. The team handled a total of 3,711 incoming calls this past quarter, 98.5% of which were answered within 60 seconds. The team also responded to a total of 243 member voicemails within 1 business day or less.

The matrix below provides the five highest call volume categories for the four quarters of 2020.

Q1 2020 Highest Volume	Categories of Calls	Q2 2020 Highest Volume	Categories of Calls
32%	Retirement related Q's	35%	Retirement/Counseling/Job Status Change Related Q's
28%	Counseling	28%	Retiree Payroll Change Requests
17%	Health/Dental/ Vision related Q's	20%	Health/Dental/ Vision related Q's
13%	1099R's	9%	Award Letter/EFT Statement/1099R Requests
10%	Death Benefits	8%	Death Benefits
Q3 2020 Highest Volume	Categories of Calls	Q4 2020 Highest Volume	Categories of Calls
34%	Retirement/Counseling/Job Status Change Related Q's	37%	Health/Dental/ Vision related Q's
23%	Retiree Payroll Change Requests	23%	Retiree Payroll Change Requests
21%	Health/Dental/ Vision related Q's	22%	Retirement/Counseling/Job Status Change Related Q's
13%	Award Letter/EFT Statement/1099R Requests	11%	Award Letter/EFT Statement/1099R Requests
9%	Web Member Services Related Q's	7%	Web Member Services Related Q's

ACERA

YTD 2020 Member Services and Reception Service Level Report

Performance Indicators	Jan. 2020		Feb. 2020		Mar. 2020		Apr. 2020		May 2020		June 2020	
	Member	Reception	Member	Reception	Member	Reception	Member	Reception	Member	Reception	Member	Reception
KPI - Service Level	96.41%		97.57%		96.79%		95.28%		94.91%		93.60%	
Total Number of Call Offered	1544	366	1585	471	1438	472	608	143	606	167	581	156
ACD Agent Handled Calls	1450	360	1508	431	1369	439	537	141	552	155	544	143
Number of Abandoned Calls	27	8	22	11	21	35	21	2	13	11	9	9
Average Hold Time Before Abandon (minutes:seconds)	1:15	0:53	1:24	0:43	1:11	0:39	1:15	1:13	0:54	1:06	0:58	1:26
Abandon Call Rate (Goal: 3% or less)	1.60%	1.60%	1.30%	1.40%	0.00%	5.90%	3.50%	1.40%	2.10%	4.80%	1.00%	4.50%
Number of Interflow Calls	70	0	57	0	52	5	50	0	41	4	31	6
Interflow Rate (Goal: 3% or less)	4.53%	0.00%	3.60%	0.00%	3.62%	1.06%	8.22%	0.00%	6.77%	2.40%	5.34%	3.85%
Average Talk Time (minutes:seconds)	5:41	0:53	5:36	0:41	5:32	0:43	5:29	0:44	5:30	0:49	5:30	0:53

Performance Indicators	July 2020		Aug. 2020		Sept. 2020		Oct. 2020		Nov '2020		Dec '2020	
	Member	Reception	Member	Reception	Member	Reception	Member	Reception	Member	Reception	Member	Reception
KPI - Service Level	90.89%		93.53%		96.80%		98.63%		98.70%		98.02%	
Total Number of Call Offered	799	228	737	159	1211		1385		1275		1197	
ACD Agent Handled Calls	705	217	657	152	1186		1315		1233		1163	
Number of Abandoned Calls	17	6	14	6	25		30		42		16	
Average Hold Time Before Abandon (minutes:seconds)	0:54	1:00	1:00	1:21	1:07		0:30		0:30		2:02	
Abandon Call Rate (Goal: 3% or less)	1.95%	2.20%	1.90%	3.10%	2.06%		2.23%		3.29%		1.36%	
Number of Interflow Calls	79	6	48	2	0		0		0		0	
Interflow Rate (Goal: 3% or less)	9.89%	2.63%	6.51%	1.26%	0.00%		0.00%		0.00%		0.00%	
Average Talk Time (minutes:seconds)	5:53	1:06	6:32	1:22	4:55		4:44		5:01		5:42	

	2020
Total Member Calls	12219
Total Reception Calls	<u>2038</u>
TOTAL - Both	14257

NEW BUSINESS

- 7.A. Motion to select, and provide direction to, a Trustee to vote ACERA's Proxy on behalf of the Board of Retirement via electronic proxy voting at the Council of Institutional Investors' (CII) Spring Conference Business Meeting.**



*Office of the Chief Executive Officer
Office of Administration*

DATE: February 18, 2021
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer
SUBJECT: Voting Proxy for the Council of Institutional Investors Conference

Per the latest revision to the *Board Operations Policy*, the Board may select an individual to vote on behalf of the Board at conferences for organizations of which ACERA is a member and votes are requested, and provide direction on how to vote. Beginning March 8, 2021, the Council of Institutional Investors (CII) will be conducting their Spring Conference, and there will be a vote on at least one item. That item is the election of the Public Fund Board of Directors [**See** attached February 3, 2021 email from CII]. There may be additional items up for vote, but we were unable to determine that in time for distribution of Board materials.

