



Alameda County Employees' Retirement Association
BOARD OF RETIREMENT

NOTICE and 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, March 20, 2025
2:00 p.m.

LOCATION AND TELECONFERENCE	BOARD OF RETIREMENT TRUSTEES	
ACERA C.G. "BUD" QUIST BOARD ROOM 475 14 TH STREET, 10 TH FLOOR OAKLAND, CALIFORNIA 94612-1900 MAIN LINE: 510.628.3000 FAX: 510.268.9574 The public can observe the meeting and offer public comment by using the below Webinar ID and Passcode after clicking on the below link or calling the below call-in number. Link: https://zoom.us/join Call-In: 1 (669) 900-6833 US Webinar ID: 879 6337 8479 Passcode: 699406 For help joining a Zoom meeting, see: https://support.zoom.us/hc/en-us/articles/201362193	KELLIE SIMON	ELECTED GENERAL
	CHAIR	
	TARRELL GAMBLE	APPOINTED
	FIRST VICE-CHAIR	
	ELIZABETH ROGERS	ELECTED RETIRED
	SECOND VICE-CHAIR	
	OPHELIA BASGAL	APPOINTED
	KEITH CARSON	APPOINTED
	ROSS CLIPPINGER	ELECTED SAFETY
	HENRY LEVY	TREASURER
STEVEN WILKINSON	APPOINTED	
GEORGE WOOD	ELECTED GENERAL	
CYNTHIA BARON	ALTERNATE RETIRED ¹	
KEVIN BRYANT	ALTERNATE SAFETY ²	

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

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

Note regarding accommodations: If you require a reasonable modification or accommodation for a disability, please contact ACERA between 9:00 a.m. and 5:00 p.m. at least 72 hours before the meeting at accommodation@acera.org or at 510-628-3000.

Public comments are limited to four (4) minutes per person in total. The order of items on the agenda 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 posted online at www.acera.org and also may be inspected at 475 14th Street, 10th Floor, Oakland, CA 94612-1900.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. CONSENT CALENDAR:

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

A. REPORT ON SERVICE RETIREMENTS:

Appendix A

B. LIST OF DEFERRED RETIREMENTS:

Appendix B

C. LIST OF DECEASED MEMBERS:

Appendix C

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

None

E. APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS:

Appendix E

F. APPROVE UNCONTESTED HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS AND DEATH BENEFITS:

None

G. APPROVE MINUTES of BOARD and COMMITTEE MEETINGS:

February 20, 2025 Minutes of the Regular Board Meeting

February 20, 2025 Audit Committee Minutes

March 5, 2025 Operations Committee Minutes

March 5, 2025 Investment Committee Minutes

H. MISCELLANEOUS:

- *Quarterly Report on Member Underpayments and Overpayments*
- *4th Quarter Call Center Report*
- *Approve Staff Recommendation regarding Alameda Health System's New Pay Item/Code: Missed Meal Penalty – 421*
- *Approve Staff Recommendation regarding Alameda Health System's New Pay Item/Code: Missed Break Penalty – 422*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code: Onboard Training-SHRF SA/Tech – 843*

H. MISCELLANEOUS (Continued):

- Approve Staff Recommendation regarding the County of Alameda’s New Pay Item/Code: Lead Resp – Ben Accountant EBC – 43E
- Approve Staff Recommendation regarding the County of Alameda’s New Pay Item/Code: Suprv Duties Exec Asst CAO – 43F
- Approve Staff Recommendation regarding the County of Alameda’s Pay Item/Code: Speclized/Indep-Cmplx Corr Tsk – 40I

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

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

5. DISABILITY, DEATH AND OTHER BENEFIT CLAIMS:

The following Item will be addressed in Closed Session, pursuant to Gov’t Code 54957(b):

- A. Service-Connected Disability Retirement Application of Ara Hayes, Eligibility Support Clerk, Alameda County Social Services Agency: Consideration of Hearing Officer’s Proposed Findings of Fact and Recommended Decision, per Gov’t Code § 31534.
- B. Service-Connected Disability Retirement Application of Steven Mullineaux, Deputy Sheriff II, Alameda County Sheriff’s Office: Consideration of Hearing Officer’s Proposed Findings of Fact and Recommended Decision, per Gov’t Code § 31534.

6. COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS:

- A. Operations: [See March 5, 2025 Operations Committee Agenda Packet for public materials related to the below listed items.]
 1. Summary of March 5, 2025 Meeting.
 2. Motion to adopt the Operations Committee’s recommendation regarding the *Board Travel Policy* (International).
 3. Motion to adopt the Operations Committee’s recommendation regarding the *Board Education Policy*.
 4. Discussion and possible motion to revise the *Error Correction Policy*.

- B. Investment: [See March 5, 2025 Investment Committee Agenda Packet for public materials related to the below listed items.]**
 - 1. Summary of March 5, 2025 Meeting.
 - 2. Motion to Select ARGA Investment Management, LP, as an ACERA Emerging Markets Manager, pending competition legal and investment due diligence and successful contract negotiations, as recommended by the Investment Committee.

- 7. NEW BUSINESS:**
 - A.** Discussion and Possible Motion regarding Committee and Board Meeting Schedule.
 - B.** Discussion regarding the Inclusion of the Alameda County Local Agency Formation Commission as an ACERA Employer.
 - C.** Chief Executive Officer’s Report.

- 8. CONFERENCE/ORAL REPORTS**

- 9. ANNOUNCEMENTS**

- 10. BOARD INPUT**

- 11. ESTABLISHMENT OF NEXT MEETING:**
Thursday, April 17, 2025 at 2:00 p.m.

- 12. CLOSED SESSION:**
 - A.** See Items 5A and 5B above.
 - B.** Existing litigation pursuant to paragraph (1) of subdivision (d) of Section 54956.9: LACERA v. County of Los Angeles et al., California Supreme Court Case No: S286264.

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

- 14. ADJOURNMENT**

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

ALEGADO-SARMIENTO, Amelia
Effective: 12/7/2024
Alameda Health System

IGNACIO, Fe
Effective: 11/23/2024
Alameda Health System

BEST, Romaine K.
Effective: 12/4/2024
Alameda Health System

KELLY-PAEZ, Rita
Effective: 1/4/2025
Alameda Health System

BRITT, William
Effective: 11/22/2024
Alameda Health System

KLEINMAN, Craig S.
Effective: 12/7/2024
Alameda Health System

CABRERA, Jose
Effective: 12/5/2024
Sheriff's Office

MAPP, Crystal
Effective: 12/13/2024
Alameda Health System

CHRISTIAN-GILMORE, Rodney
Effective: 12/22/2024
Alameda Health System

MENDIOLA, Annie T.
Effective: 1/1/2025
Superior Court

DAVIS, Darla
Effective: 1/2/2025
Social Services Agency

MILLENA, Avelina B.
Effective: 12/21/2024
Alameda Health System

DAVIS, Douglas
Effective: 12/15/2024
Probation

MILLENA, Robert
Effective: 12/21/2024
Alameda Health System

DIXON, Denise
Effective: 12/22/2024
Alameda Health System

NG, Elizabeth S.
Effective: 12/7/2024
Alameda Health System

GEORGES, Wendy
Effective: 1/4/2025
Alameda County Health

NGUYEN, Bang Le
Effective: 11/3/2024
Alameda Health System

HAMILTON, Anika K.
Effective: 12/21/2024
Superior Court

PAGAN, Adele M.
Effective: 12/24/2024
Alameda County Health

HARRIS, Kamala
Effective: 1/21/2025
District Attorney

PINKNEY, Levine
Effective: 11/12/2024
Alameda County Health

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

RIOS, Jennifer
Effective: 12/16/2024
District Attorney

SRIVASTAVA, Rupa
Effective: 12/3/2024
Alameda Health System

RODRIGUES, Denise
Effective: 1/1/2025
Alameda Health System

TODD, Angela
Effective: 1/7/2025
Alameda Health System

SMITH, Aaron
Effective: 12/21/2024
Sheriff's Office

TOM, Henry
Effective: 12/31/2024
Sheriff's Office

SMITH, Latonia
Effective: 12/7/2024
Housing & Community Development

WASHINGTON, Steve L.
Effective: 12/8/2024
Probation

WOODS, Felicia R.
Effective: 12/1/2024
Alameda Health System

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

BROWN, Aisha B.
Board of Supervisors
Effective Date: 1/3/2025

HAMM, Janice S.
Sheriff's Office
Effective: 1/3/2025

BWOGI, Roy M.
Behavioral Health Care Services
Effective: 12/27/2024

HILL, Joyce
Alameda Health System
Effective: 12/31/2024

CARRILLO, Brittany N.
Alameda Health System
Effective: 12/3/2024

INGRAM, Tina L.
Alameda Health System
Effective: 1/3/2025

CHO, Andy H.
Public Works Agency
Effective: 1/3/2025

ISCANDARI, Abdul
Alameda Health System
Effective: 1/10/2025

FICKES, Mark
Superior Court
Effective: 1/2/2025

ISLES, Laura A.
Board of Supervisors
Effective: 1/3/2025

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

MALE, Melissa
Human Resource Services
Effective: 1/3/2025

MILANES, Myrell Jade
Alameda Health System
Effective: 12/19/2024

MALHI, Sarbhjot
Board of Supervisors
Effective: 8/21/2024

MOON, Whitney
Behavioral Health Care Services
Effective: 10/18/2024

MALONE, Stephen
General Services Agency
Effective: 8/30/2024

NASSOR-COVINGTON, Tarik
Child Support Services
Effective: 8/30/2024

MANCHAMEE, Lesley
Behavioral Health Care Services
Effective: 11/22/2024

NOVAK, Marisol
Environmental Health
Effective: 8/23/2024

MARTINEZ ALEMAN, Anahi
District Attorney
Effective: 11/8/2024

NUTI, Elizabeth
Public Health
Effective: 11/26/2024

MARUCUT, Ruby - Rose
Social Services Agency
Effective: 11/8/2024

O'BRIEN, Jonathan
Information Technology
Effective: 12/30/2024

MAYERS, Alex
Alameda Health System
Effective: 8/15/2024

OLADEHIN, Oluwaseun
Alameda Health System
Effective: 8/17/2024

MCCLENTON, Alise
Superior Court
Effective: 8/2/2024

OLIVER, Deatrice
Social Services Agency
Effective: 9/26/2024

MELLO, Jenifer
District Attorney
Effective: 11/22/2024

OLOGBOSELE, Anne
Behavioral Health Care Services
Effective: 10/4/2024

MERAZ, Jason
Public Works Agency
Effective: 11/1/2024

ORDONEZ, Corey
Superior Court
Effective: 9/13/2024

MICHAELSON, Lauren
Public Defender
Effective: 12/1/2024

ORTIZ, Mayra
Alameda Health System
Effective: 8/16/2024

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

PALACIOS, Jorge
Alameda Health System
Effective: 8/21/2024

RAMIREZ, Evelyn
Sheriff's Office
Effective: 9/6/2024

PALMER, Gabrielle
Community Development Agency
Effective Date: 12/2/2024

REED, Carolyn
Children And Family Services
Effective: 9/4/2024

PAWLONEK, James
Environmental Health
Effective: 12/6/2024

RIVERA, Roberto
Social Services Agency
Effective: 8/16/2024

PEDREIRA, Neil
First 5 Alameda County
Effective: 12/8/2024

ROBINSON, Aminah
Public Health
Effective: 10/29/2024

PERRY, Andrew
Alameda Health System
Effective: 11/1/2024

RODRIGUEZ LOPEZ, Carlos
Sheriff's Office
Effective: 7/12/2024

PHAM, Anthony
Sheriff's Office
Effective: 12/30/2024

RONQUILLO, Selena
District Attorney
Effective: 9/27/2024

POWE, Frank
Housing Authority
Effective: 10/15/2024

RUBALCAVA, Zulema
First 5 Alameda County
Effective: 12/10/2024

PRADO, Sondra
Auditor-Controller
Effective: 9/11/2024

SALAZAR, Tanika
Children And Family Services
Effective: 9/6/2024

PRICE, Pamela
District Attorney
Effective: 12/5/2024

SANDERSON, Cheryl
Social Services Agency
Effective: 10/25/2024

QUILIZA, Chastity
Alameda Health System
Effective: 10/2/2024

SANTANA, Georgina
Superior Court
Effective: 12/19/2024

QUINTERO SOLIS, Jonathan
District Attorney
Effective: 11/8/2024

SCHILLER, Sue
Sheriff's Office
Effective: 12/26/2024

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

SCOTT, Dana
Social Services Agency
Effective: 12/27/2024

SUAREZ, Mario
Adult & Aging Services
Effective: 12/6/2024

SCOTT, Mark
Human Resource Services
Effective: 1/3/2025

SUN, Hung-Wen
Alameda Health System
Effective Date: 8/30/2024

SERRANO, Francesca
Public Defender
Effective: 11/29/2024

TAN, Antonio
Social Services Agency
Effective: 11/13/2024

SEXTON, Meagan
Sheriff's Office
Effective: 9/7/2024

TATE, Candace
Alameda Health System
Effective: 1/10/2025

SHAPIRO, Clea
First 5 Alameda County
Effective: 10/4/2024

TOMS, Delaney
Sheriff's Office
Effective: 11/30/2024

SHARMA, Rashmi
Behavioral Health Care Services
Effective: 9/20/2024

TORIBIO, Amarilis
Alameda Health System
Effective: 9/13/2024

SIKAT, Carren
Auditor-Controller
Effective: 10/30/2024

TRUONG, Paul
Superior Court
Effective: 12/13/2024

SIMMONS, Joseph
Alameda Health System
Effective: 10/17/2024

UTH, Sangkream
Information Technology Department
Effective: 11/20/2024

SINGH, Pretika
Superior Court
Effective: 11/15/2024

VALDEZ, Jessica
Community Development Agency
Effective: 9/6/2024

SIOSON, Jacqueline
Alameda Health System
Effective: 9/2/2024

VERDUZCO ZARAGOZA, Daniela
Superior Court
Effective: 11/8/2024

SMITH, Dwight
Alameda Health System
Effective: 12/6/2024

VOONG, Marvin
Information Technology Department
Effective: 12/6/2024

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

VOROPAEFF, Luke
Alameda Health System
Effective: 1/3/2025

WILLIE, Shandy
Social Services Agency
Effective: 1/2/2025

VUONG, Todd Thanh
Sheriff's Office
Effective: 1/3/2025

YOUNG, Grenita
Adult & Aging Services
Effective: 12/3/2024

WANNAMAKER, Macy
Alameda County Health
Effective: 8/23/2024

YUAN, Betsy
Behavioral Health Care Services
Effective: 10/25/2024

WATSON, Carol
Social Services Agency
Effective: 8/28/2024

ZAMULA, Nataliya
Assessor
Effective: 12/6/2024

WEARY, Joshua
District Attorney
Effective: 8/5/2024

ZATCOFF, Tyler
Probation
Effective: 1/3/2025

WILLIAMS, Ashley
Social Services Agency
Effective: 12/31/2024

ZAVALA, Leonardo
Environmental Health
Effective: 11/22/2024

WILLIAMS, Dymin
Adult & Aging Services
Effective: 12/31/2024

ZEPEDA, Madeline
Public Defender
Effective: 12/6/2024

**APPENDIX C
LIST OF DECEASED MEMBERS**

ANDERSON, Barbara D.
Sheriff's Office
2/2/2025

CAMPBELL, Marilyn M.
Alameda Health System
2/1/2025

ANDREWS, Kathleen
Alameda Health System
2/13/2025

CONNER, Keith B.
Sheriff's Office
1/19/2025

BLOM, Damon M.
Information Technology Department
1/21/2025

GIFFORD, Michael T.
Social Services Agency
1/18/2025

**APPENDIX C
LIST OF DECEASED MEMBERS**

GREENE, Julia A.
Behavioral Health Care Services
1/29/2025

MCCABE, Samuel
Alameda Health System
2/19/2025

HAMEL, Jeanne
Probation
1/11/2025

MCGUIRE, Louise
Social Services Agency
11/8/2024

HENDERSON, Kimberly M.
Probation
1/26/2025

MITCHELL ABERNATHY, Lisa G.
Probation
1/28/2025

JOHNSON, Mary E.
Alameda Health System
2/3/2025

NOBLE, James
Public Defender
1/15/2025

JOJIEF, Mr.
Public Works Agency
1/23/2025

PAYNE, Donna M.
Housing Authority
2/8/2025

KIELTY, Lorraine
Alameda County Health
1/23/2025

RADFORD, Carolyn L.
Social Services Agency
2/8/2025

LEVY, Judith M.
Social Services Agency
2/7/2025

RAMEY, Julius
Public Works Agency
2/11/2025

LOPEZ, Manolito
Non-Member DRO Recipient of Clamarosa
B. Balanza
2/5/2025

RUNDSTROM, Lynn F.
Survivor of William E. Rundstrom
2/19/2025

MAZER, Shelly
Social Services Agency
2/14/2025

STANLEY, James C.
Public Works Agency
1/20/2025

MC CUAN, David N.
District Attorney
2/5/2025

STOCKEL, Robert J.
Community Development Agency
2/17/2025

TEMPLETON, Ted
Public Works Agency
1/28/2025

**APPENDIX C
LIST OF DECEASED MEMBERS**

THONACK, Joan E.
Survivor of Eugene Thonack
2/22/2025

VALLEJOS, Luisa L.
General Services Agency
1/17/2025

TOLEDO, Frank J.
Public Works Agency
1/29/2025

WOOLING, Howard J.
General Services Agency
1/18/2025

**APPENDIX F
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS**

Name: Carone, Carrie-Ana
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. Carone's application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.

Based on the Medical Advisor's finding regarding Ms. Carone's ability to ascertain the permanency of her incapacity on or before the date following the day for which she last received regular compensation, to deny Ms. Carone's request for an earlier effective date.

Name: Klingenberg, Vikki
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. Klingenberg's application for a service-connected disability, and requiring annual medical examinations and questionnaires at this time.

APPENDIX F
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: **Martin, Monica**
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. Martin’s application for a service-connected disability, and waiving annual medical examinations and questionnaires.

Based on the Medical Advisor’s finding regarding Ms. Martin’s inability to ascertain the permanency of her incapacity until after the date following the day for which she last received regular compensation, to grant Ms. Martin’s request for an earlier effective date.

Name: **Micke, Daniel**
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. Micke’s application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.

Name: **Paddock, Kevin**
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. Paddock’s application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.

Based on the Medical Advisor’s finding regarding Mr. Paddock’s ability to ascertain the permanency of his incapacity on or before the date following the day for which he last received regular compensation, to deny Mr. Paddock’s request for an earlier effective date.

