



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

HYBRID (IN-PERSON and VIRTUAL) NOTICE and AGENDA

THIS MEETING WILL BE CONDUCTED IN PERSON AND VIA TELECONFERENCE [SEE SECTION 42 OF EXECUTIVE ORDER N-08-21 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, August 19, 2021
2:00 p.m.**

LOCATION AND TELECONFERENCE	BOARD OF RETIREMENT - MEMBERS	
ACERA C.G. "BUD" QUIST BOARD ROOM 475 14TH STREET, 10TH FLOOR OAKLAND, CALIFORNIA 94612-1900 MAIN LINE: 510.628.3000 FAX: 510.268.9574 https://zoom.us/join Webinar ID: 819 6881 8969 Passcode: 794084	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	
DARRYL WALKER	ELECTED GENERAL¹	
GEORGE WOOD	ELECTED GENERAL	
NANCY REILLY	ALTERNATE RETIRED²	
VACANT	ALTERNATE SAFETY	

¹ Alternate Safety Member Trustee Walker is filling the vacancy created by Trustee Rogers' retirement. See Gov't Code §§ 31524, 31520.1(b).

² The Alternate Retired Member votes in the absence of the Elected Retired Member, or, if the Elected Retired Member is present, then votes if both Elected General members, or the Safety Member and an Elected General member, are absent.

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 agenda 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.

The Board of Retirement welcomes you to its meeting and your interest is appreciated. Due to the pandemic, in-person public participation at the meeting may be limited on a first-come-first-served basis to maintain social distancing. You may also observe the meeting and address the Board by Zoom as follows:

VIA ZOOM (TELECONFERENCE)

***ZOOM INSTRUCTIONS:**

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: 819 6881 8969

Passcode: 794084

For help joining a Zoom meeting, see: <https://support.zoom.us/hc/en-us/articles/201362193>

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 UP TO 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT:

Appendix E

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

Appendix F

G. APPROVE HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS:

None

H. APPROVAL of COMMITTEE and BOARD MINUTES:

July 14, 2021 Investment Committee Minutes
July 15, 2021 Minutes of the Regular Board Meeting
August 4, 2021 Operations Committee Minutes
August 4, 2021 Retirees Committee Minutes
August 11, 2021 Investment Committee Minutes

I. MISCELLANEOUS MATTERS:

Quarterly Report on Member Under/Overpayments
2nd Quarter Call Center Report
Approve Staff Recommendation regarding Alameda Health System's New Pay Item/Code Certified or Registered Technicians – 21A
Approve Staff Recommendations regarding the County of Alameda's New Pay Items/Codes:

- *Training & Compliance Coordinator – 42R*
- *Lead Water Facilities Supervisor – 42S*

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

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

5. DISABILITIES, RECOMMENDATIONS AND MOTIONS:

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

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

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

6. COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS:

A. Operations: [See August 4, 2021 Operations Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of August 4, 2021 Meeting.

B. Retirees: [See August 4, 2021 Retirees Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of August 4, 2021 Meeting.

2. Motion to continue the dental plan contributions for Plan Year 2022, which provides a monthly subsidy equal to the single-party dental plan coverage premium of \$44.15 for the PPO plan and \$22.18 for the DeltaCare USA plan for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions.
3. Motion to continue the vision plan contributions for Plan Year 2022, which provides a monthly subsidy equal to the single-party vision plan coverage premium of \$3.97 for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions.

C. Investment: [See August 11, 2021 Investment Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of August 11, 2021 Meeting.
2. Motion to approve the Proposed Timeline, Minimum Qualifications, and Evaluation Matrix for ACERA's Absolute Return (Custom Fund of Hedge Funds) Manager Search.

D. Governance: [See August 19, 2021 Governance Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of August 19, 2021 Meeting.
2. Motion to affirm or revise the *Securities Litigation Policy* as recommended by the Governance Committee.
3. Motion to adopt the Governance Committee's recommended revisions to the *Record Retention Policy*.
4. Motion to adopt the Governance Committee's recommended revisions to the *Outside Counsel Policy*.
5. Motion to adopt the Governance Committee's recommended revisions to the *Retiree Payroll Deduction Policy*.

7. NEW BUSINESS:

- A. Chief Executive Officer’s Report.