The options before the Board are twofold:

1. Do not designate a proxy. This means any attendees would not be able to vote on behalf of ACERA.
2. Designate a proxy, and give them authority to vote using their discretion. They would also be able to report out on how they voted at the March Board of Retirement Meeting. Currently, Trustees Levy, Gamble and Godfrey are scheduled to attend the conference.

Staff Recommendation: Staff recommends option 2. If an attending Trustee is willing to vote on behalf of ACERA, we recommend providing general proxy voting authority, with a follow-up report in March.

Attachment

From: Michael Miller <michael@cii.org>
Sent: Wednesday, February 3, 2021 12:26 PM
To: Angela Bradford
Subject: Reminder: Nominate your CII Board Members

This message is from outside ACERA's email system. Do not open links or attachments from untrusted sources.



Council of Institutional Investors®

The voice of corporate governance

Public Fund Members: Submit Your Nominations for CII's Board of Directors!

CII's [bylaws](#) state that public fund members elect nine of the 15 members of CII's [Board of Directors](#) at the CII spring conference. Any representative of a CII public fund member may be nominated by completing and submitting a nomination form **no later than 5:00 PM ET on Thursday, February 11** (four calendar weeks before the public fund constituency meeting scheduled for March 11).

The nomination form must include the candidate's name, title and organizational affiliation, a biography and a brief statement of interest. **The biography and statement of interest shall be limited to 200 words in total.** CII staff reserves the right to edit nominations that are over the limit.

Nomination Form: [Word](#) | [PDF](#)

Procedures (revised and approved in 2020): [PDF](#)

Nomination forms should be returned via email to [Michael Miller](#).

Key deadlines for the process are detailed below (all deadlines are by 5 PM ET):

Notification of upcoming election and procedures	Thursday, January 28
Deadline for nominations, bios, statements of interest	Thursday, February 11
Deadline for Council staff distribution of ballots for directors	Thursday, February 18
Deadline for advance voting for public fund directors	Monday, March 8
In-person voting for public fund directors	Thursday, March 11
Announcement of elected public fund directors	Thursday, March 11
Deadline for Council staff distribution of ballots for officers	Thursday, March 18
Deadline for voting for officers	Thursday, April 1
Deadline for email announcement of elected officers	Monday, April 5

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CII is a nonprofit, nonpartisan association of U.S. asset owners, primarily pension funds, state and local entities charged with investing public assets and endowments and foundations, with combined assets of \$4 trillion. Our associate members include non-U.S. asset owners with more

The Council of Institutional Investors, 1717 Pennsylvania Avenue North,
Suite 350, Washington, DC 20006

[SafeUnsubscribe™](#) abradford@acera.org

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Sent by michael@cii.org powered by



NEW BUSINESS


- 7.B. Motion to approve the extension of the window for members to file a service retirement application from 60 days to 90 days based on recent legislative changes.**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: February 18, 2021

TO: Members of the Board of Retirement

FROM: Kathy Foster, Assistant Chief Executive Officer 

SUBJECT: **Extension of Window to File Service Retirement Application from 60 Days to 90 Days**

Until January 1, 2021, members could not choose a service retirement date that was more than 60 days after the filing of their application. The Legislature changed that rule to: “More than 60 days after the date of filing the application *or more than a number of days that has been approved by the board.*” See e.g., Government Code Section 31672.

Staff believes that extending the window for members to file a service retirement application up to 90 days prior to their retirement date will benefit the member, employer and administrative process for the following reasons:

- It will allow members planning to retire more flexibility in scheduling their retirement counseling session, and to acquire all necessary information needed in order to make a sound financial decision.
- It will also allow members more time to acquire necessary documents, and submit forms needed to complete the application process.
- It will allow the employer more time to plan for department resources that may be needed as a result of the retiring employee(s).
- It will allow Staff more time to review the member’s account and perform necessary work needed in order to provide thorough information to the member during counseling, and more time to process the application.
- It will allow management a larger window to assess workload and provide necessary resources to process applications, and timely benefit set-up for first retirement allowance payments.