APPENDIX F
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: Paterson, Kyle
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. Paterson’s application for a service-connected disability, and requiring annual medical examinations and questionnaires at this time.

Name: Pope, Monica
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. Pope’s application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.

Name: Tolliver, Lynnette
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. Tolliver’s application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.

Name: Turner, Brent
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. Turner’s application for a service-connected disability, and waiving annual medical examinations and questionnaires at this time.



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

Thursday, February 20, 2025

Chair Kellie Simon called the meeting to order at 2:05 p.m.

Trustees Present: Keith Carson
Ross Clippinger
Tarrell Gamble
Henry Levy
Elizabeth Rogers
Kellie Simon
Steven Wilkinson
George Wood
Kevin Bryant (*Alternate*)

Trustees Excused: Ophelia Basgal
Cynthia Baron (*Alternate*)

Staff Present: Victoria Arruda, Human Resource Officer
Carlos Barrios, Assistant Chief Executive Officer-Benefits
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
Erica Haywood, Fiscal Services Officer
Jessica Huffman, Benefits Manager
Harsh Jadhav, Chief of Internal Audit
Vijay Jagar, Retirement Chief Technology Officer, ACERA
Lisa Johnson, Assistant Chief Executive Officer-Operations
David Nelsen, Chief Executive Officer
Jeff Rieger, Chief Counsel
Betty Tse, Chief Investment Officer

PUBLIC INPUT

Gina Prosser appeared via Zoom to (1) request immediate Board action regarding the death benefits of ACERA retired member Gloria Jean Contreras, and (2) complain about Chief Counsel Jeff Rieger's handling of that matter.

**CONSENT CALENDAR
REPORTS AND ACTION ITEMS**

REPORT ON SERVICE RETIREMENTS

Appendix A

LIST OF DEFERRED RETIREMENTS

Appendix B

LIST OF DECEASED MEMBERS

Appendix C

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

None

**APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS**

None

**APPROVE UNCONTESTED HEARING OFFICER RECOMMENDATIONS FOR
DISABILITY RETIREMENTS AND DEATH BENEFITS**

None

APPROVE MINUTES of BOARD and COMMITTEE MEETINGS

January 16, 2025 Minutes of the Regular Board Meeting

February 5, 2025 Retirees Committee Minutes

February 5, 2025 Investment Committee Minutes

MISCELLANEOUS

- *Operating Expenses as of 12/31/24*
- *Un-Audited Financial Statements as of 12/31/24*
- *Actual Cash Report as of 12/31/24*
- *Board Member Conference Expense Report for 4th Qtr. 2024*
- *Senior Manager Conference and Training Expense Report for 4th Qtr. 2024*
- *Approve Staff Recommendation regarding the County of Alameda's Pay Item/Code:*
- *Grade 2 (D2) Certificate-CDPH – 40F*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code: Supervising Eligibility Technician 4-6 Hour Shift – 833*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code: Child Welfare Supervisor 8 Hour Shift – 834*

25-08

It was moved by Elizabeth Rogers and seconded by Keith Carson that the Board adopt the Consent Calendar. The motion carried 8 yes (Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson, Wood), 0 no, and 0 abstentions.

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

DISABILITY, DEATH AND OTHER BENEFIT CLAIMS

It was noted that ACERA Outside Counsel Ashley Dunning was available, via Zoom, for both the Estolas and Ennor matters if the Board decided to adjourn into Closed Session to obtain confidential legal advice.

Chief Counsel Jeff Rieger reported that the Jennifer Estolas' Death Benefit Claim (Deceased Member Lemuel Estolas) will be heard first to accommodate legal counsel's request. Mr. Rieger explained that because this is a death benefit claim, it will be discussed in Open Session, per Gov't Code § 54956.9(d)(2). However, the materials in this matter are confidential and were not included in the Public Board Packet.

Lawrence F. Padway, Ms. Estolas' Attorney, and Alameda Deputy County Counsel John A. Melis, stated their positions regarding why the Board should grant (Mr. Padway) or deny (Mr. Melis) Ms. Estolas a Service-Connected Death Benefit. Messrs. Padway, Melis and Rieger responded to Trustees' questions. After discussion, the Board made the following motion:

25-09

It was moved by Tarrell Gamble and seconded by Ross Clippinger that the Board adopt the Hearing Officer's *Proposed Findings of Fact and Recommended Decision* to deny Jennifer Estolas' application for a Service-Connected Death Benefit. The motion carried 8 yes (*Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson, Wood*), 0 no, and 0 abstentions.

Mr. Rieger reported that the Carol Maureen Ennor Death Benefit Claim (Deceased Member Oscar Rocha) will also be discussed in Open Session, per Gov't Code § 54956.9(d)(2), and that the materials in this matter are confidential and were also not included in the Public Board Packet.

Ms. Ennor's Attorney, Robert E. Frost, and Alameda Deputy County Counsel John A. Melis stated their positions regarding why the Board should grant (Mr. Frost) or deny (Mr. Melis) Ms. Ennor a Service-Connected Death Benefit. Messrs. Frost, Melis and Rieger responded to Trustees' questions. After discussion, the Board made the following motion:

25-10

It was moved by Tarrell Gamble and seconded by Keith Carson that the Board adopt the Hearing Officer's *Proposed Findings of Fact and Recommended Decision* to deny Carol Maureen Ennor's application for a Service-Connected Death Benefit. The motion carried 5 yes (*Carson, Clippinger, Gamble, Rogers, Simon*), 1 no (*Levy*), and 2 abstentions (*Wilkinson, Wood*).

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

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

Retirees:

Elizabeth Rogers reported that the Retirees Committee met on February 5, 2025, and was presented with and discussed the Supplemental Cost of Living Adjustment increase for Tier I members who retired on or before April 1, 1981, and Tier 2 members who retired on or before April 1, 2007, effective with the April 1, 2025 monthly retirement allowance.

25-11

It was moved by Elizabeth Rogers and seconded by Ross Clippinger that the Board adopt the Supplemental Cost of Living Adjustment increase for Tier I members who retired on or before April 1, 1981, and Tier 2 members who retired on or before April 1, 2007, effective with the April 1, 2025 monthly retirement allowance. This annual supplemental benefit is non-vested and is funded by the Supplemental Retiree Benefit Reserve. The motion carried 7 yes (Carson, Clippinger, Levy, Rogers, Simon, Wilkinson, Wood), 0 no, and 0 abstentions. Trustee Gamble was not present for the motion.

The Retirees Committee was presented with and discussed the following Information Items: **1)** Annual Cost of Living Adjustment (COLA); **2)** Proposed Study of the Impact on the SRBR of Granting the Full Medical Inflation Rate Assumption for the MMA Payments; **3)** 2025 Annual Retirees Committee Work Plan Review; **4)** Dental and Vision Plans Request for Proposals for 2026 Plan Coverage; **5)** Annual Health Care Planning Meeting with Retiree Representatives/Date Announcement; **6)** Report on 1099-R Processing; **7)** Report on Open Enrollment Activity; and **8)** Semi-Annual Report on ACERA's Wellness Program.

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

Investment:

George Wood reported that the Investment Committee met on February 5, 2025, and was presented with and discussed updating the *Private Equity Policy*.

25-12

It was moved by George Wood and seconded by Elizabeth Rogers that the Board adopt the Updated *Private Equity Policy*, as recommended by the Investment Committee. The motion carried 7 yes (Carson, Clippinger, Levy, Rogers, Simon, Wilkinson, Wood), 0 no, and 0 abstentions. Trustee Gamble was not present for the motion.

The Investment Committee was presented with and discussed the following Information Items: *1) Report on a possible \$60 million private credit investment under delegated authority currently in legal and investment due diligence – Orchard Global EleanTree Opportunities Fund III; 2) Capital Market Assumptions; and 3) Investment Committee meeting Work Plan for 2025.*

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

Audit:

Henry Levy reported that the Audit Committee met earlier today, and was presented with the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2024, to be performed by Williams, Adley & Company-CA, LLP.

25-13

It was moved by Henry Levy and seconded by George Wood that the Board approve the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2024, to be performed by Williams, Adley & Company-CA, LLP. The motion carried 8 yes (*Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson, Wood*), 0 no, and 0 abstentions.

The Audit Committee was presented with and discussed the following Information Items: *1) 2025 Proposed Audit Committee Work Plan; 2) Review of Annual Risk Assessment; 3) Presentation of the 2025 Internal Audit Plan; 4) Audit Results of Member Direct Deposit (Fraud) and 5) Cybersecurity Update.*

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the March 20, 2025 Board meeting.

NEW BUSINESS:

Discussion and Possible Motion regarding Committee and Board Meeting Schedule

Chief Executive Officer Dave Nelsen reminded the Board that in 2023, the Board decided to implement a pilot whereas the Retirees and Operations Committee meetings would be held, every other month, on the same day as the monthly Investment Committee meeting. Trustee Simon and Mr. Nelsen are now bringing this issue back to the Board for its reconsideration to determine whether the Board wants to keep the current schedule or change it so the Trustees have more time to review and digest the meeting materials. Mr. Nelsen provided options for the Board's consideration and the Trustees expressed their concerns. It was noted that the Chair for each Committee can reschedule their Committee meeting on a different day, as necessary. Mr. Nelsen assured the Board that Staff can accommodate any Committee/Board schedule that the Board chooses. Staff will bring back sample yearly calendars with different meeting day scenarios for the Board's review and consideration.

Presentation of ACERA's 2025 Business Plan

Mr. Nelsen gave a high-level overview regarding ACERA's 2025 Business Initiatives, which moves ACERA's Strategic Plan forward (For detailed information regarding ACERA's Business Initiatives, see ACERA's 2025 Business Plan included in Mr. Nelsen's CEO Report).

Chief Executive Officer's Report

Mr. Nelsen presented his February 20, 2025 written CEO Report which provided an update on: **1) Committee and Board Action Items; 2) Conference/Event Schedule; 3) Other Items: a) Business Planning; b) Legislation; c) 1099s; d) Budget; and 3) Key Performance Indicators.**

Mr. Nelsen provided a budget update (For detailed information, see ACERA Fiscal Services Officer Erica Haywood's Memo re Operating Expenses & Budget Summary for Year-Ended December 31 , 2024).

Mr. Nelsen reported that at the February 25, 2025 Alameda County Board of Supervisors (BOS) meeting, the Board adopted a Resolution that will allow members who retired from the County, and wish to return to active membership in ACERA, that those members will be re-employed under the original Tier that they retired under.

Tarrell Gamble requested clarification regarding Trustees' attendance at the Milken Global Conference. This issue will be further discussed at the next Operations Committee meeting.

CONFERENCE/ORAL REPORTS

Trustee Wood reported that he, Trustee Simon and Trustee Wilkinson attended the NEPC Public Funds Workshop and encouraged other Trustees to attend in the future.

ANNOUNCEMENTS

ACRE President Pete Albert inquired about whether Staff has heard anything about the Fire Fighters introducing legislation regarding Public Employees' Pension Reform Act (PEPRA) reform. Mr. Nelsen stated that during the SACRS Legislative Committee meeting, he learned that a "spot bill" with only a title, was introduced and that there is no detailed information regarding who is sponsoring the bill or what the bill is for. However, the Lobbyists are looking into the issue.

BOARD INPUT

None.

To view the February 20, 2025 Board meeting YouTube video in its entirety, go to ACERA's Website at: <https://youtu.be/CLvIBabIOUY>.

ADJOURNMENT

The meeting was adjourned at approximately 3:39 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

03/20/25

Date Adopted

APPENDIX A
REPORT ON SERVICE RETIREMENTS

ALDER, D'Anna
Effective: 12/3/2024
Child Support Services

HERNANDEZ, Irma
Effective: 11/1/2024
District Attorney

BACK, Earl
Effective: 11/4/2024
Sheriff's Office

HOVDA, Jeffery
Effective: 10/15/2024
Sheriff's Office

BOLLES, Jaime
Effective: 11/15/2024
Sheriff's Office

JUNIOR, Arleen
Effective: 11/1/2024
Superior Court

CUNNINGHAM, Nancy
Effective: 12/7/2024
Superior Court

KLASSEN, Ralph
Effective: 11/22/2024
Information Technology Department

EASON, Gana
Effective: 11/16/2024
Social Services Agency

LAMICA, Suzanne
Effective: 11/1/2024
ACERA

EBALANG, Merla
Effective: 12/7/2024
Alameda County Health

LEE, Maggie
Effective: 10/26/2024
Information Technology Department

FRANCO, Rodolfo
Effective: 10/23/2024
Sheriff's Office

MITCHELL, Danielle
Effective: 11/9/2024
Sheriff's Office

GARCIA KENNEDY, Cheryl
Effective: 11/16/2024
Alameda County Health

NOMURA, Ann
Effective: 10/17/2024
Alameda Health System

GOODLOE, Shirley
Effective: 12/7/2024
Sheriff's Office

OKRONGLIS, Carol
Effective: 12/7/2024
Superior Court

GREEN, Karen
Effective: 12/7/2024
Social Services Agency

OROZCO, Elizabeth
Effective: 11/23/2024
Superior Court

HADLEY, Randy
Effective: 12/7/2024
Probation

RADIGUE, Vicky
Effective: 12/7/2024
Social Services Agency

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

RAY, Ronald
Effective: 12/7/2024
Zone 7 Water Agency

SMERNES, Despina
Effective: 12/7/2024
Social Services Agency

REYNOLDS, Patricia
Effective: 11/9/2024
Alameda Health System

STONEBERGER, James
Effective: 9/13/2024
Sheriff's Office

SCHMIDT, Nathan
Effective: 10/16/2024
Sheriff's Office

TO, Betty
Effective: 10/26/2024
Alameda County Health

SELF III, Fred
Effective: 10/26/2024
Social Services Agency

TUCKER, Jack
Effective: 11/9/2024
Sheriff's Office

SINGH, Jatinder
Effective: 11/23/2024
General Services Agency

WILSON, Shelley
Effective: 11/23/2024
Child Support Services

YEARGIN, Frank
Effective: 10/13/2024
Probation

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

AALIMI, Idrees
Alameda County Health
Effective Date: 11/18/2024

ALLEN JR., Darrel
Behavioral Health Care Services
Effective: 11/15/2024

ABBOTT, Kerry M.
Alameda County Health
Effective: 10/4/2024

ALVAREZ, Margarita
Social Services Agency
Effective: 8/2/2024

ABRAHAM, Paige M.
Sheriff's Office
Effective: 10/16/2024

AUGUSTA JR., David C.
Social Services Agency
Effective: 9/10/2024

AFANEH, Wfah
Superior Court
Effective: 11/8/2024

AVISA, Patricia N.
Alameda Health System
Effective: 12/19/2024

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

AWOSANYA, Kuburat A.
Alameda Health System
Effective: 12/9/2024

CHU, Ronnie
Assessor
Effective: 10/29/2024

BADGER, Renae J.
Alameda Health System
Effective: 12/9/2024

CISNEROS JR., Oscar O.
General Services Agency
Effective: 10/23/2024

BASOCO-VILLARREAL, Anissa N.
Social Services Agency
Effective: 11/1/2024

CRUISE CHECHAKLI, David
Superior Court
Effective: 11/22/2024

BERHANE, Nebiat G.
Social Services Agency
Effective: 12/6/2024

DER KIUREGHIAN, Naira A.
Public Defender
Effective: 9/13/2024

BLANCHARD, Michael, H.
Alameda Health System
Effective: 6/8/2024

DURST, Sasha S.
Assessor
Effective: 11/8/2024

BURNETT, Aisha L.
Treasurer-Tax Collector
Effective: 12/6/2024

ELLIS DOWNS, Torrienne
Superior Court
Effective: 12/27/2024

CASTANEDA, Jhalisa A.
Superior Court
Effective: 12/10/2024

ESCOBAR, Griselda H.
Child Support Services
Effective: 10/17/2024

CASTRO AGUILAR, Viridiana
Alameda Health System
Effective: 12/2/2024

ESPARZA, Aracelia G.
General Services Agency
Effective: 10/25/2024

CHEUNG, Alice C.
Alameda Health System
Effective: 12/9/2024

FAAFIU, Saphira F.
Social Services Agency
Effective: 10/9/2024

CHOLEWIAK, Sara M.
Social Services Agency
Effective: 11/11/2024

GOMEZ, Seth R.
Alameda Health System
Effective: 10/9/2024

CHOWDHURY, Mifta
First 5 Alameda County
Effective: 12/13/2024

GONZALEZ RODRIGUEZ, Jocelyn
Sheriff's Office
Effective: 12/9/2024

APPENDIX B
LIST OF DEFERRED RETIREMENTS

GRAY, Kailie L.
County Counsel
Effective: 12/23/2024

JARBOUAI, Cari A.
Behavioral Health Care Services
Effective: 11/8/2024

HEANG, Varthana
Human Resource Services
Effective: 10/25/2024

JOHNSON, Jonathan D.
Behavioral Health Care Services
Effective: 10/15/2024

HEIFETZ, Samara D.
Behavioral Health Care Services
Effective: 11/15/2024

JONES, Lakeisha E.
Public Works Agency
Effective: 8/23/2024

HERRERA QUIANE, Mitchel
Social Services Agency
Effective Date: 12/17/2024

KAUSHAL, Paul V.
Public Works Agency
Effective: 12/13/2024

HINOJOSA TORRES, Claudia M.
District Attorney
Effective: 12/17/2024

KAZIMIERSKI, Emilian G.
Sheriff's Office
Effective: 10/22/2024

HOANG, Anny Z.
Auditor-Controller
Effective: 12/17/2024

KIM, Christina E.
Community Development Agency
Effective: 10/25/2024

HUNDLEY, Brittany D.
Alameda Health System
Effective: 12/26/2024

LAROSA, Stephanie N.
Alameda Health System
Effective: 8/17/2024

HUNT, Kiani L.
Alameda Health System
Effective: 6/23/2024

LIU, Yan
Assessor
Effective: 10/25/2024

HUSBAND, Eddie J.
Alameda Health System
Effective: 11/1/2024

LUKE, Michelle
Superior Court
Effective: 10/1/2024

INIGUEZ REYES, Cameron J.
Probation
Effective: 10/23/2024

LUSTIG, Sonya
Alameda Health System
Effective: 12/8/2024

LYNCH, Samantha S.
Alameda Health System
Effective: 8/25/2024

APPENDIX C
LIST OF DECEASED MEMBERS

BRISENO, Jo Anne
Social Services Agency
11/20/2024

DESMUKE-WRIGHT, Carrie
Social Services Agency
1/8/2025

CALBERT, James W.
Sheriff's Office
12/13/2024

FALLIS, Helen C.
Alameda Health System
12/31/2024

CAMIN, Howard
Non-Member Survivor of Beverly Camin
12/27/2024

FOSTER, Leslie
Non-Member Survivor of Robert Foster
1/1/2025

CASSON, Denise L.
Sheriff's Office
11/18/2024

FREEMAN, Charles
Non-Member Survivor of Betty Freeman
12/23/2024

CONVENTO, Fortunata
Sheriff's Office and Non-Member Survivor
of Abelardo Convento
12/22/2024