8. CONFERENCE/ORAL REPORTS:

9. ANNOUNCEMENTS:

10. BOARD INPUT:

11. ESTABLISHMENT OF NEXT MEETING:

Thursday, September 16, 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**

ALVEY, Patricia
Effective: 6/12/2021
Sheriff's Department

GORECKI, Colleen
Effective: 5/29/2021
Superior Court

BACA, Jerald
Effective: 5/1/2021
Social Services Agency

GROVE, Renee
Effective: 5/1/2021
Superior Court

BARTHMAN, Philip
Effective: 6/20/2021
Public Works Agency

HERRERO, Mary
Effective: 5/29/2021
Assessor

BATES, John
Effective: 1/23/2021
Public Works Agency

JAMES, Josefa
Effective: 5/29/2021
District Attorney

BOYD-KIRKENDOLL, Sherilyn
Effective: 6/1/2021
Alameda Health System

LADUA, Zerlyn
Effective: 5/29/2021
Health Care Services Agency

BRENNAN, Eric
Effective: 4/1/2021
Zone 7

LEE, Clarence
Effective: 1/27/2021
Non-Member

BRUM, Joshua
Effective: 5/7/2021
Sheriff's Office

LIAS, Renee
Effective: 6/1/2021
County Counsel

COPELAND, Jody
Effective: 5/1/2021
Alameda Health System

LOFTON, Dalonna
Effective: 11/13/2020
Alameda Health System

DAVIS, Marlina
Effective: 4/16/2021
Probation Department

MERCADAL, Michael
Effective: 5/29/2021
Sheriff's Department

DOAN, Gina
Effective: 4/12/2021
Alameda Health System

MICHAELS, Gerald
Effective: 5/13/2021
Health Care Services Agency

DUNTON, Robert
Effective: 6/12/2021
General Services Agency

MINTER, Anita
Effective: 5/1/2021
Health Care Services Agency

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

MURRELL, Darleen
Effective: 5/15/2021
Alameda Health System

RETTING-ZUCCHI, Ronald
Effective: 6/26/2021
Health Care Services Agency

ORTIZ, Martha
Effective: 6/2/2021
Social Services Agency

SEGUR, Darren
Effective: 5/31/2021
LARPD

OYATEDOR, Kent
Effective: 6/21/2021
Social Services Agency

TAFOYA, Dale
Effective: 6/1/2021
Probation Department

PATRICIO, Jack
Effective: 5/29/2021
Probation Department

TRIGALET, Lori
Effective: 6/12/2021
Health Care Services Agency

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

ANDERSON, Nanci E.
Superior Court
Effective Date: 6/7/2021

BROWN, Tamia N.
Social Services Agency
Effective: 7/2/2021

ATKINS, Jeremy D.
Health Care Services Agency
Effective: 7/9/2021

CASTRO, Leonicia A.
Health Care Services Agency
Effective: 5/29/2021

BAGGEROER, Cheryl E.
Health Care Services Agency
Effective: 6/11/2021

CUMMINS, Jeremiah D.
Sheriff's Office
Effective: 2/19/2021

BALLOU, James M.
Zone 7
Effective: 5/20/2021

FIGUEROA, Michelle F. F.
Probation Department
Effective: 6/9/2021

BLACK, Teresa, A.
Alameda Health System
Effective: 6/1/2021

GORDON, Sheena A.
Alameda Health System
Effective: 6/9/2021

BOYD, Monty R.
General Services Agency
Effective: 7/9/2021

GRAY, Stephen W.
Social Services Agency
Effective: 6/30/2021

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

GUISE, Ngoc Oanh T.
Superior Court
Effective: 4/30/2021

NEFOUSE, Louis D.
County Counsel
Effective: 1/29/2021

HOLLAND, Elizabeth C.
Alameda Health System
Effective: 6/25/2021

OLIVAREZ, Alexandra S.
Sheriff's Office
Effective: 6/18/2021

HOLT, Laurina M.
Sheriff's Office
Effective: 7/9/2021

OWENS, Kenneth R.
Probation Department
Effective: 2/3/2021

HOPKINS, Willie A.
General Services Agency
Effective: 6/17/2021

PARKER, Dustin
Sheriff's Office
Effective: 7/2/2021

MACK, Leandra R.
Alameda Health System
Effective Date: 1/29/2021

POULOSE, Rachel
Alameda Health System
Effective: 2/23/2021

MARTINEZ, Kristi L.
Assessor
Effective: 6/10/2021

QUIROZ, Amelia G.
Social Services Agency
Effective: 2/19/2021

MCDEVITT-PARKS, Randall K.
Library
Effective: 1/29/2021

RAMOS, Gabriela E.
Health Care Services Agency
Effective: 3/5/2021

MOORE, Britt D.
Social Services Agency
Effective: 5/17/2021

REDMOND, Anthony
Alameda Health System
Effective: 3/10/2021

MOORE, LYNDSEY L.
County Counsel
Effective: 6/11/2021

RUDA, Natalia G.
Social Services Agency
Effective: 4/23/2021

MORELOS, Alejandra
Alameda Health System
Effective: 5/20/2021

SANCHEZ, Mirtha T.
Superior Court
Effective Date: 6/30/2021

MUNOZ RAMOS, Cinthya J.
Board of Supervisors
Effective: 4/30/2021

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

AJAELO, Nkiruka E.
Social Services Agency
Effective Date: 6/11/2021

CHAE, Andrew D.
Library
Effective: 6/30/2021

BALDOZ, Ellaline M.
Alameda Health System
Effective: 6/7/2021

CHEUNG, Keith
Probation Department
Effective: 7/8/2021

BALDWIN, Beth A.
Public Works Agency
Effective: 7/2/2021

DAMANI, Annalyn E.
Health Care Services Agency
Effective: 3/19/2021

BANDA, Alma
Superior Court
Effective: 4/30/2021

DEHNERT, Tamara L.
Social Services Agency
Effective: 5/12/2021

BASSILLY, Caroline N.
Alameda Health System
Effective: 3/25/2021

DOYLE, Alisa
Alameda Health System
Effective: 5/21/2021

BAYUTAS, Francis P.
Sheriff's Office
Effective: 7/8/2021

EAGLE, April O.
Alameda Health System
Effective Date: 6/21/2021

BECK, Matthew W.
Alameda Health System
Effective: 6/1/2021

EVANS, Dale E.
Social Services Agency
Effective: 5/7/2021

BOND, Wendy L.
Social Services Agency
Effective: 5/18/2021

FLORES, Ana I.
County Counsel
Effective: 3/12/2021

BOUTTE, Portia S.
General Services Agency
Effective: 7/2/2021

GALEANO, Xiomara L.
Superior Court
Effective: 4/30/2021

BRADFORD, Anthony M.
Superior Court
Effective: 7/2/2021

GONZALEZ, Isaac J.
Superior Court
Effective: 4/9/2021

BRESCIA-PENA, Ande R.
Superior Court
Effective: 7/2/2021

GRAY, Takiyah
Social Services Agency
Effective: 5/10/2021

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

GREWAL, Suzanne
Superior Court
Effective: 6/25/2021

KWAN, Edric W. H.
Public Works Agency
Effective: 6/11/2021

HENNEN, Araina, L.
Social Services Agency
Effective: 1/28/2021

MADISON, Shauna R.
Public Defender
Effective: 5/4/2021

HERNANDEZ, Senjace
Social Services Agency
Effective: 6/11/2021

MAHLER, Alphonse R.
General Services Agency
Effective: 4/9/2021

HONG, Ju Young
Health Care Services Agency
Effective: 7/7/2021

MARTINEZ GARCIA, Diana L.
Social Services Agency
Effective: 2/19/2021

HSIEH, Kristina
Health Care Services Agency
Effective: 7/9/2021

MARTINS, Yi Z.
Superior Court
Effective: 4/30/2021

HSU, Thomas
Zone 7
Effective: 7/1/2021

MCELVEEN, Kristina L.
Information Technology
Effective: 4/13/2021

ILAG, Rowena S.
Health Care Services Agency
Effective: 2/19/2021

MERRITT, Brianna A.
Alameda Health System
Effective: 3/6/2021

ISAAC, Matthew
District Attorney's Office
Effective: 6/18/2021

METTERS, James R.
Human Resources
Effective: 3/22/2021

JENNINGS, Kim
Superior Court
Effective: 4/9/2021

MORRISON, Virginia L.
Information Technology
Effective: 5/26/2021

KIM, Hyun J.
Social Services Agency
Effective: 6/28/2021

MOTLEY, Breaunna C.
Social Services Agency
Effective: 2/19/2021

KREEFT, Anna R.
Alameda Health System
Effective Date: 5/12/2021

NEWMAN, Abby N.
Sheriff's Office
Effective: 6/11/2021

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

NGUYEN, Vivian L.
Alameda Health System
Effective: 6/18/2021

RAAD, Zyde
Health Care Services Agency
Effective: 5/14/2021

PAIGE, Lesley J.
Health Care Services Agency
Effective: 2/26/2021

RAJAN, Ranjeet
Alameda Health System
Effective: 5/21/2021

PASION, Caroline P.
Superior Court
Effective: 5/21/2021

RAMOS, Patsy J.
Alameda Healthy System
Effective: 4/18/2021

PEARL, Anna R.
Alameda Health System
Effective: 3/18/2021

RAMSEY, Lajuan M.
Community Development Agency
Effective: 6/25/2021

PELINGON, Venus C.
Alameda Health System
Effective Date: 2/26/2021

RANSOM, Shaunetta M.
Alameda Health System
Effective: 1/28/2021

PEREIRA, Jordan V.
Sheriff's Office
Effective: 3/22/2021

REDING, Laura
Superior Court
Effective: 4/9/2021

PEREZ, Genesis A.
Social Services Agency
Effective: 6/25/2021

RONQUILLO LASTRA, Sylvia A.
Sheriff's Office
Effective: 7/3/2021

PERRON, Stephanie M.
Social Services Agency
Effective: 3/5/2021

ROOS, Chelsey M.
Library
Effective: 5/26/2021

PIPER, CheRonn
Superior Court
Effective: 1/22/2021

ROSALES-VILLANUEVA, Miguel A.
Social Services Agency
Effective: 6/14/2021

PURNELL, Broderick J.
Health Care Services Agency
Effective: 6/11/2021

ROSSETTI, Maria A.
Assessor
Effective Date: 6/29/2021

QUINTANILLA, Alex B.
Health Care Services Agency
Effective: 5/7/2021

SALMON, Carolyn A.
Superior Court
Effective: 6/29/2021

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

SANDHU, Anureet K.
Health Care Services Agency
Effective: 5/12/2021

STARK, Anna R.
Alameda Health System
Effective: 5/28/2021

SIMPSON, Nichelle M.
Human Resource Services
Effective: 7/9/2021

WOO, Mary M.
Human Resource Services
Effective: 7/9/2021

YOUNG, Yvonne
Health Care Services Agency
Effective: 5/28/2021

**APPENDIX D
LIST OF DECEASED MEMBERS**

AGDAMAG, Salome
Sheriff's Office
6/11/2021

GORDON, Joseph
Social Services Agency
7/4/2021

BUTTS, Lila
Alameda Health System
6/11/2021

GREEN, Janice
Social Services Agency
7/3/2021

CARUTHERS, James
Assessor
7/2/2021

HSU, Grace
Social Services Agency
5/1/2021

COLEMAN, David
Superior Court
6/20/2021

JONES, Margaret
Assessor
6/23/2021

DANIELSON, Laurence
General Services Agency
6/25/2021

KELDGORD, Robert
Probation Department
7/10/2021

DUNCAN, Donald
Probation Department
6/10/2021

KOCI, Helen
Social Services Agency
7/13/2021

EDWARDS, Phyllis
Public Defender
7/1/2021

KUMLER, Sherrill
Library
6/2/2021

**APPENDIX D
LIST OF DECEASED MEMBERS**

LARSEN, Lawrence
General Services Agency
6/25/2021

VICKERY, James
Public Works Agency
6/27/2021

MAAS, Wayne
Sheriff's Office
6/16/2021

WEILAND, Joann
Alameda Health System
7/8/2021

ORELLANA, Leandro
Health Care Services Agency
3/23/2021

WHEAT, Susan
Alameda Health System
7/22/2021

PORTILLO, Jose
Non-Mbr Survivor of Helen Portillo
7/1/2021

WHITE, Perry
Dept. of Child Support Services
7/15/2021

SPEAR, Joseph
Sheriff's Office
7/25/2021

WILLIS, Barbara
Alameda Health System
7/7/2021

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

DONAHUE, Shamaneh
Government Code § 31641.5 Part Time & Days Prior

**APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT**

Name: Delbridge, Lance
Type of Claim: Service-Connected

Staff's Recommendation:

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

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: DeSousa, Lorena
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. DeSousa's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: Garner, Jean
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. Garner's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Name: Giles, Nathaniel
Type of Claim: Service-Connected

Staff's Recommendation:

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

Name: Guffey, Kenneth
Type of Claim: Service-Connected

Staff's Recommendation:

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

**APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT**

Name: Stephens, Una
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. Stephens's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced 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 through September 30, 2021.