Recommendation

Staff recommends that the Board of Retirement approve the extension of the window for members to file a service retirement application from 60 days to 90 days based on recent legislative changes.

NEW BUSINESS

7.C. Chief Executive Officer's Report.



*Office of the Chief Executive Officer
Office of Administration*

DATE: February 18, 2021
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer *DN*
SUBJECT: **Chief Executive Officer's Report**

Senior Manager Recruitment

None.

Committee/Board Action Items

ASSIGNED FOLLOW-UP ITEMS

Follow-Up Board Item	Assigned Senior Leader	Estimated Completion Date	Completion Date	Notes
Develop ACERA Re-Opening Plan.	Dave Nelsen	July 2020	On-going	The general guidelines of the Plan have been developed and implemented. We are responding to changes as necessary based on new information.
Additional Contributions from the County to pay on County Unfunded Actuarial Accrued Liability.	Dave Nelsen	June 2021		This is regarding the on-going efforts to accept extra pension contributions from the County.

Conference/Event Schedule

NASRA Virtual Winter System Roundtable and Legislative Conference, Mon, Feb 22 thru Wed, Feb 24, 2021.

Other Items

COVID-19 Responses

While the Governor has lifted the shut-down order, in Alameda we still remain at the purple stage of restrictions. Given this, our current operational environment and structure will likely remain in place well into 2021. We installed a temporal temperature scan, but consistent with County practice to date employees are not required to use it. Its use is encouraged for on-site team members. Additionally, we have implemented additional tracking measures to comply with County requirements about the percentage of our workforce on-site, on leave or working remotely. Our protocols and infrastructure to accommodate protection and safety guidelines for employees and customers remain in place.

At this point, the majority of team members are working from home. Our on-site presence is limited to mail handling and imaging, IT support, occasional Benefits Team members, and management. We are working on establishing long-term work from home policies for eligible employees. As always, we are taking into account the safety of our team members and our customers, while still providing value added services.

Pension Administration System Update

The project is continuing to work through design phase. We have completed the first round of testing for designs programmed by LRS for our first deliverable. Issues are being followed up on and worked through by LRS.

We are continuing to work with the County for the pilot effort to work through some of the design changes that will impact Participating Employers. A schedule, and first draft of the new employer file layout, has been provided to the County, and a meeting was held the week of January 19th, and again the week of February 1st.

Personnel Items and Budget

We have filled our vacant Retirement Technician positions, brought on some interns to work on Benefits Department items, and will begin the recruitment for the vacant position of the Senior Investment Operations Officer shortly.

Other Items

In December 2020, the County Board of Supervisors approved the possible payment of up to \$800 million in additional funds to address their UAAL. Discussions are under way to work through the details of this possible transfer of funds. Representatives of ACERA, the County and both our Actuaries are meeting weekly to discuss the various steps necessary to make this happen.

The goal is to complete this process by the end of June of 2021. The Actuaries have presented various models for providing and accounting for the additional contributions, and the County is considering among them. Depending upon their preferences, the details will be presented to the Board for consideration. Additionally, there may need to be changes to various policies, such as the *Interest Crediting* and/or the *Actuarial Funding Policy*.

Key Performance Indicators

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

Scorecard KPI	2020 Performance Goal
PRUDENT INVESTMENT PRACTICES	
Portfolio Performance vs. Policy Benchmark	<i>Annualized 10-year return will meet or exceed Policy benchmark at the total fund level Through December 2021: .0%.</i>
EFFECTIVE PLAN ADMINISTRATION	
Actual Spent vs. Approved Budget	<i>On budget or 10% below 2019 approved budget As of end of 2021: 19% under budget.</i>
COMPREHENSIVE ORGANIZATION DEVELOPMENT	
Employee Engagement Survey Results	<i>80% of responses in top two rating boxes on the question: "Is ACERA a great place to work?" As of last survey (Fall of 2020): 65%.</i>
SUPERIOR CUSTOMER SERVICE	
Service Excellence Survey	<i>80% of responses in top two rating boxes on the question: "Did ACERA meet or exceed my expectations for my customer service experience?" As of all of 2020: 93%</i>

CLOSED SESSION
CONFIDENTIAL- PRIVILEGED MEMORANDUM

- 12. A.** Conference With Legal Counsel--Existing Litigation (Gov't Code § 54956.9(d)(1)):

Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association, Contra Costa County Superior Court, Case No. MSN12-1870