HADNOT, Norma
Alameda Health System
12/20/2024

COYLE, Dorothy
Non-Member Survivor of William J. Coyle
12/27/2024

HAMLETT, Dennis
Superior Court
1/10/2025

CUNNINGHAM, Diana G.
Alameda County Health
12/10/2024

HERUP, William
Probation
12/25/2024

DE SOUSA, Gina
Probation
12/26/2024

HOWARD, Alicia M.
Superior Court
1/15/2025

DEAN, James O.
Alameda Health System
11/28/2024

JENNER, Mina
Non-Member Survivor of James Jenner
1/12/2025

DEMING, Kathryn
Non-Member Survivor of Richard Deming
10/14/2023

KAGEYAMA, Naomi
Superior Court
12/20/2024

KRETZ, Linda L.
Social Services Agency
1/5/2025

APPENDIX C
LIST OF DECEASED MEMBERS

LEE, James F.
Alameda County Health and Non-Member
Survivor of Jessica Lee
1/15/2025

LEGRO, John
Sheriff's Office
1/9/2025

LIMON, Alicia E.
Alameda County Health
1/11/2025

LOPES, Marie F.
Social Services Agency
1/9/2025

MAGHONEY, Jack A.
Public Health
12/30/2024

MEYER, Lyn A.
Social Services Agency
12/11/2024

MITCHELL, Mary D.
Social Services Agency
12/25/2024

MOSMILLER, Thomas E.
Alameda County Health
1/20/2025

NEAL, Leona B.
Alameda Health System
12/21/2024

PEDERSEN, Egon A.
Non-Member Survivor of Inger Pedersen
1/15/2025

QUEZADA, Henry
Public Works Agency
12/20/2024

RODRIGUEZ, Helen J.
Alameda Health System
1/13/2025

SCOTT, Harry A.
Public Health
1/9/2025

SHEA, Emily A.
ACERA
1/31/2025

SMITH, Clara
Alameda Health System
11/25/2024

SPEDOWFSKI, Jewell C.
Public Defender
12/30/2024

STRELO, La Verne
Non-Member Survivor of Harry Strelo
1/2/2025

WATKINS, Thomas K.
Alameda Health System
1/3/2025

WILLIAMS, Jacqueline A.
Superior Court
1/20/2025



MINUTES OF FEBRUARY 20, 2025 AUDIT COMMITTEE MEETING

Date: February 20, 2025
To: Members of the Audit Committee
From: Henry Levy, Chair
Subject: **Summary of the February 20, 2025 Audit Committee Meeting**

The Audit Committee Chair, Henry Levy called the February 20, 2025, Audit Committee meeting to order at 12:32 p.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

Committee members present were Henry Levy, Tarrell Gamble, Steven Wilkinson, and George Wood. Other Board members present were Keith Carson and Kellie Simon. Ross Clippinger and alternate Kevin Bryant arrived after roll call

Staff present were David Nelsen, Chief Executive Officer; Lisa Johnson, Assistant Chief Executive Officer; Carlos Barrios, Assistant Chief Executive Officer; Jeff Rieger, Chief Counsel; Harsh Jadhav, Chief of Internal Audit; Vijay Jagar, Chief Technology Officer; Betty Tse, Chief Investment Officer; Erica Haywood, Fiscal Services Officer; and Jessica Huffman, Benefits Manager. Sandra Dueñas-Cuevas, Benefits Manager; and Victoria Arruda, Human Resource Officer attended via Zoom.

PUBLIC COMMENT

None

ACTION ITEMS

External Audit

- 1. Presentation, discussion, and possible motion to approve the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2024, to be performed by Williams, Adley & Company-CA, LLP**

Robert Griffin and Kenneth Yu of Williams, Adley & Company-CA, LLP. (WACO), presented and discussed the external audit scope of work and timeline for the 2024 external audit.

After discussion, it was moved by Tarrell Gamble and seconded by Steven Wilkinson, that the Audit Committee recommend to the Board of Retirement that the Board approve the external audit scope of work and timeline of services for the Financial Statements ended December 31, 2024, to be performed by Williams, Adley & Company-CA, LLP.

The motion carried 7 yes (*Carson, Clippinger, Gamble, Levy, Simon, Wilkinson, Wood*), 0 no, 0 abstentions.

INFORMATION ITEMS

External Audit

1. 2025 Audit Committee Work Plan (Proposed)

Staff presented the proposed 2025 Audit Committee work plan.

Internal Audit

1. Review of Annual Risk Assessment

Staff reviewed the Annual Risk Assessment.

2. Presentation of the 2025 Internal Audit Plan (Proposed)

Staff presented the proposed 2025 Internal Audit Plan.

3. Audit Results - Member Direct Deposit (Fraud) Audit

Staff reviewed the findings of its Member Direct Deposit Audit.

4. Cybersecurity Update

Staff gave an update on cybersecurity.

TRUSTEE INPUT AND DIRECTION TO STAFF

None

FUTURE DISCUSSION ITEMS

None

ESTABLISHMENT OF NEXT MEETING DATE

April 17, 2025

MEETING ADJOURNED

The meeting adjourned at 1:52 p.m.



MINUTES OF MARCH 5, 2025 OPERATIONS COMMITTEE MEETING

To: Members of the Operations Committee

From: Ross Clippinger, Chair

Subject: **Summary of the March 5, 2025, Operations Committee Meeting**

Committee Chair Ross Clippinger called the March 5, 2025, Operations Committee meeting to order at 9:33 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

Committee members present were Ophelia Basgal, Ross Clippinger, Tarrel Gamble, and George Wood. Also present were Henry Levy, Elizabeth Rogers, Kellie Simon and Steve Wilkinson. Keith Carson arrived after roll call.

Staff present were Lisa Johnson, Assistant Chief Executive Officer; Carlos Barrios, Assistant Chief Executive Officer (via Zoom); Jeff Rieger, Chief Counsel; Jessica Huffman, Benefits Manager (via Zoom); Sandra Dueñas-Cuevas (via Zoom), Benefits Manager; Vijay Jagar, Chief Technology Officer; Harsh Jadhav, Chief of Internal Audit; Vicki Arruda, Human Resource Officer (via Zoom); and Erica Haywood, Fiscal Services Officer.

PUBLIC INPUT

None

Action Items

1. Discussion and Possible motion to renew the Employer Reimbursement Policy with or without revision.

Recommendation: Staff recommends that the Operations Committee make a recommendation to the Board of Retirement to approve the Employer Reimbursement Policy, without revision.

Ross Clippinger, Kellie Simon, and George Wood recused themselves from all discussion and voting and left the room during the discussion based on a potential conflict of interest, given that the Policy relates to ACERA reimbursements to their employing departments for a portion of their salaries.

After discussion the Vice-Chair directed that this item be brought back to the June Operations Committee meeting with staff making redline revisions to the Detailed Breakdown of Elected Trustee ACERA activities pages.

2. Discussion and possible motion to revise the Error Correction Policy.

After discussion, the Chair directed that this item be brought back to the March Board Meeting with recommendations from staff regarding the interest charged during repayment plans based on input received from the Committee during the discussion.

3. Board Travel and Board Education Policy review, discussion, and possible motion.

Recommendations

Board Travel Policy (International):

Staff recommends consideration of a modification to section III. F. of the Board Travel Policy to incorporate an option that allows for a single travel abroad for a training opportunity per year without seeking Board pre-approval, with Board pre-approval required only for more than one travel abroad for training in a single year.

It was moved by Tarrell Gamble and seconded by Elizabeth Rogers that the Operations Committee recommend that the Board of Retirement modify section III. F. of the Board Travel Policy to require Board pre-approval only for more than one travel abroad for training in a single year.

The motion carried 6 yes (Carson, Gamble, Levy, Rogers, Wood, and Wilkinson), 2 no (Clippinger and Simon), and 0 abstentions. Ophelia Basgal was not present at time of vote.

Board Education Policy:

Staff recommends modification to the Board Education Policy to refine the process of allocating attendance at conferences and trainings when there are Brown Act limitations or limited numbers of discounts. Staff's recommended refinements are in the memorandum in the agenda backup.

It was moved by Hank Levy and seconded by Kellie Simon that the Operations Committee recommend to the Board of Retirement that the Board modify the Board Education Policy to refine the process of allocating attendance or discounts, as recommended by staff.

The motion carried 8 yes (Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wood, Wilkinson), 0 no, and 0 abstentions. Ophelia Basgal was not present at time of vote.

INFORMATION ITEMS

1. Operating Expenses as of 01/31/25.

Staff presented the Operating Expense Report. As of January 31, 2025, actual expenses were \$108K over budget. Budget overages were Staffing (\$62K over budget), and Depreciation (\$66K over budget). Budget surpluses noted were Professional Fees (\$8K under budget), Member Services (\$8K under budget), and Systems (\$4K under budget).

2. Technology Report: Update on Software Upgrades

Staff presented a Technology Report on Software Upgrades to OnBase.

TRUSTEE INPUT AND DIRECTION TO STAFF

FUTURE DISCUSSION ITEMS

June

- Operating Expenses as of 4/30/25
- MMRO Annual Report

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for Wednesday, June 18, 2025, at 9:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 10:54 a.m.

CONSENT CALENDAR ITEM

**March 5, 2025
Investment Committee Minutes
For approval under March 20, 2025
Board “Consent Calendar”**


**The March 5, 2025
Investment Committee Minutes
will be distributed under separate cover**



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: March 20, 2025

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 March 31, 2024 through September 28, 2024, 154 deaths occurred. There are five overpayments due to unreported deaths to report at this time. Staff is actively attempting to collect on these overpayments.

Staff Errors

There are no staff errors to report.

Overpayments and Underpayments of Member Contributions

This report, which is for the period March 31, 2024 through September 28, 2024, 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 eight members who underpaid their mandatory employee contributions and no members who overpaid their mandatory employee contributions. Staff reviewed and resolved the eight cases of incorrect payment. There were a total of 2,802 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 March 31, 2024 through September 28, 2024

Benefit Type	Date of Death	Date ACERA Notified of Death	Last Check Issued	Net Receivable Owed	Staff's Comment
Health Reimbursement Arrangement	2/9/2024	2/15/2024	3/7/2024	\$302.00	Via Benefits reimbursed a claim reimbursement prior to receiving notification of member's death. Four unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Continuance	4/25/2024	5/9/2024	4/30/2024	\$2,065.70	Staff initiated a reclaim request with JPMorgan but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Duty Disability Retirement	6/19/2024	7/9/2024	6/28/2024	\$4,105.72	Staff initiated a reclaim request with JPMorgan 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.
Service Retirement	1/30/2024	8/1/2024	7/31/2024	\$2,215.22	Staff received initial death report from Kaiser on 2/09/2024 that did not include date of death. Per policy, ACERA began the process to confirm the date of death to determine amounts owed. Date of death confirmation was received on 8/1/2024. Three unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Non-Duty Disability Retirement	7/25/2024	8/5/2024	7/31/2024	\$1,791.58	Staff initiated a reclaim request with JPMorgan but was unsuccessful at collecting. Two unsuccessful attempts have been made to collect the overpayment from the family. Staff will continue to attempt collection of overpayment.
Total Receivable				\$10,480.22	

**Active Members - Overpayments and Underpayments of Member Contributions
March 31, 2024 to September 28, 2024**

Alameda County					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayment 1:	\$59.35	6/17/2024	6/17/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 2:	\$65.19	7/13/2024	7/13/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Summary	Most Common Exception Type: Employer Withheld Contribution Based at Incorrect salary Total Exceptions: 1,607 % Above Exceptions of Total Exceptions: 0.12%				

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: 64 % Above Exceptions of Total Exceptions: 0%				

Alameda Health System					
	Amount	Date Discovered/ Received	Date Completed	# of days to complete	Cause
Overpayments:	No Overpayments to Report				
Underpayment 1:	\$68.21	8/26/2024	8/26/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 2:	\$55.56	8/26/2024	8/26/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 3:	\$65.95	8/26/2024	8/26/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 4:	\$55.06	8/26/2024	8/26/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 5:	\$64.41	8/26/2024	8/26/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Underpayment 6:	\$55.57	8/23/2024	8/23/2024	1	Employer Withheld Contribution Based on Incorrect Salary
Summary	Most Common Exception Type: Employer Withheld Contribution Based on Incorrect Salary Total Exceptions: 965 % Above Exceptions of Total Exceptions: 0.62%				

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	Most Common Exception Type: N/A Total Exceptions: 15 % Above Exceptions of Total Exceptions: 0%				

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: 6 % Above Exceptions of Total Exceptions: 0%				


Alameda County Superior Courts					
	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: 145 % Above Exceptions of Total Exceptions: 0%				



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: March 20, 2025

TO: Members of the Board of Retirement

FROM: Jessica Huffman, Benefits Manager 

SUBJECT: **4th Quarter 2024 Call Center Report**

Attached is the Service Level Report for the 4th quarter of 2024. Our service levels exceeded our benchmark this past quarter. The team handled a total of 5,251 incoming calls this past quarter, 94.89% of which were answered within 60 seconds. The team also responded to a total of 74 member voicemails within 1 business day or less.

The matrix below provides the five highest call volume categories for Q3 2024 and Q4 2024.

Q3 2024 Highest Volume	Categories of Calls	Q4 2024 Highest Volume	Categories of Calls
24%	Retiree Payroll Change Requests	18%	Retiree Payroll Change Requests
29%	Retirement/Membership/Job Status Change Related Q's	23%	Retirement/Membership/Job Status Change Related Q's
29%	Health/Dental/Vision related Q's	32%	Health/Dental/Vision related Q's
5%	Award Letter/EFT Statement/1099R Requests	7%	Award Letter/EFT Statement/1099R Requests
13%	Service Purchase/Retirement Estimate Requests	20%	Service Purchase/Retirement Estimate Requests

Attachment

ACERA

YTD 2024 Member Services Service Level Report

Performance Indicators	January 2024 Member Services	February 2024 Member Services	March 2024 Member Services	April 2024 Member Services	May 2024 Member Services	June 2024 Member Services
KPI - Service Level (% of calls answered within 60 seconds)	96.80%	93.57%	95.69%	96.81%	96.74%	97.29%
Total Calls Within KPI	1482	1614	1662	1488	1307	1185
Total Number of Call Offered	1548	1756	1761	1552	1366	1225
Call Center Agent Handled Calls	1531	1725	1738	1537	1351	1218
Number of Abandoned Calls	17	31	23	15	15	7
Average Hold Time Before Abandoned (minutes:seconds)	00:32	01:08	00:36	0:31	0:20	0:17
Abandoned Call Rate (Goal: 3% or less)	1.10%	1.77%	1.31%	0.97%	1.10%	0.57%
Average Talk Time (minutes:seconds)	04:41	04:32	04:41	04:42	04:40	04:42

Performance Indicators	July 2024 Member Services	August 2024 Member Services	September 2024 Member Services	October 2024 Member Services	November 2024 Member Services	December 2024 Member Services
KPI - Service Level (% of calls answered within 60 seconds)	96.49%	96.95%	97.63%	94.71%	94.00%	95.97%
Total Calls Within KPI	1292	1305	1194	1577	1677	1668
Total Number of Call Offered	1366	1364	1240	1665	1784	1763
Call Center Agent Handled Calls	1339	1346	1223	1699	1814	1738
Number of Abandoned Calls	27	18	17	34	30	25
Average Hold Time Before Abandoned (minutes:seconds)	0:36	1:05	1:05	02:03	00:39	00:34
Abandoned Call Rate (Goal: 3% or less)	1.98%	1.32%	1.37%	2.00%	1.65%	1.42%
Average Talk Time (minutes:seconds)	4:38	4:43	4:58	05:01	04:19	04:12


Total Call Center Agent Handled Calls YTD 2024
18259



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of AHS Pay Code 421 from “Compensation Earnable”**

At the January 16, 2025 Board of Retirement (Board) meeting, Staff recommended and the Board approved excluding Alameda Health System’s (AHS) new pay item/code Missed Meal Penalty – 421 from “pensionable compensation” per Government Code Section 7522.34(a) and Section 7522.34(c)(3). A final recommendation on “compensation earnable,” was deferred pending further information from AHS and internally. Attached is the January 16, 2025 memo and supporting documentation. Based on the review of the additional information, Staff and Chief Counsel made the determination that this new pay code is excluded from “compensation earnable” because it is for work outside of normal working hours per Government Code Section 31461 (b)(3) (attached).

Staff informed AHS that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 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 Missed Meal Penalty – 421 from “compensation earnable” under Government Code Section 31461 (for Legacy members).


Attachments



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: January 16, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of AHS Pay Code 421 from “Pensionable Compensation” and Deferral of Decision on “Compensation Earnable”**

Alameda Health System (AHS) requested that new pay item/code Missed Meal Penalty – 421 be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay code was established to comply with SB 1334, which was signed into law on September 29, 2022. SB 1334 aligns the meal and rest period provisions in public hospitals with those of the private sector. It only applies to non-exempt (hourly) employees. AHS plans to implement the changes to comply with SB-1334 on or after December 20, 2024.

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that this new pay code is excluded from “pensionable compensation” because it cannot reasonably be characterized as part of a “normal monthly rate of pay or base pay,” per Government Code Section 7522.34(a). Also, it is an “ad hoc” payment excluded by Section 7522.34(c)(3) and it is arguably excluded under other subdivisions of Section 7522.34 (attached).

Chief Counsel is seeking further information from AHS and internally before making a final recommendation on “compensation earnable,” so that issue will return at a future meeting (likely next month).

Staff informed AHS that its determination will be included on the Board’s Consent Calendar for its January 16, 2025 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 Missed Meal Penalty – 421 from “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members) and defer a decision on “compensation earnable” to a future meeting.

Attachments



Request for ACERA's Review of a New Pay Item

Employer Name:	Alameda Health System
Date of Request:	11/7/2024
Employer Department Submitting the Request:	payroll
Contact Person/Employer (include title/position):	Marylou Mayo-Payroll Mgr
Contact Person Telephone (include area code):	510-346-7506
Contact Person Email Address:	mlestro@alamedahealthsystem.org
Pay Item Name and Pay Code/Number:	421-MISSED MEAL PENALTY
Pay Item Effective Date per Authorization:	1/1/2023
Pay Item End Date (if applicable/known):	N/A

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 and return with all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

Please attach the approving document from your agency (Board Letter, Salary Ordinance, Side Letter, MOU Agreement, or Approving Memo from Department Head; include resolution, or similar document) that verifies the formal adoption of the new pay item.