July 15, 2021
Minutes of the Regular Board Meeting
For approval under August 19, 2021
Board “Consent Calendar”



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

THIS MEETING WAS CONDUCTED IN-PERSON and VIA TELECONFERENCE WITH VIDEO

Thursday, July 15, 2021

Chair Dale Amaral called the meeting to order at 2:00 p.m.

Trustees Present: Dale Amaral
Ophelia Basgal
Tarrell Gamble (*Arrived After Roll Call*)
Jaime Godfrey
Liz Koppenhaver
Henry Levy
George Wood
Nancy Reilly (*Alternate*)

Trustees Excused: Keith Carson
Darryl Walker

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

None.

**CONSENT CALENDAR
REPORTS AND ACTION ITEMS**

APPROVAL of APPLICATIONS FOR SERVICE RETIREMENT

Appendix A

APPROVAL of APPLICATIONS FOR RETIREMENT, DEFERRED

*Appendix B
Appendix B-1*

APPROVAL of APPLICATIONS FOR DEFERRED TRANSFER

None

LIST OF DECEASED MEMBERS

Appendix D

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

Appendix E

APPROVAL of STAFF RECOMMENDATIONS (UNCONTESTED) FOR DISABILITY RETIREMENTS

Appendix F

APPROVAL of HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS

None

APPROVAL of BOARD and COMMITTEE MINUTES

*June 17, 2021 Actuarial Committee Minutes
June 17, 2021 Audit Committee Minutes
June 17, 2021 Minutes of the Regular Board Meeting
July 7, 2021 Retirees Committee Minutes*

MISCELLANEOUS MATTERS

Operating Expenses as of 05/31/21

1. *Approve Staff Recommendations regarding Alameda Health System's New Pay Items/Codes:
 - *AHD L6 Technologists Trainer 10% Maximum 80 Hours – 26Q*
 - *AHD L6 Technologists Trainer 5% Additional 40 Hours – 26R**
2. *Approve Staff Recommendation regarding Superior Court of California, County of Alameda's New Pay Item/Code COVID-19 Supplemental Paid Sick Leave – 367A*

21-50

It was moved by Jaime Godfrey and seconded by Henry Levy that the Board adopt the Consent Calendar. The motion carried 6 yes (Amaral, Basgal, Godfrey, Koppenhaver, Levy, Wood), 0 no, and 0 abstentions. Trustee Gamble was not present for the vote on the motion.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

In the interest of time, Board Chair Dale Amaral asked that the Committee action items be presented before the Closed Session items (5.A. and 5.B.).

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

Retirees:

Liz Koppenhaver gave an oral report stating that the Retirees Committee met on July 7, 2021 and was presented with, reviewed information for, and discussed adoption of the 2022 Monthly Medical Allowance for Group Plans. Trustee Koppenhaver reported that ACRE and REAC's Boards support raising the amount of the Monthly Medical Allowance for retirees.

21-51

It was moved by Liz Koppenhaver and seconded by Ophelia Basgal that the Board increase the 2022 Group Plan Monthly Medical Allowance (MMA) by 3.125% for eligible retirees in the group plans, in accordance with the substantive plan definition adopted under GASB 43 equal to 50% of the rate of health care inflation assumptions provided by ACERA's actuary, which results in a MMA maximum of \$596.73 for the Plan Year 2022. The MMA contribution is a non-vested benefit subject to possible reduction or elimination if Board policies change or funds are unavailable. This benefit is funded by contributions from ACERA employers to the 401(h) account. After contributions are made, in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 7 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Wood*), 0 no, and 0 abstentions.

Trustee Koppenhaver further reported that the Committee was presented with, reviewed information for, and discussed adoption of 2022 Monthly Medical Allowance for Early Retiree Individual Plans.

21-52

It was moved by Liz Koppenhaver and seconded by Jaime Godfrey that the Board increase the 2022 Individual Plan Monthly Medical Allowance (MMA) by 3.125% for eligible qualified early (non-Medicare) retirees enrolled in individual plans through the Health Exchange, in accordance with the substantive plan definition adopted under GASB 43 equal to 50% of the rate of health care inflation assumptions provided by ACERA's actuary, which results in a MMA maximum of \$596.73 for Plan Year 2022. The MMA contribution is a non-vested benefit subject to possible reduction or elimination if Board policies change or funds are unavailable. This benefit is funded by contributions from ACERA employers to the 401(h) account. After contributions are made, in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 7 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Wood*), 0 no, and 0 abstentions.

Trustee Koppenhaver further reported that the Committee was presented with, reviewed information for, and discussed adoption of 2022 Monthly Medical Allowance for Medicare Eligible Retiree Individual Plans.

21-53

It was moved by Liz Koppenhaver and seconded by Ophelia Basgal that the Board increase the 2022 Individual Plan Monthly Medical Allowance (MMA) by 3.125% for qualified Medicare eligible retirees enrolled in individual plans through the Medicare Exchange, in accordance with the substantive plan definition adopted under GASB 43 equal to 50% of the rate of health care inflation assumptions provided by ACERA's actuary, which results in a MMA maximum of \$457.13 for Plan Year 2022. The MMA contribution is a non-vested benefit subject to possible reduction or elimination if Board policies change or funds are unavailable. This benefit is funded by contributions from ACERA employers to the 401(h) account. After contributions are made, in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 7 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Wood*), 0 no, and 0 abstentions.

Trustee Koppenhaver further reported that the Committee was presented with, reviewed information for, and discussed the following Information Items: *1) Report on Dental and Vision Plans Experience and Utilization; and 2) Miscellaneous Updates.*

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

Investment:

George Wood gave an oral report stating that the Investment Committee met on July 14, 2021 and was presented with, reviewed information for, and discussed approval of an Updated Absolute Return Policy.

21-54

It was moved by George Wood and seconded by Liz Koppenhaver that the Board approve the Updated Absolute Return Policy The motion carried 6 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Wood*), 1 no (*Levy*), and 0 abstentions.

Trustee Wood further reported that the Committee was presented with, reviewed information for, and discussed the following Information Items: *1) Report on the Proposed Timeline, Search Criteria, and Evaluation Matrix for ACERA's Absolute Return (Custom Fund of Hedge Funds) Manager Search; and 2) Update on Implementing: a) The newly approved Asset Allocation; and b) The pre-fundings from Alameda County and LARPD.*

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the August 19, 2021 Board meeting.

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

DISABILITIES, CURRENT AND CONTINUING RECOMMENDATIONS AND MOTIONS

The Board adjourned into Closed Session to discuss the following Disability matter:

Possible Motion on Claim for Service-Connected Disability Retirement.

This was addressed in Closed Session, per Gov't Code § 54957(b):

Dennis Teichera, Deputy Sheriff II, Sheriff's Office
Non-Service-Connected Disability Effective: May 28, 2021

The Board reconvened into Open Session and the following Trustees returned:
Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy and Wood

After discussion, the Board passed the following motion:

21-55

It was moved by Dale Amaral and Seconded by Liz Koppenhaver to refer the Dennis Teichera The motion carried 7 yes (*Amaral, Basgal, Gamble, Godfrey, Koppenhaver, Levy, Wood*), 0 no, and 0 abstentions.

Possible Motion on Claim for Service-Connected Surviving Spouse Allowance.

Deceased Member: Oscar Rocha
Surviving Spouse: Carol Maureen Ennor
Non-Service-Connected Surviving Spouse Allowance Effective: July 24, 2020

At the request of Counsel for Carol Maureen Ennor, this matter was postponed until the August 19, 2021 Board meeting. Assistant County Counsel Scott Feudale concurred.

NEW BUSINESS:

David Nelsen, Chief Executive Officer's Report

Chief Executive Officer Dave Nelsen presented his July 15, 2021, written CEO Report which provided an update on: **1)** Committee and Board Action Items; **2)** Conference/Event Schedule **3)** Other Items, which included updates on: **a)** COVID-19 Responses; **b)** Pension Administration System Project; **c)** County's Additional Contributions; **d)** Repeal of Governor's Emergency Orders; and **e)** Key Performance Indicators.

Mr. Nelsen reported that Assembly Bill 826 (Bill) was recently introduced by SEIU and is supported by Ventura County. The Bill, which relates to the implementation of the Alameda decision and Ventura County, would allow Retirement Systems that did not initially implement PEPRA until the conclusion of the *DSA* lawsuit to continue reporting compensation that was deemed legally non-reportable as “compensation earnable.” Mr. Nelsen stated that the Bill is problematic and informed the Board that the SACRS Legislative Committee will be discussing the Bill. Mr. Nelsen will keep the Board apprised of the status, as the Board’s input may be required, along with other Retirement Systems, regarding whether or not the Board will support the Bill.

Trustees inquired about the re-opening of ACERA’s Offices in light of the new Delta Variant. Mr. Nelsen reported that ACERA’s Offices are open for limited hours, by appointment only, on Tuesdays and Thursdays and that ACERA is meeting all the County and Public Safety and Health protocols. However, very few members have not taken advantage of ACERA’s in-person appointments.

Mr. Nelsen informed the Board that the Trustees can still participate virtually at Committee and/or Board meetings until September 30, 2021, which is when the Governor is expected to reinstate the regular *Brown Act* restrictions. Mr. Nelsen reminded the Board that when the *Brown Act* restrictions are lifted, Trustees who would like to continue to meet remotely will be required to post Committee/Board agendas where the Trustee is physically located and must allow public access to the Trustee’s location. Mr. Nelsen will keep the Board apprised of the status regarding whether or not the *Brown Act* restrictions will be lifted.

CONFERENCE/ORAL REPORTS

None.

ANNOUNCEMENTS

None.

BOARD INPUT

None.

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.

The Board reconvened into Open Session and the following Trustees returned:
Amaral, Basgal, Godfrey, Koppenhaver, Levy, Reilly and Wood

Chair Amaral stated the Board took no reportable action on the *ACDSA* matter.

ADJOURNMENT

The meeting adjourned at approximately 3:38 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "David Nelsen". The signature is written in black ink and is positioned above a horizontal line.

David Nelsen
Chief Executive Officer

8/19/21

Date Adopted

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

BADGER, Sharla
Effective: 5/28/2021
Dept. of Child Support Services

LOEPER, Gerald
Effective: 4/20/2021
General Services Agency

BENNETT, Carmelyne
Effective: 5/1/2021
Social Services Agency

MANAOIS, Julia
Effective: 5/15/2021
Treasurer-Tax Collector

CARLSON, Kelly
Effective: 4/1/2021
Alameda Health System

MORGAN, Dana
Effective: 4/1/2021
Social Services Agency

COLLINS, Ashantaki
Effective: 4/1/2021
Social Services Agency

MOTTASHED, Mark
Effective: 4/17/2021
Sheriff's Office

DOHRMANN, Gerald
Effective: 3/31/2021
Superior Court

NASH, Mary
Effective: 2/25/2021
Public Defender

HUI, Patricia
Effective: 11/1/2020
Social Services Agency

NAVA, Patricia
Effective: 5/1/2021
Superior Court

HYATT, Dianne
Effective: 5/22/2021
Superior Court

PAGILARI, Anthony
Effective: 3/28/2021
Sheriff's Office

JONES, Yolanda
Effective: 4/1/2021
Social Services Agency

PIERCE-JONES, Rhian
Effective: 5/1/2021
Assessor

JUAN, Dowel
Effective: 4/29/2021
Alameda Health System

PROANO, Carol
Effective: 6/1/2021
Superior Court

LABOGIN, Gloryann
Effective: 5/1/2021
Superior Court

RATCLIFFE-GRAHAM, Brenda
Effective: 4/29/2021
Social Services Agency

LANGDON, Theresa
Effective: 5/15/2021
Sheriff's Office

REEVES, Leslie
Effective: 5/15/2021
Superior Court

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

REITER, ROBERT
Effective: 4/20/2021
County Counsel

ROLLERSON, Velma
Effective: 5/1/2021
Social Services Agency

ROBERTS, Rosemarie
Effective: 5/8/2021
Alameda Health System

RUSSELL-CHEMA, Natalie
Effective: 5/1/2021
Social Services Agency

RODRIGUES, Joseph
Effective: 4/25/2021
Social Services Agency

SANGSTER, Nicole
Effective: 4/1/2021
Probation Department

SCHLAGETER, Katherine
Effective: 4/1/2021
Health Care Services Agency

TRAN, Tin
Effective: 3/27/2021
Superior Court

SIMPSON, Laura
Effective: 3/27/2021
Community Development Agency

ULLOA, Mario
Effective: 3/27/2021
Alameda Health System

SMITH, Valarie
Effective: 5/10/2021
Superior Court

WILLIAMS, Eric
Effective: 5/14/2021
Probation Department

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

ALEXANDER, Michael G.
Health Care Services Agency
Effective Date: 5/28/2021

DUKE, Heather
Alameda Health System
Effective: 6/2/2021

BLACK, Teresa A.
Alameda Health System
Effective: 6/1/2021

FIGUEROA, Michelle F. F.
Probation Department
Effective: 6/9/2021

BREWER, Beverly
Housing Authority
Effective: 5/21/2021

MURPHY, Monica F.
Social Services Agency
Effective: 6/11/2021

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

BODNAR, Troy J.
Alameda Health System
Effective Date: 5/15/2021

DAYAL, Komal K.
Superior Court
Effective: 6/4/2021

CABACUNGAN, Mayanne C.
Alameda Health System
Effective: 5/17/2021

FICENEC, Caroline K.
Superior Court
Effective: 4/30/2021

CALDER, Maria C.
Superior Court
Effective: 5/20/2021

GALLAY, Amelia M. J.
Superior Court
Effective: 6/4/2021

MURPHY, William J.
District Attorney
Effective: 5/4/2021

**APPENDIX D
LIST OF DECEASED MEMBERS**

ADAMS, Cora
Social Services Agency
6/16/2021

EKBLAD, Robert
Alameda Health System
6/27/2021

BIVINGS, Gerald
General Services Agency
5/20/2021

HARRISON, Arrealia
Alameda Health System
6/18/2021

BROOKS, Ronald
Non-Mbr Survivor of Louise Brooks
5/8/2021

HUNT, Hilton
General Services Agency
6/20/2021

DOPPELT-DIXON, Lolita
Superior Court
5/27/2021

JAVIER, Corazon
Alameda Health System
6/7/2021

DOWNING JR., Woodrow
Alameda County Fire Department
6/4/2021

MACCOUN, Betty
Non-Mbr Survivor of John MacCoun
5/13/2021

**APPENDIX D
LIST OF DECEASED MEMBERS**

MILES, Patrick
Sheriff's Office
4/30/2021

STEINER, Yvonne
Probation Department
2/3/2021

REES, Helen
Auditor-Controller
5/10/2021

SUTTER, John
District Attorney
5/10/2021

RION, Mary
Alameda Health System
5/19/2021

SWANSON, Geraldine
Alameda Health System
1/26/2021

ROGERS, James
Probation Department
2/5/2021

TACHET, Michael
Alameda Health System
5/21/2021

ROSE, Elaine
Social Services Agency
5/25/2021

TANAKA, Eddy
Probation Department
5/29/2021

RUCKER, Marie
Social Services Agency
5/24/2021

TUNGOHAN, Leonito
Superior Court
11/20/2020

SAFRENO, Maria
Non-Mbr Survivor of Mal Safreno
2/13/2021

VIHONSKY, John
Public Defender
5/31/2021

SMITH, Phillip
General Services Agency
3/15/2021

VONKRAKAU, Elaine
Social Services Agency
6/10/2021

SPALDING, Robert
Probation Department
1/31/2021

WILLIAMS, Mary
Alameda Health System
5/18/2021

STANLEY-KENNEDY, Joyce
Social Services Agency
5/21/2021

YOUNG, Barbara
Non-Mbr Survivor of Roosevelt Young
6/10/2021

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Algere, Tachia
Type of Claim: Annual Review for SCD (Granted on 3/21/19)

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 Ms. Algere's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Armstrong, Russell
Type of Claim: Service-Connected

Staff's Recommendation:

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

Name: Campbell, Rebecca
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. Campbell's application for a non-service connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: McCort, Jeffrey
Type of Claim: Service-Connected

Staff's Recommendation:

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

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Tulley, Jeanette
Type of Claim: Annual Review for SCD (Granted on 4/16/19)

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 Ms. Tulley's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

August 4, 2021
Operations Committee Minutes
For approval under August 19, 2021
Board “Consent Calendar”



MINUTES OF AUGUST 4, 2021 OPERATIONS COMMITTEE MEETING

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Operations Committee

From: Jaime Godfrey, Chair, Appointed

Subject: Summary of the August 4, 2021 Operations Committee Meeting

Committee Chair Jaime Godfrey called the August 4, 2021 Committee meeting to order at 9:30 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

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

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

PUBLIC INPUT

None

Action Items

None

INFORMATION ITEMS

1. Operating Expenses as of 06/30/2021

Staff provided the operating expenses as of June 30, 2021. As of June 30, 2021, actual expenses were \$1,174K under budget. Budget Surpluses noted were Staffing (\$667K under budget), Staff Development (\$69K under budget), Professional Fees (\$36K under budget), Office Expense (\$66K under budget), Insurance (\$2K under budget), Member Services (\$32K under budget), Systems (\$83K under budget), Depreciation (\$1K under budget), and Board of Retirement (\$218K under budget).