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: ALL NON-EXEMPT EMPLOYEES

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

RESPONSE #2: ALL NON-EXEMPT EMPLOYEES

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

RESPONSE #3: ALL NON-EXEMPT EMPLOYEES

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

RESPONSE #4: THIS IS A PENALTY

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

RESPONSE #5: IT WILL BE 1 HOUR PER DAY FOR A MISSED MEAL

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

RESPONSE #6: WILL BE PAID WHEN EMPLOYEE ACKNOWLEDGES THEY MISSED A MEAL

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: THIS IS NOT AN AD HOC PAYMENT

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

RESPONSE #8: THIS IS NOT A REIMBURSEMENT

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: ALL REGULAR FULLTIME AND PARTTIME EMPLOYEES ARE ELIGIBLE

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: THIS IS NOT WORKED HOURS

11. State whether the pay item if for deferred compensation

RESPONSE #11: THIS IS NOT A DEFERRED COMP PAY

12. State whether the pay item is for retro payments

RESPONSE #12: THIS IS NOT A RETRO PAYCODE

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 THIS IS NOT FOR ACCRUED LEAVE

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: THIS A NEW PAYCODE TO COMPLY WITH SB1334

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: THIS IS NOT FOR SEVERANCE

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

RESPONSE #16: IT WILL BE PAID BIWEEKLY AS APPLICABLE

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: IF THE EMPLOYEE MISSES THEIR MEAL, THEY WILL RECEIVE 1 HOURS OF PAY AS PENALTY

TO: All AHS Staff and All Medical Staff

FROM: Arleen Gomez, Interim Chief Human Resource Officer

DATE: November 15, 2024

SUBJECT: SB 1334 Changes

The California Legislature passed SB1334, aligning the meal and rest period provisions in public hospitals with those of the private sector. This legislation only applies to non-exempt (hourly) employees. This memo provides an overview of the law, permissible waivers, and new UKG processes when breaks are missed.

AHS plans to begin implementation of the changes below on or after December 20, 2024. If you have any questions, please contact the HR Service Center at hrrservicecenter@alamedahealthsystem.org.

Section 512.1 requires the following:

Meal Period

All non-exempt employees are entitled to a 30-minute unpaid meal period for shifts of five (5) hours or more and a second 30-minute unpaid meal period for shifts over ten (10) hours.

Employer must authorize and permit an employee to take their 30-minute unpaid meal period(s). If an employee is unable to take the meal period(s) due to work requirements, the employer will pay the employee one (1) hour at the employee's regular rate of compensation.

Rest (Break) Period

All non-exempt employees are entitled to a 10-minute paid rest period for every four (4) hours worked or major fraction thereof. Rest periods cannot be waived or combined with a meal period or taken at the end of a shift.

Employer must authorize and permit an employee to take their 10-minute paid rest period(s). If an employee is unable to take a rest period due to work requirements to take one or both rest periods, the employer will pay the employee one (1) hour pay at the employee's regular rate of pay.

Waivers

There are two (2) types of permissible meal period waiver:

- Meal Period Waiver
 - o An employee who works a shift of 10 hours or more may voluntarily waive one of the two (2) authorized meal periods.
 - o An employee whose shift is no more than six (6) hours may waive the meal period by mutual consent of employee and employer.
- On Duty Meal Agreement

- When the nature of the work prevents an employee from being relieved of all duty, an On Duty Meal Agreement may be agreed on by written agreement between employee and employer. The written agreement must state that the employee may revoke the waiver at any time. Execution of an On Duty Meal Agreement means that an employee is waiving their right to an unpaid and uninterrupted meal period. Employees with a signed On Duty Meal Agreement may still take meal period(s) but are no longer entitled to a missed meal penalty if they work during the meal period.

Missed Meal and Rest (Break) Period Pay

Missed meal and rest period pay is paid based on the employee's regular rate of pay.

An employee who misses a meal period and one or both rest periods will be paid maximum of two (2) hours pay at the employee's regular rate of pay.

Collective Bargaining Agreement Exemption

Employees covered by a valid collective bargaining agreement that provides for meal and rest periods, and, if the employee does not receive a meal or rest period as required by the agreement, includes a monetary remedy that, at a minimum, is equivalent to one additional hour of pay at the employee's regular rate of pay.

Changes will be implemented to ensure that AHS facilities align in providing the entitlements provided under Section 512.1. Existing language in MOUs describing procedures for missed meal and rest periods will be superseded by the additional changes.

Rest and Meal Penalty Pay from January 1, 2023 - Present

AHS will be calculating the difference between the rest and meal penalty pay employees should have received under Section 512.1 and the pay employees received for missed meal and rest breaks under relevant MOUs.

AHS has calculated the difference from January 2023 to October 2023 and will pay this calculated amount on November 22, 2024. The difference from November 2023 to present will be paid to employees on a later date after calculations are complete. Once all differences are paid, AHS will provide employees with instructions on how to communicate any disputes of the calculated amount to AHS for consideration. Questions or concerns regarding the difference payment will be considered after all differences have been paid.

Attestation for Rest (Break) or Meal Penalty Pay

As part of the updated payroll process, AHS employees will be required to answer an attestation when clocking out of their shift. The attestation will ask the employee to answer whether the employee received a meal or rest period and if not, whether it was the employee's decision or the company's request.

Attestations are formal declaration by employees as to whether their rest periods and meal period were permitted to be taken or if a meal and/or rest period was missed due to work requirements or by employee's choice.

“My Decision”

- Employee has signed a valid ON Duty Meal Agreement
- Employee working a ten (10) hour shift or more has waived one of the meal periods by signing a meal period waiver.

“Company request”

- Employee is responding to an emergency such as a Code Blue
- An operational need necessitates an employee to work through, miss part of, or have a late meal or rest break.

Supervisors may reach out to employees who frequently attest to missing meals or rest breaks to investigate why breaks/meal periods are being missed. Findings of an employee falsely attesting to missing rest or meal breaks may result in disciplinary action up to and including termination.

The Penalty pay pursuant to Section 512.1 will show up on employee paychecks as “Rest Penalty” or “Meal Penalty” depending on the type of break missed. As stated earlier, there is a maximum of 2 additional hours of penalty pay for missed meal or rest periods per workday.

The following section provides examples of the attestation and how to complete them.

Completing UKG Attestation

REST BREAK ATTESTATION QUESTIONS 8-Hour Shift

Did you take your REST BREAK today?*

Yes

No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If employee's answer is "NO", then second question will be asked. (see below)

Why didn't you take your REST BREAK?
*

My decision

Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No BREAK penalty pay will be paid.

If employee's answer is "Company request", then One (1) BREAK penalty will automatically be added to the employee's timecard. Employee's will receive One (1) BREAK penalty each day, regardless of the number of breaks missed.

MEAL BREAK ATTESTATION QUESTIONS (8-Hour Shift)

Did you take your MEAL BREAK today?
*

Yes
 No

Submit

Cancel

If employee's answer is "YES", no other action needed.

If employee's answer is "NO", then second question will be asked. (see below)



Why didn't you take your MEAL BREAK?*

My decision
 Company request

Submit

Cancel

If employee's answer is "My decision", no other actions is needed. No MEAL penalty pay will be paid.

If employee's answer is "Company request", UKG will automatically add One (1) MEAL penalty to the employee's timecard. Employee's will receive One (1) MEAL penalty each day, regardless of the number of meal periods missed.



REST BREAK ATTESTATION QUESTIONS 10-Hour Shift and 12-Hour Shift

Did you take your REST BREAK today?*

Yes

No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If answer is "NO" then second question is asked (see below)

Why didn't you take your REST BREAK?

*

My decision

Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No BREAK penalty pay will be paid.

If employee's answer is "Company request" for ANY of the breaks, UKG will automatically add One (1) BREAK penalty to the employee's timecard.

Employee's will receive One (1) BREAK penalty each day, regardless of the number of breaks missed.

MEAL BREAK ATTESTATION QUESTIONS 10-Hour Shift and 12-Hour Shift

Did you take your MEAL BREAK today?
*

Yes
 No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If answer is "NO" then second question is asked (see below)

Why didn't you take your MEAL BREAK?*

My decision
 Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No MEAL penalty pay will be paid.

If employee's answer is "Company request" for any of the two meal breaks, UKG will automatically add One (1) MEAL penalty to the employees timecard.

Employee's will receive One (1) MEAL penalty each day, regardless of the number of breaks missed.

On Duty Meal Agreements and Meal Period Waivers

Meal Period Waivers Instructions.

1. Employees desiring to waive a meal period must request a Meal Period Waiver from their Supervisor.
2. Signed Meal Period Waivers will be sent to the HR Service Center to be filed into the employee's personnel file.
3. When the nature of the work prevents an employee from being relieved of all duty, an "On Duty Meal Agreement" paid meal period may be agreed on by written agreement between employee and employer. The written agreement must state that the employee may revoke the waiver at any time.

Revocation of the Meal Period Waiver

Employees may revoke Meal Period Waivers by providing written notice to their supervisor at least one day in advance of their desired revocation date.

On Duty Meal Agreement Instructions.

1. Employees requesting to have an on duty meal period must request and complete an On Duty Meal Agreement.
4. The supervisor will forward the request to Chief Human Resource Officer (CHRO).
2. The CHRO will determine whether an On Duty Meal Agreement is approved or denied.
3. If appropriate, the supervisor and employee will be provided with an On Duty Meal Agreement to sign.
4. Signed On Duty Meal Agreements will be sent to the HR Service Center to be filed into the employee's personnel file.

Revocation of the On Duty Meal Agreement

Employees may revoke Meal Period Waivers by providing written notice to their supervisor at least one day in advance of their desired revocation date.

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.

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.

(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: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of AHS Pay Code 422 from “Compensation Earnable”**

At the January 16, 2025 Board of Retirement (Board) meeting, Staff recommended and the Board approved excluding Alameda Health System’s (AHS) new pay item/code Missed Break Penalty – 422 from “pensionable compensation” per Government Code Section 7522.34(a) and Section 7522.34(c)(3). A final recommendation on “compensation earnable,” was deferred pending further information from AHS and internally. Attached is the January 16, 2025 memo and supporting documentation. Based on the review of the additional information, Staff and Chief Counsel made the determination that this new pay code is excluded from “compensation earnable” because it is for work outside of normal working hours per Government Code Section 31461 (b)(3) (attached).

Staff informed AHS that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 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 Missed Break Penalty – 422 from “compensation earnable” under Government Code Section 31461 (for Legacy members).


Attachments



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: January 16, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Exclusion of AHS Pay Code 422 from “Pensionable Compensation” and Deferral of Decision on “Compensation Earnable”**

Alameda Health System (AHS) requested that new pay item/code Missed Break Penalty – 422 be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay code was established to comply with SB-1334, which was signed into law on September 29, 2022. SB-1334 aligns the meal and rest period provisions in public hospitals with those of the private sector. It only applies to non-exempt (hourly) employees. AHS plans to implement the changes to comply with SB-1334 on or after December 20, 2024.

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that this new pay code is excluded from “pensionable compensation” because it cannot reasonably be characterized as part of a “normal monthly rate of pay or base pay,” per Government Code Section 7522.34(a). Also, it is an “ad hoc” payment excluded by Section 7522.34(c)(3) and it is arguably excluded under other subdivisions of Section 7522.34 (attached).

Chief Counsel is seeking further information from AHS and internally before making a final recommendation on “compensation earnable,” so that issue will return at a future meeting (likely next month).

Staff informed AHS that its determination will be included on the Board’s Consent Calendar for its January 16, 2025 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 Missed Break Penalty – 422 from “pensionable compensation” under Government Code Section 7522.34 (for PEPPRA members) and defer a decision on “compensation earnable” to a future meeting.

Attachments



Request for ACERA’s Review of a New Pay Item

Employer Name:	Alameda Health System
Date of Request:	11/7/2024
Employer Department Submitting the Request:	payroll
Contact Person/Employer (include title/position):	Marylou Mayo-Payroll Mgr
Contact Person Telephone (include area code):	510-346-7506
Contact Person Email Address:	mlestro@alamedahealthsystem.org
Pay Item Name and Pay Code/Number:	422-MISSED BREAK PENALTY
Pay Item Effective Date per Authorization:	1/1/2023
Pay Item End Date (if applicable/known):	N/A

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 and return with all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

Please attach the approving document from your agency (Board Letter, Salary Ordinance, Side Letter, MOU Agreement, or Approving Memo from Department Head; include resolution, or similar document) that verifies the formal adoption of the new pay item.

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: ALL NON EXEMPT EMPLOYEES

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

RESPONSE #2: ALL NON EXEMPT EMPLOYEES

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

RESPONSE #3: ALL NON EXEMOT EMPLOYEES

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

RESPONSE #4: THIS IS A PENALTY

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

RESPONSE #5: IT WILL BE 1 HOUR PER DAY FOR A MISSED BREAK

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

RESPONSE #6: WILL BE PAID WHEN EMPLOYEE ACKNOWLEDGES THEY MISSED A MEAL

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: THIS IS NOT AN AD HOC PAYMENT

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

RESPONSE #8: THIS IS NOT A REIMBURSEMENT

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: ALL REGULAR FULLTIME AND PARTTIME EMPLOYEES ARE ELIGIBLE

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: THIS IS NOT WORKED HOURS

11. State whether the pay item if for deferred compensation

RESPONSE #11: THIS IS NOT A DEFERRED COMP PAY

12. State whether the pay item is for retro payments

RESPONSE #12: THIS IS NOT A RETRO PAYCODE

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 THIS IS NOT FOR ACCRUED LEAVE

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 THIS IS A NEW PAYCODE TO COOMPLY WITH SB1334

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: THIS IS NOT FOR SEVERANCE

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

RESPONSE #16: IT WILL BE PAID BIWEEKLY AS APPLICABLE

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: IF THE EMPLOYEE MISSSES THEIR BREAK THEY WILL RECEIVE 1 HOURS OF PAY AS PENALTY

TO: All AHS Staff and All Medical Staff

FROM: Arleen Gomez, Interim Chief Human Resource Officer

DATE: November 15, 2024

SUBJECT: SB 1334 Changes

The California Legislature passed SB1334, aligning the meal and rest period provisions in public hospitals with those of the private sector. This legislation only applies to non-exempt (hourly) employees. This memo provides an overview of the law, permissible waivers, and new UKG processes when breaks are missed.

AHS plans to begin implementation of the changes below on or after December 20, 2024. If you have any questions, please contact the HR Service Center at hrrservicecenter@alamedahealthsystem.org.

Section 512.1 requires the following:

Meal Period

All non-exempt employees are entitled to a 30-minute unpaid meal period for shifts of five (5) hours or more and a second 30-minute unpaid meal period for shifts over ten (10) hours.

Employer must authorize and permit an employee to take their 30-minute unpaid meal period(s). If an employee is unable to take the meal period(s) due to work requirements, the employer will pay the employee one (1) hour at the employee's regular rate of compensation.

Rest (Break) Period

All non-exempt employees are entitled to a 10-minute paid rest period for every four (4) hours worked or major fraction thereof. Rest periods cannot be waived or combined with a meal period or taken at the end of a shift.

Employer must authorize and permit an employee to take their 10-minute paid rest period(s). If an employee is unable to take a rest period due to work requirements to take one or both rest periods, the employer will pay the employee one (1) hour pay at the employee's regular rate of pay.

Waivers

There are two (2) types of permissible meal period waiver:

- Meal Period Waiver
 - o An employee who works a shift of 10 hours or more may voluntarily waive one of the two (2) authorized meal periods.
 - o An employee whose shift is no more than six (6) hours may waive the meal period by mutual consent of employee and employer.
- On Duty Meal Agreement

- When the nature of the work prevents an employee from being relieved of all duty, an On Duty Meal Agreement may be agreed on by written agreement between employee and employer. The written agreement must state that the employee may revoke the waiver at any time. Execution of an On Duty Meal Agreement means that an employee is waiving their right to an unpaid and uninterrupted meal period. Employees with a signed On Duty Meal Agreement may still take meal period(s) but are no longer entitled to a missed meal penalty if they work during the meal period.

Missed Meal and Rest (Break) Period Pay

Missed meal and rest period pay is paid based on the employee's regular rate of pay.

An employee who misses a meal period and one or both rest periods will be paid maximum of two (2) hours pay at the employee's regular rate of pay.

Collective Bargaining Agreement Exemption

Employees covered by a valid collective bargaining agreement that provides for meal and rest periods, and, if the employee does not receive a meal or rest period as required by the agreement, includes a monetary remedy that, at a minimum, is equivalent to one additional hour of pay at the employee's regular rate of pay.

Changes will be implemented to ensure that AHS facilities align in providing the entitlements provided under Section 512.1. Existing language in MOUs describing procedures for missed meal and rest periods will be superseded by the additional changes.

Rest and Meal Penalty Pay from January 1, 2023 - Present

AHS will be calculating the difference between the rest and meal penalty pay employees should have received under Section 512.1 and the pay employees received for missed meal and rest breaks under relevant MOUs.

AHS has calculated the difference from January 2023 to October 2023 and will pay this calculated amount on November 22, 2024. The difference from November 2023 to present will be paid to employees on a later date after calculations are complete. Once all differences are paid, AHS will provide employees with instructions on how to communicate any disputes of the calculated amount to AHS for consideration. Questions or concerns regarding the difference payment will be considered after all differences have been paid.

Attestation for Rest (Break) or Meal Penalty Pay

As part of the updated payroll process, AHS employees will be required to answer an attestation when clocking out of their shift. The attestation will ask the employee to answer whether the employee received a meal or rest period and if not, whether it was the employee's decision or the company's request.

Attestations are formal declaration by employees as to whether their rest periods and meal period were permitted to be taken or if a meal and/or rest period was missed due to work requirements or by employee's choice.

“My Decision”

- Employee has signed a valid ON Duty Meal Agreement
- Employee working a ten (10) hour shift or more has waived one of the meal periods by signing a meal period waiver.

“Company request”

- Employee is responding to an emergency such as a Code Blue
- An operational need necessitates an employee to work through, miss part of, or have a late meal or rest break.

Supervisors may reach out to employees who frequently attest to missing meals or rest breaks to investigate why breaks/meal periods are being missed. Findings of an employee falsely attesting to missing rest or meal breaks may result in disciplinary action up to and including termination.

The Penalty pay pursuant to Section 512.1 will show up on employee paychecks as “Rest Penalty” or “Meal Penalty” depending on the type of break missed. As stated earlier, there is a maximum of 2 additional hours of penalty pay for missed meal or rest periods per workday.