2. Quarterly Financial Statements as of 06/30/2021

Staff presented the Unaudited Financial Statements for the period ending June 30, 2021. Staff stated that the Net Position Held in Trust and the change in Fiduciary Net Position compared to the same period in 2020 increased by \$2.38 billion.

3. Quarterly Cash Forecast Report

Staff presented the Cash Forecast Report from July 2021 to June 2022. Staff stated that the year-over-year increase in average monthly forecasted negative cash position compared to the same period in 2020-2021 is \$3,437,445 mainly due to decrease in county contributions of approx. \$3 million per pay period due to amortization contribution made by county in 2021.

4. Board Member Conference Expense Report as of 06/30/2021

Staff reported no exception to this item and referred attendees to materials in the packet.

5. Senior Manager Conference and Training Expense Report as of 06/30/2021

Staff reported no exception to this item and referred attendees to materials in the packet.

6. Mid-Year review of 2021 ACERA Operating Expense Budget

Staff presented the 2021 mid-year operating expense budget review as of June 30, 2021 and the end of the year forecast review as of December 31, 2021.

7. Update on Disability Cases Provided by Managed Medical Review Organization (MMRO)

Staff presented an update on disability cases provided by MMRO. It was noted during the presentation that the time period for completion of cases has remained consistent with the last report provided to the Operations Committee in June 2020.

TRUSTEE INPUT AND DIRECTION TO STAFF

None

FUTURE DISCUSSION ITEMS

November

- Discussion and Possible motion to approve the proposed 2022 ACERA Operating Expense Budget

December

- Discussion and possible motion to approve the annual agreement for the Segal Group

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for October 6, 2021 at 9:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 10:21 a.m.

August 4, 2021
Retirees Committee Minutes
For approval under August 19, 2021
Board “Consent Calendar”



MINUTES OF AUGUST 4, 2021 RETIREES COMMITTEE MEETING

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Retirees Committee

From: Henry Levy, Vice Chair, Treasurer

Subject: Summary of the August 4, 2021 Retirees Committee Meeting

Committee Vice Chair Henry Levy called the August 4, 2021 Committee meeting to order at 10:30 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

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

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

PUBLIC INPUT

None.

INFORMATION ITEMS

Vice Chair Levy 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 items:

1. Review of Dental and Vision Plans Premiums for 2022

Staff and Segal provided information on the ACERA-sponsored dental and vision plans renewal premiums for Plan Year 2022.

ACTION ITEMS

1. Adoption of Dental Plan Contributions for 2022

Staff and Segal reported that for Plan Year 2022, based on the single retiree premium rates, the projected annual cost to provide this non-vested benefit for 2022 is approximately \$4,486,152. Since Delta Dental provided a three-year premium rate guarantee, there are no changes for the Delta Dental PPO or DeltaCare USA premiums. Trustee Basgal directed Staff to provide retirees information regarding the expanded coverage to include three cleanings a year that Staff stated was available with the new contract if the enrollee has been diagnosed with certain chronic health conditions; such as diabetes.

It was moved by Ophelia Basgal and seconded by Nancy Reilly that the Committee recommend to the Board of Retirement a motion to continue the dental plan contributions for Plan Year 2022, which provides a monthly subsidy equal to the single-party dental plan coverage premium of \$44.15 for the PPO plan and \$22.18 for the DeltaCare USA plan for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions.

The motion carried 8 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Wood*), 0 no, 0 abstentions. Trustee Walker was not present for the vote on the motion.

2. Adoption of Vision Plan Contributions for 2022

Staff and Segal reported that based on the single retiree premium rate for Plan Year 2022 the projected annual cost to provide this non-vested benefit for 2022 is approximately \$406,369. Since VSP provided a five-year premium rate guarantee, there are no changes in the premiums.

It was moved by Nancy Reilly and seconded by Keith Carson that the Committee recommend to the Board of Retirement a motion to continue the vision plan contributions for Plan Year 2022, which provides a monthly subsidy equal to the single-party vision plan coverage premium of \$3.97 for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions.

The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Walker, Wood*), 0 no, 0 abstentions.

INFORMATION ITEMS

2. Miscellaneous Updates

Staff provided an update regarding current plans for the ACERA Virtual Retiree Health and Wellness Fair, which consists of two main components: 1) the Virtual Expo Hall, that will be available on ACERA's website in mid-October, and will host wellness links for various exercises, classes, and programs; as well as carrier benefit guides, and other relevant information; and 2) the Live Virtual Event is planned for Thursday, October 28th at 10:00 a.m., and will have presentations from carriers and vendors, and interactive fitness and wellness presentations.

TRUSTEE INPUT AND DIRECTION TO STAFF

Trustee Levy stated that as the Deferred Compensation program moves more towards financial and retirement wellness, he would like to get some information from retirees regarding their situations to consider incorporating for the active members. He plans to discuss this topic with Trustees Koppenhaver and Reilly, and asked that the appropriate ACERA Staff be part of the discussions.

Staff reported that the new medical plans rates will be available from the County of Alameda later this month, and will be presented at the September Board of Retirement meeting under new business.

FUTURE DISCUSSION ITEMS

- Presentation and Acceptance of SRBR Funding Report/Valuation
- SRBR Policy Update

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for October 6, 2021 at 10:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 10:48 a.m.

July 14, 2021
Investment Committee Minutes
For approval under August 19, 2021
Board “Consent Calendar”



MINUTES OF THE JULY 14, 2021 INVESTMENT COMMITTEE MEETING

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

To: Members of the Board of Retirement
From: George Wood - Chair
Subject: Summary of July 14, 2021 Investment Committee Meeting

The Investment Committee (“Committee”) met on Wednesday, July 14, 2021 at 9:31 a.m. The Committee members present were Ophelia Basgal, Keith Carson, Tarrell Gamble, Jaime Godfrey, Liz Koppenhaver, Henry Levy, Darryl Walker, and George Wood. Also present was Alternate Retired Member, Nancy Reilly. ACERA Senior Managers and Presenting Staff present were, David Nelsen – Chief Executive Officer, Jeff Rieger – Chief Counsel, Vijay Jagar – Chief Technology Officer, Harsh Jadhav – Chief of Internal Audit, Clint Kuboyama – Investment Officer, Thomas Taylor – Investment 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 approve an Updated Absolute Return Policy
 - Staff and Verus provided background information on the recommended updates to the Absolute Return (AR) Policy, including the need to update the AR Policy to reflect the Board-approved changes in the AR Asset Class structure and in the Asset Allocation for the Total Fund.
 - Trustee Levy inquired about the investment rationale for the AR Asset Class considering its low 3-year annualized return of 0.99% (as of May 2021). Staff and Verus responded, noting the diversification and risk-reduction benefits of the AR Asset Class, the reasons behind its low return over the last three years, the changes underway that are expected to improve its returns going forward, and the importance of being forward-looking when setting expectations about future returns of the AR Asset Class. Staff added that other ACERA investment policies will be amended as needed to reflect the approved Asset Allocation changes, including the General Investment Policy.
 - The Trustees discussed with Staff and Verus the range of fees and the importance of being prudent about fees in the AR Portfolio.
 - After further discussion, Trustee Basgal moved, seconded by Trustee Godfrey, to recommend that the Board approve an Updated Absolute Return Policy.
 - The motion carried with 7 Yes (Basgal, Carson, Gamble, Godfrey, Koppenhaver, Walker, and Wood) 1 No (Levy), and 0 Abstention.

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

1. Report on the Proposed Timeline, Search Criteria, and Evaluation Matrix for ACERA's Absolute Return (Custom Fund of Hedge Funds) Manager Search
 - Verus, Staff and Trustees discussed the rationale for the Absolute Return (Custom Fund of Hedge Funds) Manager search, provided an overview of the planned process, and explained the differences between this search relative to prior ACERA Public/Private Markets searches.
 - The customization aspect of the targeted Custom Fund of Hedge Funds, the creation and composition of the search's proposed initial manager universe, and the number of finalists that will be presented to the Committee at the end of the search process were also discussed. Trustees discussed the reasonable number of finalists and agreed with the Chair that 2-3 managers would be presented to the Investment Committee for interviews and final selection.
 - Verus, Staff and Trustees discussed the importance of performance stability within this mandate and how the return stability of managers will be evaluated during the search process.
2. Oral Status Update on Implementing the Following:
 - a. The newly approved Asset Allocation
 - b. The pre-fundings from Alameda County and LARPD
 - Staff reported that the \$800 million and \$12.6 million pre-fundings from Alameda County and Livermore Area Recreation and Parks District, respectively, were received on June 29, 2021. Incorporating the newly approved Asset Allocation model, Staff conferred with ACERA's consultants (McCalla and Verus) and timely rebalanced the portfolio within the week. The contributions are now fully invested and the Total Fund is currently at \$11.6 billion (preliminary) as of yesterday. Investment Committee Chair Wood thanked the County and LARPD for their contributions.

PUBLIC INPUT

Margaret Jadallah (Verus Consultant) announced that Stuart Odell is no longer with Verus Advisory Inc.

FUTURE DISCUSSION ITEMS

None

ESTABLISHMENT OF NEXT MEETING DATE

Wednesday, August 11, 2021 at 9:30 a.m.

ADJOURNMENT

The meeting ended at 10.22 a.m.

**August 11, 2021
Investment Committee Minutes
For approval under August 19, 2021
Board “Consent Calendar”**

**The August 11, 2021 Investment
Committee Minutes will be distributed
under separate cover**

August 19, 2021
Governance Committee Minutes
For approval under September 16, 2021
Board “Consent Calendar”

CONSENT CALENDAR


**Quarterly Report on Member Under/Overpayment
For approval under August 19, 2021 Board
“Consent Calendar”**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: August 19, 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 October 4, 2020 through March 20, 2021, 168 deaths occurred. There is 1 overpayment due to unreported deaths to report at this time. Staff is actively attempting to collect on this overpayment.

Staff Errors

There is 1 overpayment due to staff errors to report at this time. Staff is actively attempting to collect on this overpayment.

Overpayments and Underpayments of Member Contributions

This report, which is for the period October 4, 2020 through March 20, 2021, shows discrepancies in member contribution amounts resulting in an underpayment or overpayment above the \$50 threshold, average time to resolve, and an explanation of the error type. For this reporting period, staff identified 7 members who underpaid their mandatory employee contributions and 1 member who overpaid their mandatory employee contributions. Staff reviewed and resolved each of the eight cases of incorrect payment. There were a total of 2,229 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
October 4, 2020 to March 20, 2021**

Benefit Type	Date of Death	Date ACERA Notified of Death	Last Check Issued	Net Receivable Owed	Staff's Comment
Service Retirement	10/18/2020	10/29/2020	10/30/2020	\$ 2,754.25	Staff initiated ACH reversal request with Well Fargo but was unsuccessful at collecting. Three unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Total Receivable				\$2,754.25	

**Report on Staff Errors – Overpayments
October 4, 2020 to March 20, 2021**

Benefit Type	Error Type	Date Discovered	Member Age / Monthly Pension Gross Amount	Overpayment Amount	Staff's Comment
Service Retirement	Staff Error	3/31/2021	Age 66 / \$2,689.33	\$ 7,165.68	Member transferred to a Medicare Health plan; which has a lower premium amount than a Non-Medicare Health plan. After a member is approved for Medicare, ACERA will reimburse for premiums made at the higher Non-Medicare premium as of the Medicare effective date. While processing the reimbursement, Staff entered the incorrect adjustment type in PensionGold. This caused the member to receive a higher reimbursement amount than what they were entitled to receive on their March 2021 benefit payment. The overpayment was discovered on 3/31/2021. The member was contacted by phone and received 3 letters requesting for the return of the overpayment. Member did not remit repayment but submitted a letter to ACERA dated 7/5/2021 requesting an audit to confirm the overpayment. ACERA audited the member's account and verified the overpayment. On the July 2021 payroll, ACERA began monthly deductions in the amount of \$159.24 for 45 payments for collection of the overpayment in accordance to policy.
Total Receivable				\$7,165.68	

**Active Members - Overpayments and Underpayments of Member Contributions
October 4, 2020 to March 20, 2021**

Alameda County					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayments: 1	\$254.54	12/9/2020	12/11/2020	2	Employer Withheld Contribution Based on Incorrect Salary
Summary	Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 1072 % Above Exceptions of Total Exceptions: 0.09%				

Alameda County Housing Authority					
	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: 122 % Above Exceptions of Total Exceptions: 0%				

Alameda Health Systems					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments: 1	\$20.36	10/5/2020	10/7/2020	2	Employer Withheld Contribution Based on Incorrect Salary
Underpayment: 1	\$32.54	12/17/2020	12/21/2020	3	Employer Withheld Contribution Based on Incorrect Salary
Summary	<p>Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 967 % Above Exceptions of Total Exceptions: 0.21 %</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>Most Common Exception Type: N/A Total Exceptions: 6 % Above Exceptions of Total Exceptions: 0.00%</p>				

Alameda County Superior Courts					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayments: 1	\$21.75	12/2/2020	12/4/2020	2	Employer Withheld Contribution Based on Incorrect Salary
2	\$47.33	12/2/2020	12/4/2020	2	Employer Withheld Contribution Based on Incorrect Salary
3	\$35.40	2/2/2021	2/4/2021	2	Employer Withheld Contribution Based on Incorrect Salary
4	\$74.33	2/2/2021	2/4/2021	2	Employer Withheld Contribution Based on Incorrect Salary
5	\$80.79	2/26/2021	3/2/2021	3	Employer Withheld Contribution Based on Incorrect Salary
Summary	Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 59 % Above Exceptions of Total Exceptions: 8.47%				

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: 3 % Above Exceptions of Total Exceptions: 0.00%				

CONSENT CALENDAR


**2nd Quarter 2021 Call Center Report
For approval under August 19, 2021 Board
“Consent Calendar”**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: August 19, 2021

TO: Members of the Operations Committee

FROM: Ismael Piña, Assistant Benefits Manager 

SUBJECT: **2nd Quarter 2021 Call Center Report**

Attached is the Service Level Report for the second quarter of 2021. Our service levels exceeded our benchmark this past quarter. The team handled a total of 3,743 incoming calls this past quarter, 91.3% of which were answered within 60 seconds. The team also responded to a total of 287 member voicemails within 1 business day or less.

The matrix below provides the five highest call volume categories for Q1 2021 and Q2 2021.

Q1 2021 Highest Volume	Categories of Calls	Q2 2021 Highest Volume	Categories of Calls
32%	Retirement/Membership/ Job Status Change Related Q's	36%	Retirement/Membership/ Job Status Change Related Q's
26%	Retiree Payroll Change Requests	24%	Retiree Payroll Change Requests
24%	Health/Dental/ Vision related Q's	17%	Health/Dental/ Vision related Q's
11%	Award Letter/EFT Statement/1099R Requests	15%	Award Letter/EFT Statement/1099R Requests
7%	Web Member Services Related Q's	8%	Service Purchase/Retirement Estimate Requests

Attachment

ACERA

YTD 2021 Member Services and Reception Service Level Report

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

Performance Indicators	July 2021 Member Services	August 2021 Member Services	September 2021 Member Services	October 2021 Member Services	November 2021 Member Services	December 2021 Member Services
KPI - Service Level						
Total Number of Call Offered						
ACD Agent Handled Calls						
Number of Abandoned Calls						
Average Hold Time Before Abandon (minutes:seconds)						
Abandon Call Rate (Goal: 3% or less)						
Number of Interflow Calls						
Interflow Rate (Goal: 3% or less)						
Average Talk Time (minutes:seconds)						

	2021
Total Member Calls	7861
Total Reception Calls	<u>0</u>
TOTAL - Both	7861

CONSENT CALENDAR

**Approve Staff Recommendation regarding Alameda
Health System's New Pay Item/Code Certified or
Registered Technicians – 21A
For approval under August 19, 2021
Board "Consent Calendar"**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: August 19, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager *SDC*

SUBJECT: **Approval of One New Pay Item/Code as “Compensation Earnable” and “Pensionable Compensation” – Alameda Health System**

Alameda Health System (AHS) requested that new pay item/code Certified or Registered Technicians – 21A be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation”. This new pay item/code establishes a footnote provision for an additional fixed \$1.00 an hour to be paid to employees in the job classification of Surgical Technician and Emergency Department Technician when they become registered and/or certified. AHS advised Staff that although the pay item/code became effective in 2012, there were no employees who qualified for this footnote until February 12, 2021. AHS further advised that Section 209 of the attached current Memorandum of Understanding (April 1, 2017 to March 31, 2020) is used until current negotiations with SEIU Local 1021 – General Chapter are complete.