The following section provides examples of the attestation and how to complete them.

Completing UKG Attestation

REST BREAK ATTESTATION QUESTIONS 8-Hour Shift

Did you take your REST BREAK today?*

Yes

No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If employee's answer is "NO", then second question will be asked. (see below)

Why didn't you take your REST BREAK?
*

My decision

Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No BREAK penalty pay will be paid.

If employee's answer is "Company request", then One (1) BREAK penalty will automatically be added to the employee's timecard.
Employee's will receive One (1) BREAK penalty each day, regardless of the number of breaks missed.

MEAL BREAK ATTESTATION QUESTIONS (8-Hour Shift)

Did you take your MEAL BREAK today?
*

Yes

No

Submit

Cancel

If employee's answer is "YES", no other action needed.

If employee's answer is "NO", then second question will be asked. (see below)



Why didn't you take your MEAL BREAK?*

My decision

Company request

Submit

Cancel

If employee's answer is "My decision", no other actions is needed. No MEAL penalty pay will be paid.

If employee's answer is "Company request", UKG will automatically add One (1) MEAL penalty to the employee's timecard. Employee's will receive One (1) MEAL penalty each day, regardless of the number of meal periods missed.



REST BREAK ATTESTATION QUESTIONS 10-Hour Shift and 12-Hour Shift

Did you take your REST BREAK today?*

Yes

No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If answer is "NO" then second question is asked (see below)

Why didn't you take your REST BREAK?

*

My decision

Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No BREAK penalty pay will be paid.

If employee's answer is "Company request" for ANY of the breaks, UKG will automatically add One (1) BREAK penalty to the employee's timecard.

Employee's will receive One (1) BREAK penalty each day, regardless of the number of breaks missed.

MEAL BREAK ATTESTATION QUESTIONS 10-Hour Shift and 12-Hour Shift

Did you take your MEAL BREAK today?
*

Yes
 No

Submit

Cancel



If employee's answer is "YES", no other action needed.

If answer is "NO" then second question is asked (see below)

Why didn't you take your MEAL BREAK?*

My decision
 Company request

Submit

Cancel



If employee's answer is "My decision", no other actions is needed. No MEAL penalty pay will be paid.

If employee's answer is "Company request" for any of the two meal breaks, UKG will automatically add One (1) MEAL penalty to the employees timecard.

Employee's will receive One (1) MEAL penalty each day, regardless of the number of breaks missed.

On Duty Meal Agreements and Meal Period Waivers

Meal Period Waivers Instructions.

1. Employees desiring to waive a meal period must request a Meal Period Waiver from their Supervisor.
2. Signed Meal Period Waivers will be sent to the HR Service Center to be filed into the employee's personnel file.
3. When the nature of the work prevents an employee from being relieved of all duty, an "On Duty Meal Agreement" paid meal period may be agreed on by written agreement between employee and employer. The written agreement must state that the employee may revoke the waiver at any time.

Revocation of the Meal Period Waiver

Employees may revoke Meal Period Waivers by providing written notice to their supervisor at least one day in advance of their desired revocation date.

On Duty Meal Agreement Instructions.

1. Employees requesting to have an on duty meal period must request and complete an On Duty Meal Agreement.
4. The supervisor will forward the request to Chief Human Resource Officer (CHRO).
2. The CHRO will determine whether an On Duty Meal Agreement is approved or denied.
3. If appropriate, the supervisor and employee will be provided with an On Duty Meal Agreement to sign.
4. Signed On Duty Meal Agreements will be sent to the HR Service Center to be filed into the employee's personnel file.

Revocation of the On Duty Meal Agreement

Employees may revoke Meal Period Waivers by providing written notice to their supervisor at least one day in advance of their desired revocation date.

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.

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.

(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: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

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

The County of Alameda (County) requested that new pay code Onboard Training-SHRF SA/Tech – 843 be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay code establishes a footnote for additional compensation of 5% of the base pay to be paid to employees in the job classifications of Sheriff’s Safety Aide (Job Code 8752) assigned to Airport Police Services and Sheriff’s Technician (Job Code 8755) assigned to Santa Rita Jail, when assigned to provide the employee onboarding training function to new employees.

On January 14, 2025, the Board of Supervisors approved adding Subsection 3-17.57 to Article 3, Section 3-17 of the County of Alameda Salary Ordinance. It states: “Effective January 19, 2025, not to exceed eight (8) employees in Job Code 8752 assigned to Airport Police Services, and twenty (20) employees in Job Code 8755 assigned to Santa Rita Jail, shall receive an additional five percent (5%) compensation of the base pay when assigned to provide the employee onboarding training function. Assigned employees shall only receive the additional compensation as outlined above for the hours that the employee actively performs the employee onboarding training function.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay code is used for a one-time or ad hoc payment to an employee for a specific purpose, it does not qualify as “pensionable compensation” under Government Code Section 7522.34(c)(3) (for PEPRAs members). However, this pay code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). This pay code clearly meets the definition of “compensation earnable” because it is paid in cash to the member, it is not paid for overtime and it does not fall under any of the express exclusions in Section 31461. The two relevant Government Code sections are attached.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to exclude pay code Onboard Training-SHRF SA/Tech – 843 from “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members), and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



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

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

Employer Name:	County of Alameda
Date of Request	01/27/2025
Employer Department Submitting the Request	Auditor-Controller’s Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	843 – Onboard Training-SHRF SA/Tech
Pay Item Effective Date per authorization:	01/19/2025
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: 8752 – Sheriff’s Safety Aide
8755 – Sheriff’s Technician**

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: Up to 8 employees in the classification of Sheriff’s Safety Aide (8752) assigned to Airport Police Services and up to 20 employees in the classification of Sheriff’s Technician (8755) assigned to Santa Rita Jail

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

RESPONSE #4: Regular Base Pay

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

RESPONSE #5: Percentage – 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

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: 40.0 Hour Work Week

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

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: Board Letter

- ii. Article 3, Section 3-17 (Sheriff's Office) to add new subsection 3-17.57, to establish a footnote for up to eight employees in the classification of Sheriff's Safety Aide (JC 8752) assigned to Airport Police Services, and up to 20 employees in the classification of Sheriff's Technician (JC 8755) assigned to Santa Rita Jail, when assigned to provide the employee onboarding training function to new employees, will receive an additional five percent (5%) compensation of the base pay, effective 1/19/25

SECTION II

Article 3, Section 3-17, Subsection 3-17.57 of the County of Alameda is hereby added to read as follows:

3-17.57 – Effective January 19, 2025, not to exceed eight (8) employees in Job Code 8752 assigned to Airport Police Services, and twenty (20) employees in Job Code 8755 assigned to Santa Rita Jail, shall receive an additional five percent (5%) compensation of the base pay when assigned to provide the employee onboarding training function. Assigned employees shall only receive the additional compensation as outlined above for the hours that the employee actively performs the employee onboarding training function.

January 7, 2025

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

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO UPDATE 1) SUBSECTION 1-1.1 TO CORRECT THE FLSA DESIGNATION FOR JCS 1601, 1602 AND 1603 AND 2) ADD NEW SUBSECTION 3-17.57 TO CREATE A FOOTNOTE FOR JCS 8752 AND 8755

Dear Board Members:

RECOMMENDATION:

Adopt a Salary Ordinance amendment to update:

- i. Article 1, Section 1-1 (Pay Rate Schedules), subsection 1-1.1, to correct the Fair Labor Standard Act (“FLSA”) designation for the classification series of Treasurer Tax Collector’s Specialist I/II/III (Job Codes (“JCs”) 1601/1602/1603) from exempt to non-exempt, including a typographical error in the title for Treasurer Tax Collector’s Specialist I (JC 1601) classification; and
- ii. Article 3, Section 3-17 (Sheriff’s Office), to add new subsection 3-17.57 to establish a footnote for up to eight (8) employees in the classification of Sheriff’s Safety Aide (JC 8752) assigned to Airport Police Services, and up to twenty (20) employees in the classification of Sheriff’s Technician (JC 8755) assigned to Santa Rita Jail, when assigned to provide the employee onboarding training function to new employees, will receive an additional five percent (5%) compensation of the base pay effective January 19, 2025.

DISCUSSION/SUMMARY:

In a recent internal audit, staff discovered an administrative error in the FLSA designation for the classification series of Treasurer-Tax Collector’s Specialist I/II/III (JCs 1601/1602/1603). Staff thoroughly reviewed the level and scope of duties and responsibilities of said series using the specific criteria established by the Department of Labor and determined that said series reflected an incorrect FLSA designation. Staff met with the Service Employees International Union, Local 1021 (“SEIU, Local 1021”), and SEIU, Local 1021 concurred with the proposed correction. As such, staff recommends correcting the administrative error of the FLSA designation for the classification series as outlined in the attached Salary Ordinance amendment from exempt to non-exempt, including a typographical error in the title for the Treasurer Tax Collector’s Specialist I (JC 1601) classification.

Additionally, the Alameda County Sheriff’s Office (“ACSO”) identified an operational need to designate employees in the classifications of Sheriff’s Safety Aide (JC 8752) and Sheriff’s Technician (JC 8755) to provide onboarding training function to newly hired and/or promoted employees. To support this need and to provide an incentive for said employees to assist with this function, ASCO proposed establishing a footnote. Staff reviewed and concurred with the request and proposes an additional five percent (5%) compensation of the base pay for up to eight (8) Sheriff’s Safety Aides (JC 8752) and up to 20 Sheriff’s Technicians (JC 8755) to ensure appropriate training coverage for the various locations and shifts. Staff met and conferred with SEIU, Local 1021 and reached agreement on the proposed footnote. As such, staff recommends to establish a footnote for up to eight (8) employees in the classification of Sheriff’s Safety

Aide (JC 8752) assigned to Airport Police Services, and up to twenty (20) employees in the classification of Sheriff's Technician (JC 8755) assigned to Santa Rita Jail, when assigned to provide the onboarding training function to new employees, and receive an additional five percent (5%) compensation of the base pay effective January 19, 2025.

SELECTION CRITERIA:

N/A


FINANCING:

Funds are available in the 2024-2025 Approved Budget and will continue to be included in future years' requested budgets to cover the cost associated with the applicable recommendation.

VISION 2026 GOAL:

The recommendation meets the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:

24C63D8E074A48D...
Margarita Zamora, Director
Human Resource Services

cc: CAO
County Counsel
Treasurer-Tax Collector
Sheriff

By 
Kristy van Herick, Asst. County Counsel

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2024-2025
COUNTY OF ALAMEDA SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 1, Section 1-1, Subsection 1-1.1 of the County of Alameda Salary Ordinance is hereby amended thereto as shown below:

Job Code		Title	Unit Code	Step 01	Step 02	Step 03	Step 04	Step 05	FLSA Status
1601	NM	Treasurer-Tax Collector's Specialist I	010		2241.00	2321.25	2427.00	2520.75	X N
1602	NM	Treasurer-Tax Collector's Specialist II	010	2327.25	2431.50	2529.00	2649.00	2755.50	X N
1603	NM	Treasurer-Tax Collector's Specialist III	010	2654.25	2772.75	2884.50	3020.25	3140.25	X N

SECTION II

Article 3, Section 3-17, Subsection 3-17.57 of the County of Alameda is hereby added to read as follows:

3-17.57 – Effective January 19, 2025, not to exceed eight (8) employees in Job Code 8752 assigned to Airport Police Services, and twenty (20) employees in Job Code 8755 assigned to Santa Rita Jail, shall receive an additional five percent (5%) compensation of the base pay when assigned to provide the employee onboarding training function. Assigned employees shall only receive the additional compensation as outlined above for the hours that the employee actively performs the employee onboarding training function.

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: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

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

The County of Alameda (County) requested that new pay code Lead Resp – Ben Accountant EBC – 43E be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay code establishes a footnote for additional compensation of 5% of the base pay to be paid to an employee in the job classification of Benefits Accountant (Job Code 0267) when assigned the responsibilities described below.

On February 4, 2025, the Board of Supervisors approved adding Subsection 3-13.23 to Article 3, Section 3-13 of the County of Alameda Salary Ordinance. It states: “Effective March 2, 2025, not to exceed one (1) employee in job code 0267, when assigned lead responsibilities, shall be compensated an additional five percent (5%) compensation of the base pay. This footnote will be subject to review by the Director of Human Resource Services on or before January 2027, and annually thereafter.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members). However, this pay code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). This pay code clearly meets the definition of “compensation earnable” because it is paid in cash to the member, it is not paid for overtime, and it does not fall under any of the express exclusions in Section 31461. The two relevant Government Code sections are attached.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to exclude pay code Lead Resp – Ben Accountant EBC – 43E 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 *REVISED*

Employer Name:	County of Alameda
Date of Request	02/24/25
Employer Department Submitting the Request	Auditor-Controller’s Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	Lead Resp – Ben Accountant EBC – 43E
Pay Item Effective Date per authorization:	03/02/2025
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: 0267 Benefits Accountant

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 one 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 – 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

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: 40.0 Hour Work Week

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

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: Board Letter/Salary Ordinance

- ii. Section 3-13 (Human Resource Services) to add new subsection 3-13.23 to establish a footnote for one employee in the classification of Benefits Accountant (JC 0267) in the Human Resource Services' Employee Benefits Center, when assigned to perform lead responsibilities shall receive an additional five percent compensation of the base pay effective 3/2/25, and will be reviewed by the Director of Human Resource Services on or before January 2027, and annually thereafter

SECTION I

Article 3, Section 3-13 (Human Resource Services), Subsection 3-13.23 of the County of Salary Ordinance is hereby added to read as follows:

3-13.23 – Effective March 2, 2025, not to exceed one (1) employee in job code 0267, when assigned lead responsibilities, shall be compensated an additional five percent (5%) compensation of the base pay. This footnote will be subject to review by the Director of Human Resource Services on or before January 2027, and annually thereafter.

February 4, 2025

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

SUBJECT: ADOPT: 1) SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 SIDELETTER AMENDMENT FOR CASELOAD SIZE STANDARDS IN THE SOCIAL SERVICES AGENCY AND 2) SALARY ORDINANCE AMENDMENT TO ADD NEW SUBSECTIONS 3-18.50 AND 3-13.23

Dear Board Members:

RECOMMENDATIONS:

1. Adopt an amendment to the Sideletter of Agreement (“SLA”) between the County of Alameda (“County”) and the Service Employees International Union, Local 1021 (“SEIU”) (collectively, “the Parties”) in the 2022-2026 Memorandum of Understanding regarding caseload size standards for the classifications of Child Welfare Worker (“CWW”) I and CWW II (Job Codes (“JCs”) 6740 and 6745, respectively) in the Social Services Agency (“SSA”), Department of Children and Family Services (“CFS”) to: a) decrease the caseload size standards for 10 CFS programs and b) replace the current premium pay structure by increasing premium pay when a CWW I/II’s assigned caseload size exceeds the standards; and
2. Adopt a Salary Ordinance amendment to update Article 3:
 - i. Section 3-18 (Social Services Agency) to add new subsection 3-18.50 to establish a premium pay of \$160 per pay period for employees in the classifications of CWW I and CWW II (JCs 6740 and 6745, respectively) who exceed the caseload size standard, as outlined in the SLA, for their respective assigned program effective March 16, 2025, and
 - ii. Section 3-13 (Human Resource Services) to add new subsection 3-13.23 to establish a footnote for one (1) employee in the classification of Benefits Accountant (JC 0267) in the Human Resource Services’ Employee Benefits Center (“EBC”), when assigned to perform lead responsibilities shall receive an additional five percent (5%) compensation of the base pay effective March 2, 2025, and will be reviewed by the Director of Human Resource Services on or before January 2027, and annually thereafter.

DISCUSSION/SUMMARY:

In October 2023, at the request of SEIU, the Parties met to discuss caseload size standards for CWW Is and CWW IIs in SSA. And, on November 21, 2024, after holding ten (10) meetings, the Parties reached agreement to reduce the caseload size standards for 10 of the 23 CFS programs and adjust the premium pay from incremental compensation over a period of time, to a flat amount of \$160 per pay period. Staff recommends that your Board adopt the attached SLA which reflects the agreed upon changes.

In addition, staff recommends amending the Salary Ordinance to update Article 3, Section 3-18 (Social Services Agency), to add new subsection 3-18.50 to establish the premium pay of \$160 per pay period when employees in the

classifications of CWW I and CWW II (JCs 6740 and 6745, respectively) exceed the caseload size standard in their respective CFS program, effective March 16, 2025.

Lastly, staff conducted a review and analysis of additional duties currently being assigned to one (1) employee in the classification of Benefits Accountant (JC 0267) and determined that the duties assigned to said employee are outside the scope of their classification. Specifically, in addition to their regular assignment, the employee provides lead responsibilities including technical accounting oversight, training, and daily resources and support to the first-line supervisor. Based on the review and findings, staff recommends a footnote of five percent (5%) additional compensation of the base salary effective March 2, 2025 as outlined in the attached Salary Ordinance amendment. Further, the added provision will be reviewed by the Director of Human Resource Services on or before January 2027, and annually thereafter.

SELECTION CRITERIA:

N/A


FINANCING:

Funds are available in the 2024-2025 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from the recommendations.

VISION 2026 GOAL:

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

Very truly yours,

DocuSigned by:

24C63D9E074A48D
Margarita Zamora, Director
Human Resource Services

cc: CAO
Auditor-Controller
Director, SSA

SIDELETTER OF AGREEMENT
 BETWEEN THE
 SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021
 AND THE
 COUNTY OF ALAMEDA

SIDELETTER OF AGREEMENT
 SOCIAL SERVICES AGENCY
 DEPARTMENT OF CHILDREN AND FAMILY SERVICES

This Sideletter of Agreement ("Sideletter") between the County of Alameda ("County") and the Service Employees International Union, Local 1021 ("SEIU") applies to employees in the classifications of Child Welfare Worker ("CWW") I/II (Job Code ("JC")s 6740/6745) in the Department of Children and Family Services ("CFS") of the Social Services Agency ("SSA").