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that the new pay item/code qualifies as “compensation earnable” under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members). This pay item/code is a fixed \$1.00 an hour increase to base salary that applies to more than one similarly situated employee in a group or class (in this case, employees who become registered and/or certified), and it does not fall under any of the express exclusions either for “compensation earnable” or “pensionable compensation.” 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.

Staff informed AHS that Staff’s determination will be on the Board’s consent calendar for approval at its August 19, 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 item/code is “compensation earnable” under Government Code Section 31461 (for Legacy members) and “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members).

Attachments

REQUEST FOR ACERA APPROVAL OF NEW PAY CODE

Employer Name: ALAMEDA HEALTH SYSTEM Date: 05/03/2021

Contact Person/Employer (include title/position): **Cynthia Enriquez, Senior Retirement Plans Administrator**

Contact Person Telephone: **(510) 618-2141** Email: **cyenriquez@alamedahealthsystem.org**

Pay Item Name (and code number): **21A: Certified or Registered Techs- Eff. 02-12-21**

The following information is required before ACERA can review and respond to your request. Please provide substantive responses on separate paper and return with this form 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).
Jobcode-53615-Surgical Tech, Jobcode-53645-Emergency Dept Tech
2. State employment status of employees eligible to receive the pay item (i.e., full time employees, part time employees) **full-time and part-time**
3. State the number of members or employees who are eligible to receive the pay item (i.e., all members or employers in a job classification eligible to receive the pay item, or “not to exceed one employee”) **Currently there are 48 employees in these classifications.**
4. State whether pay item is for overtime or regular base pay.
Regular pay
5. State whether pay item is calculated as a fixed amount or percentage of the base pay.
Fixed \$1.00 per hour
6. State whether the pay item is paid one time (i.e., incentive pay, referral pay, bonus, award). **This is pay for certification/registered class**
7. State whether the pay item is an ad hoc payment (i.e., stipend, payment for attending a meeting during working hours, payment for attending a meeting during non working hours). **No this is not an ad hoc payment it is part of the MOU section 209 under pay practice. The MOU April 1, 2017 to March 31, 2020 is used until the current negotiations are complete.**
8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance). **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). **This pay is for 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 work week, or outside of the employee's 40 hour work week). **Pay for normal workweek**
11. State whether the pay item is for deferred compensation. **This is not for deferred comp**
12. State whether the pay item is for retro payments. **No**
13. State whether the pay item is for accrued unused leave (i.e., sick leave, annual leave, floating holiday, vacation, comp time). **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. **No, this is a new paycode and is not compensation that had previously been provided in kind to the member.**
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). **This paycode is made while working.**
16. State whether the pay item is paid in one lump sum or bi-weekly (or over some other time period-monthly, quarterly, annually). **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). **Upon completing certifications, employee provides AHS with certification or registration and per the MOU the additional pay is awarded.**

MEMORANDUM OF UNDERSTANDING

**BETWEEN SEIU LOCAL 1021- GENERAL
CHAPTER**

AND

THE ALAMEDA HEALTH SYSTEM

April 1, 2017 to March 31, 2020

209. Effective pay period 14 of 2012, if employees in the titles Surgical Techs, Dietetic Technicians Registered, and Certified ED Techs are or become registered and/or certified, they will receive an extra \$1 an hour as a footnote.

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 the
County of Alameda's New Pay Items/Codes:**

- **Training & Compliance Coordinator – 42R**
- **Lead Water Facilities Supervisor – 42S**


**For approval under August 19, 2021 Board
“Consent Calendar”**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: August 19, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

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

The County of Alameda (County) requested that new pay item/code Training & Compliance Coordinator – 42R be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation. This new pay item/code establishes a footnote provision for additional compensation of 5% of the base pay to be paid to an employee in the job classification of Senior Deputy County Counsel (Job Code 3240SM) when assigned the responsibilities described below.

The Board of Supervisors of the County of Alameda approved adding Subsection 3-8.5 to Article 3, Section 3-18 of the Alameda County Salary Ordinance. It states: “Effective July 25, 2021, not to exceed one (1) employee in Job Code 3240SM, when designated by the appointing authority, and assigned, in addition to their regular assignment, to perform California State Bar education accreditation compliance and organization, coordination of training for new attorneys, and oversight of the mentoring program for the Summer and Graduate Law Clerks, shall receive an additional five percent (5%) compensation of the base pay.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay item/code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members). However, this pay item/code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). 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 August 19, 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 item/code Training & Compliance Coordinator – 42R from “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



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

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

Employer Name:	County of Alameda
Date of Request	7/16/2021
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)	42R Training & Compliance Coord.
Pay Item Effective Date per authorization:	7/25/2021
State if additional documentation is attached	Yes – Board Letter

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

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

RESPONSE #1: 3240SM – Senior Deputy County Counsel

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: Not to exceed 1 employee

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 5% of base pay

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

RESPONSE #6: No

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

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

RESPONSE #7: No

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

RESPONSE #8: No

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

RESPONSE #9: 40 hour workweek

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

RESPONSE #10: No

11. State whether the pay item is for deferred compensation

RESPONSE #11: No

12. State whether the pay item is for retro payments

RESPONSE #12: No

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

RESPONSE #13: 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)

RESPONSE #15: No



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

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 3-18, Subsection 3-8.5

3-8.5 - Effective July 25, 2021, not to exceed one (1) employee in Job Code 3240SM, when designated by the appointing authority, and assigned, in addition to their regular assignment, to perform California State Bar education accreditation compliance and organization, coordination of training for new attorneys, and oversight of the mentoring program for the Summer and Graduate Law Clerks, shall receive an additional five percent (5%) compensation of the base pay.

Office of the Auditor-Controller
1221 Oak St., Suite 249
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Dublin, CA 94568
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Fax: (510) 208-9858

SECOND READING - CONTINUED FROM 06/29/2021



AGENDA NO. _____ June 29, 2021

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

Human Resource Services

June 29, 2021

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

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO: 1) AMEND SUBSECTION 1-1.1 TO ADJUST THE SALARY RANGE STRUCTURE FOR THE CLASSIFICATIONS OF SHERIFF'S OFFICE PILOT (SAN) (JC #8561N) AND SHERIFF'S OFFICE CHIEF PILOT (SAN) (JC #8562N) AND INCREASE THE SALARIES FOR CLASSIFICATIONS OF SUPERVISNG APPRAISER I (JC #2623SM) AND ASSESSOR'S REPRESENTATIVE (JC #2622PA); AND 2) ADD NEW SUBSECTION 3-8.5 (FOOTNOTE FOR JC #3240SM)

Dear Board Members:

RECOMMENDATIONS:

Adopt Salary Ordinance amendments to:

- A. Update Article 1, Section 1-1 (Pay Rate Schedules), subsection 1-1.1 to: i) adjust the salary range structure for the Unrepresented classifications of Sheriff's Office Pilot – Services as Needed (SAN) (Job Code ("JC") #8561N) and Sheriff's Office Chief Pilot (SAN) (JC# 8562N), located in the Alameda County Sheriff's Office ("ACSO"), and ii) increase the salaries for the classifications of Supervising Appraiser I (JC #2623SM) and Assessor's Representative (JC #2622PA), located in the Assessor's Office, effective July 25, 2021; and
- B. Add new subsection 3-8.5 to Article 3, Section 3-8 (County Counsel Department), to establish a footnote for one employee in the Senior Deputy County Counsel (JC #3240SM) classification, when designated, to receive additional compensation of five percent (5%) of the base pay effective July 25, 2021.

DISCUSSION/SUMMARY:

At the request of ACSO, Human Resource Services Department ("HRS"), Personnel Services Division ("PSD") conducted an updated survey of the salary range structure for the classifications of Sheriff's Office Pilot (SAN) (JC #8561N) and Sheriff's Office Chief Pilot (SAN) (JC# 8562N). HRS PSD determined that salary adjustments for said classifications are warranted to align with the salary of other non-sworn pilots serving in a similar capacity for law enforcement agencies throughout the state. As a result, staff recommends that your Board approve adjusting the salary ranges of the Sheriff's Office Pilot (SAN) (JC #8561N) and Sheriff's Office Pilot (SAN) (JC# 8562N) classifications as reflected in the Salary Ordinance amendment.