- 1) **Labor Management Committee ("LMC"):** The LMC for CFS will meet at least once a month in accordance with Section 21. (Labor/Management Committee) of the 2022-2026 SEIU Memorandum of Understanding ("MOU") to develop and refine triage plans to monitor the outcomes of the legislative strategies and employee safety efforts set forth in this Sideletter and by mutual agreement whenever CWWs have caseloads that exceed the caseload size standard of their assigned program.
- 2) **Case Monitoring and Caseload Size Standards:** CFS is committed to reducing case assignments and effectively monitoring caseload sizes in order to promote quality and effective services. Therefore, the following are the caseload size standards for those CWWs who are assigned to one of the respective programs as their primary assignment:

Program	Caseload Size Standard
Adoptions Children	25
Court Finalization Unit	25
Dependency Investigation*	5 new cases, or 15 ongoing cases (including new cases)
Emergency Response Unit (ERU) (Field Workers) *	12**
Family Maintenance – Children	26
Family Maintenance – Family	18
Family Preservation (Reduce caseload by 1 family/2 children for each group they facilitate)	6 Families or 10 Children
Family Reunification	16
Guardianship (1 case credit each ongoing guardianship case (child); 1 case credit for each Child Protective Services (CPS) screening (guardian) and 6.4 case credit for each probate report assigned.)	90
Independent Adoption	21 Families
Independent Living Program (ILP)	26

Program	Caseload Size Standard
Informal Family Maintenance – Children	28
Informal Family Maintenance – Family	18
Kinship Unit	29
Permanent Youth Connection	26
Step-Parent Adoption	32 Families
Services to Enhance Early Development (SEED)	19
Placement	20
Post Permanency Unit (Includes Post Adoption Information Cases (PAIC), Age Reassessment, Adoption Assistance Program (AAP) Age Increase, AAP Extension to 21, Kin-Gap (KG) Reassessments, Out of Home (OHP) Wrap, etc.)	Combined Total: 27
Resource Family Adoption (RFA)***	3 new cases, or 38 ongoing cases (including new cases)
RFA/Interstate Compact for the Placement of Children (ICPC)	15 New home studies

* Employees who are assigned in either ERU (Field Workers) or Dependency Investigation and who are absent on approved leave for five (5) or more consecutive work days, shall be removed from assignment rotation during the period of their absence.

** Immediate referrals/cases and 10-day referrals/cases will be equitably assigned on a rotational basis to CWWs in ERU who are present at time of assignment.

***All new RFA referrals that are not emergency RFAs will be assigned to the RFA program.

CFS shall give a weight of one and one-half (1.5) caseload size for each case defined as Medically Fragile, Non-Reunification, or Out of State Non-minor Dependent (NMD).

- 3) **Level of Care (“LOC”) Rate Tool in Placements:** On February 19, 2021, the State Department of Social Services announced the implementation of their new LOC Protocol for Foster Family Agencies, and Home-Based family care placements. Under the new LOC Protocol, foster families are now able to review their rate, and depending on a child’s needs, the foster family may be entitled to a higher rate. Although the County is not required to use the new LOC process for foster care placements, SSA believes it has benefits such as allowing more families to access the LOC rates and address care and supervision needs and challenges impacted by the COVID-19 pandemic.

All Placement types, except Supervised Independent Living Placements, Short-Term Residential Treatment Facility, Dual Agency Placements, and Non-Related Legal Guardians established in Probate Court, are entitled to review of their rate via the new LOC Rate Tool. CWWs shall utilize the LOC Rate Tool, replacing the current process in which all foster families receive the basic rate and special care increment whenever appropriate.


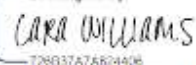
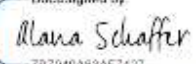
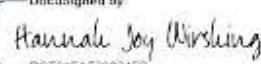
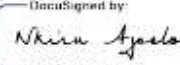
- 4) **Changes to Caseload Size Standards:** Any proposed changes in the effective sizes or creations of new programs shall be subject to meet and confer pursuant to Section 22. (Social Service Agency Caseloads) of the 2022-2026 SEIU MOU.

- 5) **Premium Pay for Exceeding Caseload Size Standard:** Effective March 16, 2025, CWWs who exceed the caseload size standard as outlined in Section 2, above, for their respective assigned program shall receive a premium payment for each pay period their caseload exceeds such caseload size standard in accordance with Salary Ordinance Section 3-18.50.
- 6) **Grievance Process:** The provisions of this Sideletter shall be grievable pursuant to Section 20 of the Memorandum of Understanding. In no event shall an arbitrator have the authority to issue a disposition that would reduce the caseload size standards as agreed upon herein or that the County assign or hire additional employees.

For the County:

Signed by:			
	1/9/2025		
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Jeff Bailey, Chief Negotiator, IEDA	Date		
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	1/9/2025		
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Mary Woo, Labor Relations Analyst	Date		
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Michelle Love, Assistant Agency Director, SSA	Date		
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Mia Buckner-Preston, Division Director, SSA	Date		
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William Nguyen, Division Director, SSA	Date		
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Brittany Walker-Pettigrew, Division Director, SSA	Date		
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Quincy Wilkins, Division Director, SSA	Date		
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Sharon Moore, Chief Departmental Human Resources Administrator, SSA	Date		
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Denise Robinson, Human Resources Consultant, SSA	Date		

For SEIU:

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Keith Snodgrass, SEIU Field Representative	Date		
DocuSigned by:			
	1/9/2025		
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Cara Williams, SEIU SSA Chapter President	Date		
DocuSigned by:			
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Alana Schaffer, Child Welfare Worker	Date		
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Hannah Joy Wirshing, Child Welfare Worker	Date		
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	12/30/2024		
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Nkiruka Ajaelo, Child Welfare Worker	Date		

By 
Kristy van Herick, Asst. County Counsel

**AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2042-2025
COUNTY OF ALAMEDA SALARY ORDINANCE**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 3, Section 3-13 (Human Resource Services), Subsection 3-13.23 of the County of Salary Ordinance is hereby added to read as follows:

3-13.23 – Effective March 2, 2025, not to exceed one (1) employee in job code 0267, when assigned lead responsibilities, shall be compensated an additional five percent (5%) compensation of the base pay. This footnote will be subject to review by the Director of Human Resource Services on or before January 2027, and annually thereafter.

SECTION II

Article 3, Section 3-18 (Social Services Agency), Subsection 3-18.50 of the County of Alameda Salary Ordinance is hereby added to read as follows:

3-18.50 – Effective March 16, 2025, employees in job codes 6740 and 6745 who are assigned to a program in the Department of Children and Family Services, as their primary assignment, shall receive a premium pay of \$160 for each pay period their caseload exceeds the caseload size standard for their respective assigned program, as outlined in the Sideletter of Agreement between the County and Service Employees International Union, Local 1021.

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: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

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

The County of Alameda (County) requested that new pay code Suprv Duties Exec Asst CAO – 43F be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This new pay code establishes a footnote for additional compensation of 10% of the base pay to be paid to an employee in the job classification of Executive Assistant to County Administrator (Job Code 1229) when assigned the responsibilities described below.

On February 18, 2025, the Board of Supervisors approved adding Subsection 3-6.18 to Article 3, Section 3-6 of the County of Alameda Salary Ordinance. It states: “Effective March 2, 2025, not to exceed one (1) employee in Job Code 1229, when assigned to supervise and oversee paraprofessional and professional staff performing office management, countywide budget support, payroll and other administrative functions in the County Administrator’s Office, shall receive up to an additional ten percent (10%) compensation of the base salary.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRA members). However, this pay code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). This pay code clearly meets the definition of “compensation earnable” because it is paid in cash to the member, it is not paid for overtime, and it does not fall under any of the express exclusions in Section 31461. The two relevant Government Code sections are attached.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to exclude pay code Suprv Duties Exec Asst CAO – 43F 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 *REVISED*

Employer Name:	County of Alameda
Date of Request	02/27/25
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	43F - Suprv Duties Exec Asst CAO
Pay Item Effective Date per authorization:	03/02/2025
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: 1229 Executive Assistant to County Administrator

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 one 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 – 10% of Base Pay

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

RESPONSE #6: No

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

RESPONSE #7: No

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

RESPONSE #8: No

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

RESPONSE #9: 40.0 Hour Work Week

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

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: Board Letter/Salary Ordinance

- ii. Article 3, Section 3-6 (County Administrator Department), to add new subsection 3-6.18 to establish a footnote for one (1) employee in the classification of Executive Assistant to the County Administrator (JC 1229) in the County Administrator's Office (CAO), when assigned the responsibilities of supervising paraprofessional and professional staff and overseeing the administrative support functions of the CAO, to receive up to an additional ten percent (10%) compensation of the base pay effective 3/2/25;

SECTION II

Article 3, Section 3-6 (County Administrator Department), Subsection 3-6.18 of the County of Salary Ordinance is hereby added to read as follows:

3-6.18 - Effective March 2, 2025, not to exceed one (1) employee in Job Code 1229, when assigned to supervise and oversee paraprofessional and professional staff performing office management, countywide budget support, payroll and other administrative functions in the County Administrator's Office, shall receive up to an additional ten percent (10%) compensation of the base salary.

SECOND READING - CONTINUED FROM 2/18/25

AGENDA NO. _____ February 18, 2025



Lakeside Plaza Building
1401 Lakeside Drive, Suite 500
Oakland, CA 94612-4305
TDD: (510) 272-3703

February 18, 2025

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

SUBJECT: ADOPT: 1) SALARY ORDINANCE AMENDMENTS TO UPDATE APPLICABLE SECTIONS OF ARTICLES 1, 3, 6 AND 7; AND 2) ADMIN CODE AMENDMENTS TO UPDATE APPLICABLE SECTIONS OF CHAPTERS 3.12, 3.20, 3.24, 3.28, 3.44 AND 3.64 TO APPLY SALARY ADJUSTMENT AND BENEFIT PROVISIONS TO CERTAIN UNREP M-DESIGNATED CLASSES AND CLEAN-UP FOR UNREP NON-MGMT CLASSES

Dear Board Members:

RECOMMENDATIONS:

Adopt the following:

- A. Salary Ordinance amendments to update:
- i. Article 1 (Applicable Pay Rates), Section 1-1 (Pay Rate Schedules), subsection 1-1.1, to reflect special salary adjustments for certain Unrepresented M-designated classifications effective February 16, 2025; and to update the salaries for the classifications of Deputy Director of Child Support Services (Job Code ("JC") 3165), located in the Alameda County Child Support Services ("ACSS"), by lowering the maximum salary rate by 15% and adjusting the spread of the salary range to approximately 27.6%, and the Director of Social Services (JC 6085), located in the Social Services Agency ("SSA"), by increasing the salary by ten percent (10%), both effective January 19, 2025;
 - ii. Article 3, Section 3-6 (County Administrator Department), to add new subsection 3-6.18 to establish a footnote for one (1) employee in the classification of Executive Assistant to the County Administrator (JC 1229) in the County Administrator's Office ("CAO"), when assigned the responsibilities of supervising paraprofessional and professional staff and overseeing the administrative support functions of the CAO, to receive up to an additional ten percent (10%) compensation of the base pay effective March 2, 2025;
 - iii. Article 6 (Additional Compensation), Sections 6-2 (Split Shift and Night Shift Work) to increase the split and night shift differentials to seven and one-half percent (7.5%) for unrepresented M-designated employees effective February 16, 2025; 6-3 (Standby Pay) to establish on-call pay for certain unrepresented M-designated employees when assigned to be the First Call Duty Officer for the Alameda County Health Public Health Department effective February 16, 2025; 6-5 (Temporary Assignment to Higher-Level Vacancy) to remove the 60-day waiting period for unrepresented M-designated employees to be compensated when formally assigned, on a temporary basis, to a higher-level position effective January 19, 2025, including non-substantive cleanup language; and 6-8 (Positions Designated Bilingual) to increase bilingual pay by five dollars (\$5) per pay period for each level effective February 16, 2025; and
 - iv. Article 7 (Provisions Applicable to Persons in Classifications Designated EM, SM, PA, CA, MA, OR M), Sections 7-4 (Vacation Sellback) to remove obsolete language for unrepresented employees and add language codifying applicable provisions for unrepresented non-management employees; 7-5 (Paid Leave)

An Equal Opportunity Employer

to increase paid leave to 64-hours effective January 19, 2025 for unrepresented M-designated employees and eliminate paid leave for Fair Labor Standards Act ("FLSA") non-exempt unrepresented M-designated employees hired on or after January 4, 2026; 7-10 (Cafeteria Benefit Plan: Amount of Allocable Money) to clean-up language throughout; 7-17 (Professional Incentive Pool), Effective Fiscal Year 2025/2026, to increase the maximum reimbursement an employee can receive from the Professional Incentive Pool; 7-20 (Retirement), Effective February 16, 2025, to increase the Employer Paid Member Contribution ("EPMC") from two percent (2%) to three percent (3%) for employees with 20 years of service; and non-substantive language cleanup to said Sections.

B. Administrative Code amendments to update:

- i. Chapter 3.12 (Leaves of Absence), Sections 3.12.120 (Pregnancy and child bonding leave) and 3.12.160 (Child bonding leave) to clean-up language to clarify eligible leave for unrepresented employees, add language to allow use of sick leave while on approved child bonding and delete existing language in 3.12.160 and replace with "Leave for reproductive loss";
- ii. Chapter 3.20 (Sick Leave), Sections 3.20.010 (Sick leave defined) to update the definition of sick leave; 3.20.110 (Family sick leave) to increase Family Sick Leave days to twelve (12) effective February 16, 2025; and 3.20.160 (Catastrophic sick leave program for unrepresented employees) to allow donations for catastrophic leave for an employee caring for an eligible family member and allow unlimited amounts of leave to be donated;
- iii. Chapter 3.24 (Vacations), Section 3.24.150 (Personal leave) to increase the personal leave days to three (3) for unrepresented M-designated employees effective January 19, 2025;
- iv. Chapter 3.28 (Overtime), Sections 3.28.010 (Definitions) and 3.28.050 (Requirement of actual work) to include non-substantive clean-up and clarifying language applicable to unrepresented non-management employees;
- v. Chapter 3.44 (Grievance Procedures), Section 3.44.030 (Departmental review and adjustment of grievance) to increase the time to respond between each step to 10-working days, including non-substantive clean-up language; and
- vi. Chapter 3.64 (Employee Health and Welfare Benefit Program), Sections 3.64.050 (County medical and dental contribution) and 3.64.100 (Long term disability insurance policy for unrepresented employees) to make non-substantive clean-up in each Section, including reference to unrepresented non-management in Section 3.64.100 (Long term disability insurance policy for unrepresented employees).

DISCUSSION/SUMMARY:

Historically, employees in unrepresented M-designated classifications related to the Alameda County Management Employees Association General Government and Confidential Units ("ACMEA GG and C Units") received the same general wage increases and benefit provisions as negotiated in the ACMEA GG and C Units Memoranda of Understanding ("MOUs"). The ACMEA GG and C Units MOUs were adopted by your Board on January 14, 2025. Your Board previously approved general wage increases of six percent (6%) and five percent (5%) for unrepresented M-designated classifications effective May 12, 2024 and December 22, 2024, respectively, and as such, staff recommends only extending certain benefit provisions negotiated with ACMEA GG and C Units to the unrepresented M-designated classifications. Staff also recommends special salary adjustments for certain unrepresented M-designated classifications, effective February 16, 2025, to address compaction and internal alignment issues based on special adjustments for specified classifications agreed to in the successor 2023-2027 ACMEA GG and C Units MOUs. The recommended changes are outlined in the attached Salary Ordinance and Administrative Code amendments.

Additionally, the ACCSS requested that the Human Resource Services (“HRS”) Department conduct a salary analysis of the unrepresented classification of Deputy Director of Child Support Services (JC 3165), in anticipation of opening a recruitment in early 2025. The single-position classification is responsible for directing program activities and implementing departmental policies and procedures with general oversight by the Director of Child Support Services.

Staff conducted an external salary survey of the five (5) Bay Area counties, as well as an internal analysis, specifically comparing County of Alameda (“County”) agencies/departments with similar structures to ACCSS and assessed the scope of duties and responsibilities, including the reporting structures between the deputy director and the director classifications of those agencies/departments. Staff’s review indicates that the Deputy Director of Child Support Services (JC 3165) is well-above market median and the salary difference between the director- and deputy director-level is only approximately five percent (5%). As such, staff recommends reducing the maximum salary rate by 15% and adjusting the spread of the salary range to approximately 27.6% for the Deputy Director of Child Support Services (JC 3165) classification effective January 19, 2025, as outlined in the attached Salary Ordinance amendment. As a result of the recommended salary reduction, the Deputy Director of Child Support Services (JC 3165) classification will remain approximately four percent (4%) above market median and will be approximately 21% below the Director of Child Support Services (JC 3170) classification, which is consistent with the salary difference of other County agency/department director and deputy director classifications.

Further, staff conducted a salary analysis of the Director of Social Services (JC 6085) classification as part of the County’s ongoing review of classifications. The Director of Social Services (JC 6085) operates at the highest policy-making level in SSA and is responsible for advising and making recommendations to your Board, the County Administrator and various other governing bodies on all matters that affect the County’s welfare and social services.

Staff also completed a comprehensive salary analysis of the Director of Social Services (JC 6085) classification by conducting a salary survey of the five (5) Bay Area counties, and comparing other County agencies/departments with a similar structure to SSA to ensure the salary is appropriately aligned. The results of the analysis determined that the Director of Social Services (JC 6085) classification is below the median by approximately 8.87%. Staff recommends a ten percent (10%) special salary adjustment for the Director of Social Services (JC 6085) classification to ensure market competitiveness of this critical and essential position effective January 19, 2025 as outlined in the attached Salary Ordinance amendment.

Lastly, at the request of the CAO, staff conducted a review of additional duties currently assigned to the employee in the classification of Executive Assistant to the County Administrator (JC 1229) and determined that the additional duties assigned to said employee are outside the scope of their classification. In addition to the regular duties of secretarial and administrative support to the County Administrator, the employee is responsible for supervising paraprofessional and professional staff and overseeing the overall administrative support functions within the CAO. Staff recommends a footnote of up to ten percent (10%) additional compensation of the base salary effective March 2, 2025, as outlined in the attached Salary Ordinance amendment.

SELECTION CRITERIA:

N/A

FINANCING:

Funds are available in the 2024-2025 Approved Budget and will be included in future years’ requested budgets to cover the costs resulting from the recommendations.

VISION 2026 GOAL:

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

Very truly yours,

DocuSigned by:

Margarita Zamora

24C63D8E0Z4A48D
Margarita Zamora, Director
Human Resource Services

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

Ordinance No.

By 
Kristy van Herick, Asst. County Counsel

**AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2024 – 2025
COUNTY OF ALAMEDA SALARY ORDINANCE**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 1, Section 1-1, Subsection 1-1.1 of the County of Alameda Salary Ordinance is hereby amended thereto of the following job codes, titles, and salaries, effective on the dates as listed below:

Job Code	Mgmt	Classification Title	Unit Code	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	FLSA
3165	EM	Deputy Dir, Dept Child Svs	051	1/19/2025	7028.80				8970.40	X
6085	SE	Dir of Social Services	071	1/19/2025	10628.00				13633.60	X
1348	CA	Human Resources Speclst, ACERA	066	2/16/2025	3539.20				5579.20	X
0424	SM	Info Systems Director	U15	2/16/2025	5584.00				7820.80	X
3162	SM	Policy Manager, DCSS	U15	2/16/2025	5436.00				6609.60	X
5065	SM	Ast Dir, For, Div,andRe-Entry	U45	2/16/2025	6284.00				8021.60	X
5074	SM	For, Div,andRe-Entry Director	U45	2/16/2025	7115.20				8650.40	X
5078	SM	Deputy Director, Behav Health	U45	2/16/2025	7648.80	8038.40	8432.00	8666.40	9315.20	X
5091	SM	Dir, Adt Oldr Ad Sys of Care	U45	2/16/2025	6443.20				7834.40	X
5390	PA	Deputy Dir, Pub Hlth Nrsg	U45	2/16/2025	6806.40				8389.60	X
5782	SM	Epidemiology Research Scient	U45	2/16/2025	4829.60				5960.80	X
5783	SM	Dir of Epidemiology and Eval	U45	2/16/2025	4813.60				6447.20	X
0268	CA	Business Analyst	U50	2/16/2025	4822.40				6032.00	X
0272	PA	Assistant Business Analyst	U50	2/16/2025	4440.80				5579.20	X
0283	CA	Labor Relations Analyst I	U50	2/16/2025	3884.00				5579.20	X
0296	SM	TAP Program Manager	U50	2/16/2025	4957.60				6029.60	X
0462	SM	Departmntal HR Manager	U50	2/16/2025	4957.60				6029.60	X
0463	SM	Med Lvs and Accm Srvs Admin	U50	2/16/2025	5561.60				6759.20	X
0467	CA	Med Lvs and Accm Srvs Case Mgr	U50	2/16/2025	3884.00				5579.20	X

SECTION II

Article 3, Section 3-6 (County Administrator Department), Subsection 3-6.18 of the County of Salary Ordinance is hereby added to read as follows:

3-6.18 - Effective March 2, 2025, not to exceed one (1) employee in Job Code 1229, when assigned to supervise and oversee paraprofessional and professional staff performing office management, countywide budget support, payroll and other administrative functions in the County Administrator's Office, shall receive up to an additional ten percent (10%) compensation of the base salary.

SECTION III

Article 6, Sections 6-2, 6-3, 6-5 and 6-8 of the County of Alameda Salary Ordinance are hereby amended by the addition thereto of the following underlined language and the deletion of the following stricken language:

SECTION 6-2. SHIFT AND NIGHT SHIFT WORK

...

Effective January 7, 2024, ~~employees in~~ unrepresented non-management ~~employees in~~ classifications related to the Service Employees International Union, Local 1021, who are required to work a split shift or a night shift as defined in this Section, shall be paid at a rate of seven and one-half percent (7.5%) over and above their normal biweekly or hourly rate of pay for the entire shift worked.

Effective February 16, 2025, employees in unrepresented M-designated classifications related to the ACMEA General Government and Confidential Units, who are required to work a split shift or a night shift as defined in this Section, shall be paid at a rate of seven and one-half percent (7.5%) over and above their normal biweekly or hourly rate of pay for the entire shift worked.

SECTION 6-3: STANDBY DUTY

...

Effective February 16, 2025, an employee who is in an unrepresented M-designated classification (Job Codes 5390 and 5046) and required to perform the functions of the First Call Duty Officer for Alameda County Health and is 1) assigned to be on-call for one (1) full calendar week (seven (7) consecutive days, including evenings and weekends); 2) restricted from traveling and partaking in outside activities that would prohibit them from being able to perform the on-call work, if called; and 3) required to respond to calls and report onsite, if necessary, within a specific timeframe as determined by the Director of Health Care Services, or their designee shall be compensated \$350 each week when assigned. This provision shall be limited to up to one (1) employee per week and up to two (2) employees per week during preceptorship (combined with the provision established for employees represented by the Alameda County Management Employees Association General Government Unit), as determined by the Director of Health Care Services.

SECTION 6-5: TEMPORARY ASSIGNMENT TO HIGHER-LEVEL VACANCY

A. An employee specifically assigned on a temporary basis to a higher-level position in which there is no appointed incumbent or in which the appointed incumbent is on paid or unpaid leave, shall be compensated at the pay rate for the higher-level position if the service in such position exceeds ~~ten (10)~~ days in any ~~twelve (12)~~ month period, which payment shall be retroactive to the first (~~1st~~) day of such services; provided however, that the full range of duties of the higher-level position has been specifically assigned in writing by the Department Head or ~~his/her~~ their designee. The rate of pay pursuant to this section shall be calculated as though the employee had been promoted to the higher-~~level~~ position. However, the rate of pay for non-elected Board of Supervisors (BOS) interim department head assignments will be set at the Board's discretion up to the top of range, for the following Job Codes 0035SE, 2950SE, 4190SE, 3260SE, 0190SE, 5050SE, 0295SE, 1849SE, 3170SE, 2055SE, 3140SE, 6150SE, 1005SE, and 6085SE.

B. The provisions of this section shall apply to a person employed in a position designated EM, SM, PA, CA, MA or M while temporarily assigned to a higher-~~level~~ designated EM, SM, PA, CA, MA or M position, provided that the assignment is for a period of at least ~~sixty (60)~~ consecutive work-days. The County Administrator and Director of Human Resource Services may waive or reduce the requirement that the employee be assigned to higher level position for a period of at least ~~sixty (60)~~ consecutive work-days in those instances in which they determine that the requirement is likely to impair efficiency or result in a serious inequity. However, the 60-day consecutive workday waiting period shall be deemed automatically waived for non-elected BOS interim department head assignments serving in the following Job Codes 035SE, 2950SE, 4190SE, 3260SE, 0190SE, 5050SE, 0295SE, 1849SE, 3170SE, 2055SE, 3140SE, 6150SE, 1005SE, and 6085SE.

Effective January 19, 2025, the 60-day consecutive workday waiting period shall no longer apply to unrepresented M-designated employees and such employees shall be compensated in accordance with subsection 6-5.A.

SECTION 6-8: POSITIONS DESIGNATED BILINGUAL

Effective October 3, 2010, unless otherwise provided in a current, valid Memorandum of Understanding, upon recommendation of the Agency/ Department Head and approval of the Director of Human Resource Services, an employee occupying a position designated as requiring fluency in a language other than English shall receive an additional compensation of \$40 per biweekly pay period.

~~Effective March 13, 2016, for unrepresented non-management employees, the compensation provided in this Section shall be increased from \$40 to \$55 for an employee occupying a position designated as requiring fluency in a language other than English and from \$45 to \$60 for an employee occupying a position requiring fluency in two (2) or more languages other than English.~~

Effective ~~December 30, 2018~~February 16, 2025, for unrepresented M-designated employees, the compensation provided in this Section shall be increased from ~~\$40 to \$55~~ to \$60 for an employee occupying a position designated as requiring fluency in a language other than English and from ~~\$45 to \$60~~ to \$65 for an employee occupying a position requiring fluency in two (2) or more languages other than English.

...

SECTION IV

Article 7, Sections 7-4, 7-5, 7-10 and 7-17, of the County of Alameda Salary Ordinance are hereby amended by the addition thereto of the following underlined language and the deletion of the following stricken language:

SECTION 7-4: VACATION SELLBACK

Unless otherwise provided in this Section, an employee accruing vacation at the rate of ten (10) working days or more per year may receive equivalent cash payment for up to five (5) vacation days per fiscal year. An employee accruing vacation at a rate of twenty (20) working days per year may receive equivalent cash payment for up to ten (10) vacation days per fiscal year. This benefit shall be prorated for part time employees based upon the proportion of the normal 40-hour workweek for which the employee is regularly scheduled to work. In lieu of, or in addition to the foregoing, an employee may have accrued vacation leave credited against the employee's his/her transition pay obligation to the County. Vacation sellback under this subsection is in addition to the amount of sellback that can be used to purchase Long-Term Disability Insurance (Section 3.64.100). Requests for vacation sellback are irrevocable.

...

~~D. Effective July 1, 1995 an unrepresented employee may receive equivalent cash payment for up to 15 vacation days per fiscal year. This benefit shall be prorated for part time employees based upon the proportion of the normal 40 hour workweek for which the employee is regularly scheduled to work. In lieu of, or in addition to the foregoing, an employee may have accrued vacation leave credited against his/her transition pay obligation to the County. In addition, employees may sell up to 10 additional days (prorated for part time employees) to be used solely for the purchase of Long Term Disability Insurance.~~

~~E. Effective July 1, 2007, in Fiscal Years 2007-2008 and 2008-2009, an unrepresented employee may sell back an additional five days of vacation.~~

...

~~S. Effective July 1, 2011, each unrepresented management employee may increase the yearly maximum vacation sellback from fifteen (15) days to twenty (20) days in Fiscal Year 2011-2012. The yearly maximum vacation sellback for unrepresented management employees shall return to fifteen (15) days in Fiscal Year 2012-2013.~~

...

X. Effective July 1, 2024, unrepresented non-management employees who are accruing at least fifteen (15) days of vacation may receive equivalent cash payment for up to ten (10) vacation days per fiscal year and employees accruing at least twenty (20) days of vacation may receive equivalent cash payment for up to fifteen (15) days per fiscal year. This benefit shall be prorated for part-time employees based on the proportion of the normal thirty-seven and one-half (37.5) or forty (40) hour workweek for which the employee is regularly scheduled to work.

SECTION 7-5: MANAGEMENT PAID LEAVE

This plan recognizes that the time required by management (M-designated) employees to complete their duties is not limited by the length of the normal County workweek by allowing employees management paid leave ("MPL") ~~of absence~~ in each calendar year, as follows:

A. Exempt M-designated employees.

1. Each exempt unrepresented employee, who, as an executive, administrative, or professional employee, is exempt from the overtime provisions of the Fair Labor Standards Act, shall receive seven (7) days of ~~paid leave MPL of absence~~ in each calendar year in recognition of time worked in excess of the normal County workweek, to be scheduled by the employee, subject to the approval of the department head, and to be taken only within that calendar year. Effective January 19, 2025 and continued each calendar year, employees shall receive one (1) additional day (8-hours, for a total of 64 hours and prorated as noted in 3. below) of MPL.
2. Additionally, each exempt employee represented by the ACMEA in Representation Units R15, R44, R45, R48, R49, and R50; ACMEA in Representation Units 029 & 075; and the Professional Association of County Employees in Representation Units S06 and S25, who is an executive, administrative, or professional employee exempt from the overtime provisions of the Fair Labor Standards Act, shall receive seven (7) days (prorated as noted in 3. below) of paid leave of absence in each calendar year to be scheduled by the employee, subject to the approval of the Agency/Department Head, and to be taken only within that calendar year.
3. An employee appointed after the start of the calendar year shall receive ~~paid leave of absence MPL~~ prorated ~~at the rate of 4.67 hours~~ for each month or any part of a month to be worked thereafter during the remainder of the calendar year. Paid leave MPL shall be prorated for part time employees based upon the proportion of the normal 40-hour workweek for which the employee is regularly schedule to work.

B. Non-exempt M-designated employees.

1. Each non-exempt unrepresented management employee shall receive three (3) days of paid leave of absence in each calendar year to be scheduled by the employee, subject to the approval of the department head, and to be taken only within that calendar year.
 - a. Employees Hired on or After the Pay Period Beginning January 4, 2026: Employees who are newly hired, promoted, reinstated, demoted or appointed through any other method into an M-designated FLSA non-exempt position are not eligible for MPL.
2. Additionally, each non-exempt M-designated employee ~~represented by ACMEA in Representation~~

~~Units R15, R44, R45, R48, R49, and R50~~; represented by ACMEA in Representation Units 029 & 075; represented by the Professional Association of County Employees in Representation Units S06 and S25; and employees represented by the Civil Engineers Management Unit in Representation Unit 030 shall receive three (3) days of paid management leave of absence in each calendar year to be selected by the employee, subject to the approval of the department head, and to be taken only within that calendar year.

3. An employee appointed after the start of the calendar year shall receive paid leave of absence prorated at the rate of 2.0 hours for each month or any part of a month to be worked thereafter during the remainder of the calendar year. Paid leave shall be prorated for part time employees based upon the proportion of the normal 40-hour workweek for which the employee is regularly scheduled to work.

C. ~~MPL Paid leave~~ allowed pursuant to subsections A. and B. above shall be scheduled by mutual agreement of the employee and the agency/department head and taken within the calendar year in which it was granted. The ~~MPL Paid Leave~~ allocation will appear in the leave balances on the first paycheck in the month of January of each year. Days that for any reason are not taken in the calendar year earned shall not thereafter be paid in any form.

SECTION 7-10. CAFETERIA BENEFIT PLAN: AMOUNT OF ALLOCABLE MONEY

To help offset employee costs toward the Cafeteria Benefit Plan (as outlined in Section 7-9 (Cafeteria Benefit Plan: Purpose)), the County provides eligible employees with a County Allowance each Plan Year. County contributions are made on a semi-monthly basis and subject to proration in advance of the Plan Year for employees regularly scheduled to work less than full-time based upon the hours which the employee has been regularly scheduled to work.

...

Unrepresented Management (M-Designated):

~~Effective January 1, 2019, unrepresented M-designated full-time employees are eligible for a cafeteria benefit plan. The County Allowance is in the amount of three thousand three hundred dollars (\$3,300); and effective January 1, 2022, the cafeteria benefit plan County Allowance amount shall be increased to three thousand five hundred dollars (\$3,500) per Plan Year ("PY"). This amount shall be prorated in advance of the calendar year for employees regularly scheduled to work less than full-time based upon the hours which the employee has been regularly scheduled to work.~~

Unrepresented Non-Management: Effective January 1, 2022, unrepresented non-management full time employees, except for unrepresented Services-as-Needed (SAN); Temporary Assignment Pool (TAP); and Intermittent; are eligible for a ~~cafeteria benefit plan~~ County Allowance in the amount of one thousand two hundred dollars (\$1200) for the calendar year.

Proration:

~~An employee appointed to a position in a classification with a Job Code suffix EM, SM, CA, PA, MA, SE or M shall be entitled to a prorated amount of the cafeteria plan benefit based upon the number of pay periods to be worked full-time during the remainder of the calendar year, except that employees appointed during the two last full pay periods, and any following partial pay period, prior to December 31 shall not be eligible for plan benefits until the following calendar year. Effective January 1, 2014, the Plan was amended to include Dependent Care Assistance and Adoption Assistance.~~

~~Effective January 1, 2022, unrepresented non-management full-time employees, except for unrepresented Services-as-Needed (SAN); Temporary Assignment Pool (TAP); and Intermittent; are eligible for a cafeteria benefit plan County Allowance in the amount of one thousand two hundred dollars (\$1200) for the calendar year. This County Allowance amount shall be prorated in advance of the calendar year for employees regularly scheduled to work less than full-time based upon the hours which that the employee has been regularly~~

scheduled to work. Employees who are hired or become eligible after January 1st shall be entitled to a prorated County Allowance amount based upon the number of pay periods to be worked during the remainder of the calendar year, except that employees appointed during the last two (2) full pay periods, and any following partial pay period, prior to December 31 shall not be eligible for plan benefits until the following calendar year. The maximum County Allowance amount available to employees who reinstate in the same calendar year shall not exceed ~~\$1200~~ the respective Plan Year amount minus the cafeteria benefit plan County Allowance amount already received by employees during that same calendar year. Effective January 1, 2014, the Plan was amended to include Dependent Care Assistance and Adoption Assistance.

SECTION 7-17: PROFESSIONAL INCENTIVE POOL

~~Effective on the dates indicated below, e~~Eligible unrepresented M-designated employees in units U15, U44, U45, U49, U50, U53, U61, U65, 043, 046, 051, 066 and 071, may submit a request for an educational plan, on the appropriate request form provided by the Auditor-Controller's Office, for reimbursement under the Professional Incentive Pool to the respective Agency/Department Head. Upon the approval of the Agency/Department Head of any plan submitted by an employee to engage in job-related educational courses which shall maintain or upgrade the employee's skills on the job, or prepare the employee for promotional opportunities, the County shall pay up to \$700 per employee per fiscal year ("FY") upon submission of evidence of successful completion of the course. More than one (1) educational plan may be approved in any fiscal yearFY, but in no event shall the stipend exceed \$700 per employee, per fiscal yearFY. Effective FY 2025/2026, the individual maximum an employee may be reimbursed shall be increased to \$1,500. The maximum County liability under this section shall not exceed \$75,000 in any fiscal yearFY; except as herein provided. The remaining pool shall not roll over year to year. Employees shall receive such stipends on a first come-first served basis each fiscal yearFY. Requests submitted within the ~~Fiscal YearFY~~ will be allotted towards the maximum amount per employee, for that ~~Fiscal YearFY~~, as well as the total maximum County liability, for that ~~Fiscal YearFY~~. Claims for eligible expenses incurred in the prior ~~fiscal yearFY~~ must be submitted to the Auditor's Office for receipt no later than August 1st. After August 1st of each ~~Fiscal YearFY~~, the Professional Incentive Pool for the prior ~~Fiscal YearFY~~ will be closed and claims will no longer be accepted.

...

~~B. Effective Fiscal Year 2018/2019, for Unrepresented Management employees in units U15, U44, U45, U49, U50, U53, U61, U65, 043, 046, 051, 066 and 071, upon the approval of the Agency/Department Head of any plan submitted by an employee to engage in job-related educational courses which shall maintain or upgrade the employee's skills on the job, or prepare the employee for promotional opportunities, the County shall pay up to \$700 per employee per fiscal year upon submission of evidence of successful completion of the course. More than one educational plan may be approved in any fiscal year, but in no event shall the stipend exceed \$700 per employee, per fiscal year. The maximum County liability under this section shall not exceed \$75,000 in any fiscal year; except as herein provided. The remaining pool shall not roll over year to year. Employees shall receive such stipends on a first come-first served basis each fiscal year.~~

SECTION V

Article 7, Section 7-20 (Retirement) of the County of Alameda Salary Ordinance is hereby amended by the deletion of the following stricken language effective February 16, 2025:

SECTION 7-20. RETIREMENT

Eligible employees become members of the Alameda County Employee Retirement Association ("ACERA").

The County of Alameda ("County") contribution, or employer paid member contribution ("EPMC"), set forth in item #1 ("Classic" Members) shall be for eligible unrepresented management employees in Representation Units U15, U44,

U45, U49, U50, U65, 046, 051, 066, and 068, who are full-time employees on full-time paid status. If the employee is on paid status less than full-time, the County contribution shall be prorated each pay period based upon pensionable earnings within that biweekly pay period to the normal full-time biweekly pay period for the job classification.