In addition, we recommend increasing the salaries for two (2) classifications of Supervising Appraiser I (JC #2623SM) and Assessor's Representative (JC #2622PA) in the Assessor's Office, represented by the ACMEA General Government Unit, due to compaction and promotional opportunity for the classification of Appraiser III (JC #2620NM). Further, we recommend increasing the salary for the Assessor's Representative (JC #2622PA) classification due to an administrative error. As such, staff recommends increasing the salary of Supervising Appraiser I (JC #2623SM) by approximately 9.54% and Assessor's Representative (#2622PA) by approximately 0.26% to align the salaries to the classification of Training Officer, Assessor (JC #2624PA) effective July 25, 2021.

An Equal Opportunity Employer

Lastly, staff recommends that your Board approve establishing one (1) new footnote for one (1) employee in the unrepresented classification of Senior Deputy County Counsel (JC #3240SM) in OCC. The new footnote provides an additional compensation of five percent (5%) of the base pay for said employee, when designated by the appointing authority, and assigned, in addition to their regular assignment, to monitor and ensure compliance with the California State Bar education accreditation, coordinate training for new attorneys, and oversee the mentoring program for the Summer and Graduate Law Clerks, effective July 25, 2021.

SECTION II

Article 3, Section 3-18, Subsection 3-8.5 of the County of Alameda Salary Ordinance is hereby added, to read as follows:

3-8.5 - Effective July 25, 2021, not to exceed one (1) employee in Job Code 3240SM, when designated by the appointing authority, and assigned, in addition to their regular assignment, to perform California State Bar education accreditation compliance and organization, coordination of training for new attorneys, and oversight of the mentoring program for the Summer and Graduate Law Clerks, shall receive an additional five percent (5%) compensation of the base pay.

Training + Compliance Coord

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.



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: August 19, 2021

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

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

The County of Alameda (County) requested that new pay item/code Lead Water Facilities Supervisor – 42S be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation. This new pay item/code establishes a footnote provision for additional compensation of 5% of the base pay to be paid to an employee in the job classification of Water Facilities Supervisor, Zone 7 (Job Code 4990).

On July 22, 2021, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District approved adding Section 4.15, Lead Water Facilities Supervisor, to Appendix A, Footnotes to Salary Schedule to be effective July 25, 2021. It states: “Not to exceed one (1) person occupying a position under Job code 4990 Water Facilities Supervisor, Zone 7, when assigned by the General Manager, the responsibility to function in a lead capacity to other employees in the same job code in the Operations section, and serve as primary support to the Production Manager, shall receive an additional five (5) percent compensation.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay item/code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members). However, this pay item/code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). 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 August 19, 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 item/code Lead Water Facilities Supervisor – 42S from “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



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

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

Employer Name:	County of Alameda
Date of Request	7/30/2021
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)	42S Lead Water Facilities Suprv
Pay Item Effective Date per authorization:	7/25/2021
State if additional documentation is attached	Yes – Board Letter, Zone7

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: 4990 – Water Facilities Supervisor, Zone7

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: Not to exceed 1 employee

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 5% 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: 40 hour workweek

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

RESPONSE #10: No

11. State whether the pay item 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)

RESPONSE #15: No



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

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: Zone7 Resolution No. 21-57, Section 4.15

SECTION 4.15 LEAD WATER FACILITIES SUPERVISOR
(ACMEA)

Not to exceed one (1) person occupying a position under Job code 4990 Water Facilities Supervisor, Zone 7, when assigned by the General Manager, the responsibility to function in a lead capacity to other employees in the same job code in the Operations section, and serve as primary support to the Production Manager, shall receive an additional five (5) percent compensation.

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ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO. 21-57

INTRODUCED BY DIRECTOR SANWONG
SECONDED BY DIRECTOR PALMER

Amendment to Appendix A, Footnotes to Salary Schedule – New Footnote

BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby approve the attached amendment to Appendix A, Footnotes to Salary Schedule, add Section 4.15 Lead Water Facilities Supervisor, for Alameda County Management Employees (ACMEA); and

BE IT FURTHER RESOLVED that Footnotes Section 4.15 shall be effective July 25, 2021; and

BE IT FURTHER RESOLVED that the General Manager of Zone 7 is hereby authorized and directed to execute this amendment.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS FIGUERS, GAMBS, GREEN, PALMER, RAMIREZ HOLMES, SANWONG, SMITH MCDONALD

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on July 21, 2021.

DocuSigned by:

By: Angela Ramirez Holmes
BD65CA6EE00E431
President, Board of Directors

Footnote Amendment to Appendix A

ADD FOOTNOTE:

SECTION 4.15 LEAD WATER FACILITIES SUPERVISOR
(ACMEA)

Not to exceed one (1) person occupying a position under Job code 4990 Water Facilities Supervisor, Zone 7, when assigned by the General Manager, the responsibility to function in a lead capacity to other employees in the same job code in the Operations section, and serve as primary support to the Production Manager, shall receive an additional five (5) percent compensation.

Adopted: July 22, 2021

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.

CLOSED SESSION

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

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

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

NEW BUSINESS

7.A. Chief Executive Officer's Report.



*Office of the Chief Executive Officer
Office of Administration*

DATE: August 19, 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 2021	On-going	The general guidelines of the Plan have been developed and implemented. We are responding to changes as necessary based on new information.

Conference/Event Schedule

None

Other Items

COVID-19 Responses

We have been open to customers by appointment on Tuesdays and Thursdays since mid-June. We have had very few appointments made since that time. We have continued to stress digital tools, web services, and phone/Zoom appointments to meet their needs, and the overwhelming majority are still using those methods of interaction.

To serve these customers, we had half of our Benefits Staff come in to the office one day, and the other half the next day. However, given the low use of in-person interactions, we have scaled back the number of benefits team members coming on-site. Additional team members from other units, such as our IT unit, are also on-site in order to support the benefits people in the office. The remainder of the team members continue to work their prior schedule, with most working from home. We will continue to promote virtual service delivery options as the primary means of meeting our customers' needs.

Given the rising spread of the Delta variant, we are considering altering this schedule, and returning to a fully virtual customer service environment. Many employers are reconsidering their plans in light of the current surge. The County had plans to open for customers in the early Fall, but that may be changing. Currently, the County has not made any changes to work site requirements regarding employee mask use and social distancing. These are still required in County work sites.

Pension Administration System Update

The project is continuing to work through its phases. We have completed the first two deliverables, and we are now working on Deliverable three.

Given the schedule delay due to the file layout and timing information from the County, we continue to try to find time as the project progresses, but it is unlikely we will be able to return to our original end date. We are now looking at later in 2024 as the final implementation of all elements of the new system.

Board Election

We are conducting an election for the vacant Seat 2. The Nomination Period begins August 30, which is when packets will be made available to interested candidates. Completed Nomination Packets are due to ACERA by September 27th. A Trustee previously raised the issue of the signature requirement, given the difficulties of the pandemic. We have researched this, and found that the requirement for original signatures is not statutory, or required by policy. It is a function of the form directions that ask for an original copy of the Nomination Packet, which has the signatures included. The Registrar of Voters has confirmed that their requirements for original signatures in their various election processes has not changed during the pandemic. We have received an inquiry from an interested party whether original signatures will still be required. At the Board meeting, during my CEO report, I will solicit feedback from the Board whether there is a consensus to allow copies of signatures in lieu of the originals.

Repeal of Governor's Emergency Orders

The Governor's Office provided communication repealing the Order suspending the Retiree Return to Work provisions, effective June 30, 2021. The Order was worded awkwardly, and ACERA interpreted it to mean all retirees hired under the relaxed COVID-19 related standards will now need to comply with statutory hourly and position limitations. We communicated that to our employers in June, and updated our website accordingly.

In early July, CalPERS issued a circular newsletter to all their employers that the Governor's Order reinstated most of the restrictions, but not the 960 hour limitation. At the time of writing this memo, we are attempting to get clarity about the intent and accurate interpretation of the June repeal Order from the Governor. Once we receive this, we will communicate to the affected parties if there is a change in our interpretation.

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 June of 2021: .00%.</i>
EFFECTIVE PLAN ADMINISTRATION	
Actual Spent vs. Approved Budget	<i>On budget or 10% below 2021 approved budget As of end of June 2021: 9% 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 2nd Quarter of 2021: 91%</i>

CLOSED SESSION

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.

IF THERE ARE ANY MATERIALS TO BE DISTRIBUTED FOR AGENDA ITEM 12.A. ABOVE, THEY WILL BE DISTRIBUTED UNDER SEPARATE COVER.