1. "Classic" Members: Effective December 22, 2002, for employees who are "classic" members of ACERA, the County shall contribute toward the employee contribution to ACERA in an amount equal to three percent (3%) of the employee's salary.

Effective December 22, 2002, for employees who are 30-year members of ACERA and no longer make contributions to ACERA because they are 30-year members, the County shall pay an amount equal to three percent (3%) of the employee's salary to a 401(A) Plan.

2. "New" Members: Employees who are Tier 4 members of ACERA are excluded from the provision of item #1 ("Classic" Members), above.

~~**3. EPMC Amendment:** Effective May 12, 2024, for employees (except for employees in Job Codes 0053 and 0055) completing twenty (20) or more years of continuous service (equivalent to or at least 41,600 or 39,000 total service hours for 80-hour or 75-hour classifications, respectively), the County's EPMC or contribution to the 401(A) Plan as provided in item #1 (Tier 2A "Classic" Members) shall be reduced from three percent (3%) to two percent (2%).~~

The contributions set forth in this provision by the County to ACERA are being paid in lieu of wages and shall be reported as normal contributions and credited to member accounts. Employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the County to ACERA or the 401(A) Plan. The contribution shall remain the property of the County and shall not become part of the accumulated contributions of the member nor create vested rights for any member. The County's Auditor-Controller's Office shall pay to ACERA the retirement contribution from the same source of funds as used for salary compensation.

SECTION VI

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.

Ordinance No.

**AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE
ALAMEDA COUNTY ADMINISTRATIVE CODE**

By 
Kristy van Herick, Asst. County Counsel

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Chapter 3.12 Leaves of Absence, of the Alameda County Administrative Code is hereby amended by the addition and deletion of the following underlined and stricken language to Sections 3.12.120 and 3.12.160 to read as follows:

3.12.120 - Pregnancy and child bonding leave.

~~Effective July 8, 2012, the provisions of this section shall apply to unrepresented employees of the county as follows:~~

~~An employee is entitled to a pregnancy and child bonding leave of up to six months. Such an employee may elect to take accrued vacation or compensatory time off or sick leave, when eligible, during the period of pregnancy and child bonding leave, except that in the case of an employee who is regularly scheduled to work less than the normal full-time work week for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have been regularly scheduled to work and would have worked but for the pregnancy and child bonding leave. The employee shall be entitled to sick leave, when eligible, with pay accumulated pursuant to Chapter 3.20, of the Administrative Code. The scheduling of child bonding leave (either FMLA or CFRA) on an intermittent basis and/or requests for a reduced work schedule are subject to mutual agreement by the employee and the agency/department head as allowed by law.~~

~~Notwithstanding the above, the employee may be entitled to take up to seven (7) months of total leave for the integration of the pregnancy disability and child bonding leaves pursuant to the Family Medical Leave Act (FMLA), California Pregnancy Disability Leave (PDL), and California Family Rights Act (CFRA). Disability leave due to pregnancy runs concurrently with FMLA and PDL. Child bonding leave runs concurrently with FMLA and CFRA. Reinstatement subsequent to pregnancy and child bonding leave of absence shall be to the same classification from which leave was taken, and the agency/department head shall make its best effort to return such employee to the same geographical location, shift and where there is specialization within a classification, to the same specialization. Questions as to whether or not the agency/department head has used its best effort herein, shall not be subject to the grievance procedure.~~

- A. **Pregnancy Disability Leave:** An employee who is disabled by pregnancy, childbirth, or a related medical condition is entitled to an unpaid, job-protected leave of absence of up to 17 and 1/3 weeks as determined by the employee's health care provider, in accordance with the Fair Employment and Housing Act (FEHA) Pregnancy Disability Leave (PDL) provision. Employees who are approved for PDL will have their accrued sick leave automatically applied and/or supplemented if they are eligible and receiving State Disability Insurance (SDI). If employees exhaust their sick leave, their vacation leave, compensatory time off or other accrued paid leave will automatically be applied to their PDL unless the employee requests, in writing, not to have their other leave balances applied. For an employee who is regularly scheduled to work less than the normal full-time work week for the classification, usage of accrued paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have been regularly scheduled to work and would have worked but for the PDL.

PDL runs concurrently with approved leave under the federal Family and Medical Leave Act (FMLA), if eligible. Reinstatement of an employee returning from PDL or other job-protected leave shall be to the same classification the employee occupied when the leave was taken, and the Agency/Department Head shall make their best effort to return such employee to the same geographical location, shift and where there is a

specialization within a classification, to the same specialization. The determination on whether the Agency/Department Head has used their best effort herein shall not be subject to the grievance procedure.

B. Child Bonding Leave:

- 1. Child Bonding Leave Under California Family Rights Act (CFRA) and Family Medical Leave Act (FMLA):** An employee who is a new parent (birth, adoptive or foster placement) is entitled to an unpaid, job-protected leave of absence to bond with a new child up to 12-weeks, within one (1) year of the qualifying event, in accordance with CFRA and FMLA. . Child bonding leave taken under CFRA runs concurrently with approved leave under FMLA, if eligible. The scheduling of child bonding leave (either on CFRA or FMLA) on an intermittent basis shall be a basic minimum duration of two (2) weeks; however, an employee shall be permitted leave of less than two (2) weeks' duration on any two (2) occasions. Any requests for additional occasions of intermittent leave or a reduced work schedule are subject to approval by the employee's Agency/Department Head as allowed by law.
- 2. Additional County Child Bonding Leave Not Covered by CFRA/FMLA:** An employee may be eligible to take up to a total of 26-weeks of leave inclusive of time under FEHA PDL and Child Bonding Leave under CFRA/FMLA; however, any additional leave taken up to the maximum 26-weeks of total leave that is not covered under FEHA PDL or CFRA/FMLA may be taken utilizing the employee's own leave balances or will be considered authorized leave without pay. If an employee's combined leave under FEHA PDL and CFRA/FMLA is 26-weeks or more, the employee shall not be eligible for Additional County Child Bonding Leave under this subsection.
- 3. Application of Employee Accrued Leave During Child Bonding:** An employee's accrued vacation leave, compensatory time off or other accrued paid leave will automatically be supplemented during the period of child bonding leave referenced in subsections 3.12.120.B.1. (Child Bonding Leave Under CFRA/FMLA) and 3.12.120.B.2. (Additional County Child Bonding Leave Not Covered by CFRA/FMLA), unless the employee requests, in writing, to not have their other leave balances applied. In the case of an employee who is regularly scheduled to work less than the normal full-time workweek for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have worked but for child bonding leave.

Effective February 16, 2025, an employee's accrued sick leave shall be included in the leaves automatically supplemented during the period of child bonding leave as referenced herein and subsection 3.12.120.B.4. (Use of Sick Leave During Child Bonding) shall no longer apply.
- 4. Use of Sick Leave During Child Bonding:** The use of sick leave during child bonding leave shall not be permitted unless they are otherwise eligible to use it as provided in Chapter 3.20 (Sick Leave).
- 5. Reinstatement Following Child Bonding Leave:** Reinstatement of an employee returning from child bonding leave or other approved leave referenced herein shall be to the same classification the employee occupied when the leave was taken and the Agency/Department Head shall make their best effort to return such employee to the same geographical location, shift, and where there is specialization within a classification, to the same specialization. The determination on whether the Agency/Department Head has made their best effort herein, shall not be subject to the grievance procedure.

3.12.160 - ~~Child bonding leave.~~Leave for reproductive loss.

~~Effective July 8, 2012, the provisions of this section shall apply to unrepresented employees of the county as follows: A prospective father, spouse, domestic partner or adoptive parent is entitled to child bonding leave of up to three months, within one year of the qualifying event. Child bonding leave runs concurrently with FMLA and CFRA. The scheduling of child bonding leave (either on FMLA or CFRA) on an intermittent basis and/or requests for a reduced work schedule are subject to mutual agreement by the employee and the agency/department head as allowed by law.~~

~~An employee may elect to take accrued vacation or compensatory time off during the period of child bonding leave, except that in the case of an employee who is regularly scheduled to work less than the normal full-time work week for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have worked but for child bonding leave. The use of sick leave during child bonding leave shall not be permitted unless they are otherwise eligible to use it as provided in Chapter 3.20.~~

~~Reinstatement subsequent to child bonding leave of absence shall be to the same classification from which leave was taken and the agency/department head shall make his/her best effort to return such employee to the same geographical location, shift, and where there is a specialization within the classification, to the same specialization. Questions as to whether or not the agency/department head has made its best effort herein shall not be subject to the grievance procedure.~~

Effective January 1, 2024, after 30-days from the date of employment, employees shall be entitled to an unpaid leave of absence of up to five (5) days for each reproductive loss event, up to a maximum of 20-days within a 12-month period. Employees may elect to use their accrued leave balances for all hours of their scheduled workdays. The leave may be taken non-consecutively and must be taken in increments of one (1) workday and completed within three (3) months of the date of the event entitling the employee to such leave. For employees on pregnancy disability leave, FMLA/CFRA leave or other leave entitlement under state or federal law, the reproductive loss leave is in addition to any other such leave entitlements must be completed within three (3) months of the end date of the other leave.

For purposes of this Section “a reproductive loss” is defined as:

- Failed adoption
- Failed surrogacy
- Miscarriage
- Stillbirth
- Unsuccessful assisted reproduction

To request such leave, employees must complete and submit the “Request for Leave for Reproductive Loss” form to their Agency/Departmental Human Resources Officer/Representative.

SECTION II

Chapter 3.20 Sick Leave, Sections 3.20.010, 3.20.110, 3.20.120, and 3.20.160 of the Alameda County Administrative Code are hereby amended by the addition and deletion of the following underlined and stricken language to read as follows:

3.20.010 - Sick leave defined.

As used in this section, sick leave means leave of absence of an employee because of any of the following:

- A. Illness or injury which renders them incapable of performing their work or duties for the county;
- B. ~~Their e~~Exposure to contagious disease;
- C. Routine medical or dental appointments of the employee; and/or
- D. to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of themselves when the employee is a victim of domestic violence, sexual assault, stalking, or other crimes that cause physical or mental injury or involving a threat of physical injury, or when the employee’s immediate family member is deceased as a direct result of a crime. ~~Sheltering at home because either employee is available but unable to work on-site due to a shelter in place order or employee is high risk for illness from COVID-19, and employee is unable to telework for the County. This subsection shall sunset effective December 31, 2020 and shall be deleted from the Administrative Code upon the sunset date.~~

Effective February 16, 2025, unrepresented M-designated, employees shall be eligible to use, in each calendar year, up to one (1) day of accumulated sick leave for wellness reasons (preventative reasons to reduce stress, manage mental health and/or rejuvenate).

3.20.110 - Family sick leave.

~~Effective July 1, 2015, u~~Unless otherwise defined in a memoranda of understanding, regular, provisional or temporary full-time employees are eligible to use, in each calendar year, up to nine (9) days of accumulated sick leave, and effective February 16, 2025, shall be increased to up to twelve (12) days of accumulated sick leave, pursuant to Section 3.20.060 (Cumulative Sick Leave Plan) of this code, to attend to immediate family members who are ill or injured, including emergency or routine medical/dental appointments and/or to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of themselves or their child(ren) when the employee is a victim of domestic violence, sexual assault, ~~or stalking~~ or other crimes that cause physical or mental injury or involving a threat of physical injury, or when the employee's immediate family member is deceased as a direct result of crime. For the purpose of this section, "immediate family" means a:

- Spouse or domestic partner (as defined in Section 3.20.170 (Domestic Partner)
- ~~p~~Parent (biological, adoptive, foster, step-parent, ~~parent-in-law, parent of domestic partner, a person who stood in loco parentis when the employee was a minor child,~~ or legal guardian) of an employee, the employee's spouse or domestic partner;
- ~~grandparent, spouse, domestic partner (as defined in Section 3.20.170 (Domestic Partner),~~ child (biological, adopted, foster, step-child, legal ward or child ~~to whom the employee stands in loco parentis of domestic partner)~~;
- Grandparent;
- ~~g~~Grandchild, ~~or;~~
- ~~a~~sibling;
- Any other person sharing the relationship of in loco parentis; or
- Effective January 1, 2023, "immediate family" also includes a designated person. Employees shall identify their designated person at the time employees request the leave. Employees are limited to one designated person per twelve (12) month period.

Effective January 7, 2024, unrepresented non-management employees in classifications related to the Service Employees International Union, Local 1021 are eligible to use, in each calendar year, up to twelve (12) days of accumulated sick leave, pursuant to Section 3.20.060 (Cumulative Sick Leave Plan) of this Code for the purpose and as stated above.

Effective February 16, 2025, unrepresented M-designated employees who are approved for leave under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA), to care for an eligible family member with a serious medical condition shall not be limited to usage of the number of sick leave days as outlined in this subsection.

3.20.120 - Bereavement leave.

Regular, provisional, or temporary employees in full-time and part-time status (except for unrepresented employees in service-as-needed ("SAN"), retired annuitant, and temporary assignment pool ("TAP") status) shall be granted up to five (5) days of bereavement leave with pay by the ~~a~~Agency/~~d~~Department head because of death in the immediate family. Unrepresented employees in SAN, retired annuitant, and TAP status employed for at least thirty (30) days prior to commencing leave shall be granted up to five (5) days of bereavement leave without pay because of death in the immediate family. Employees may use sick leave, if any, for such leave.

For purposes of this section: 1) If requested, at the discretion of the Agency/Department Head or their designee, employees shall complete the County's bBereavement lLeave sStatement Form (Form HRS-3.20.120) within thirty (30) days of the first day of the leave and complete the bereavement leave within three (3) months of the date of death of the immediate family member; 2) the bereavement leave days need not be taken consecutively; 3)

"immediate family" means spouse, domestic partner (as defined in Section [3.20.170](#) (Domestic Partner)), parent (biological, foster, adoptive, step-parent, parent-in-law, or legal guardian), child (biological, foster, adopted, step-child, a legal ward, or a child of domestic partner), sibling, grandparent, grandchild, and any other person sharing the relationship of in loco parentis; and, when living in the household of the employee, a sibling-in-law; and 4) the entitlement to bereavement leave shall be only for hours the employee would have been scheduled to work for those days granted, and shall be in addition to any other leave entitlement.

3.20.160 - Catastrophic sick leave program for unrepresented employees.

This section applies only to ~~persons employed in positions, including those which are M-designated, which are not represented by a recognized employee organization~~[unrepresented employees](#).

Such an employee may be eligible to receive donations of paid leave to be included in the employee's sick leave balance if ~~she/he~~[the employee](#) has suffered a catastrophic illness or injury ~~which that~~ prevents the employee from being able to work, provided that the conditions hereafter set forth are met. Catastrophic illness or injury is defined as a medical condition considered to be terminal, a long-term major physical impairment or disability.

[Effective January 19, 2025, unrepresented M-designated employees may be eligible to receive direct donations of paid leave to care for the employee's eligible family member \(based on Family Medical Leave Act \("FMLA"\) or California Family Rights Act \("CFRA"\) eligibility\) who has suffered a catastrophic illness or injury as outlined above. Employees who are caring for their dependent, spouse or designated person \(in accordance with FMLA or CFRA eligibility\) shall only be eligible for direct donations and are not eligible for funds from the existing catastrophic sick leave pool.](#)

- A. The recipient, recipient employee's family, or other person designated in writing by the recipient employee must submit a request to the personnel and labor relations department.
- B. The recipient employee is not eligible so long as [the recipient employee](#) ~~s/he~~ has paid leaves available; however, the request may be initiated prior to the anticipated date leave balances will be exhausted.
- C. A confidential medical verification including diagnosis, prognosis and estimated date of return to work must be provided by the recipient employee.
- D. A recipient employee is eligible to receive one hundred eighty (180) working days (or eighty-four (84) shifts for fire department employees on twenty-four (24) hour shifts) of donated time per employment.
- ~~E.~~ Donations shall be made in full-day increments of seven and ~~five-eighths~~[one-half \(7.5\) or eight \(8\) hours \(for employees working 37.5 or 40 hours per week, respectively\)](#) (fire—twenty-four (24) hours) and are irrevocable. The maximum that may be donated in a calendar year is two [\(2\)](#) donor employee's days per recipient except that a husband and wife or domestic partners, both employed by the county, may donate unlimited amounts of time between one another. [Effective January 19, 2025, unrepresented M-designated employees may donate in increments of four \(4\) hours for full-time employees and in increments of two \(2\) hours for less than full-time employees. In addition, effective January 1, 1996, u](#)Unrepresented M-designated employees ~~with a vacation balance that exceeds the amount that can be paid off, may donate unlimited amounts of vacation to an agency/department catastrophic sick leave pool~~[may also donate unlimited amounts of time up to the full amount of their eligible leave balance. All donations are irrevocable.](#)
- ~~F.~~[E.](#) The donor employee may donate vacation, compensatory time or in-lieu holiday time which shall be converted to the recipient employee's sick leave balance and all sick leave provisions will apply. Time donated in any pay period may be used in the following pay periods. No retroactive donations are permitted.
- ~~G.~~[F.](#) The donor's hourly value will be converted to the recipient's hourly value and then added to the recipient's sick leave balance on a dollar-for-dollar basis.

H.G. The recipient employee's entitlement to personal disability leave will be reduced by the number of hours added to the recipient's sick leave balance.

H.H. The determination of the employee's eligibility for catastrophic sick leave donations shall be at the county's sole discretion and shall be final and nongrievable.

J.I. Recipient employees who are able to work but are working less than their regular schedule will integrate catastrophic sick leave donations with time worked and their own paid leaves, which must be used first, not to exceed one hundred ~~(400)~~ percent (100%) of the employee's gross salary.

SECTION III

Chapter 3.24 Vacations, Section 3.24.150 of the Alameda County Administrative Code is hereby amended by the addition of the following underlined language to read as follows:

3.24.150 - Personal leave.

An employee shall be allowed two (2) days in any calendar year from their regular vacation accrued balance for personal leave. Effective January 19, 2025, employees in unrepresented M-designated classifications shall be allowed three (3) days in any calendar year from their regular vacation accrued balance for personal leave.

An agency/department head shall not deny a request for this leave except for reasons critical to the operation of their agency/department. Such personal leave shall be in segments of one-half day or more for non-exempt employees as defined by the FLSA.

...

SECTION IV

Chapter 3.28 Overtime, Sections 3.28.010 and 3.28.050 of the Alameda County Administrative Code are hereby amended by the addition and deletion of the following underlined and stricken language to read as follows:

3.28.010 - Definitions.

...

Effective March 25, 2018, for unrepresented management employees, vacation, vacation buy, personal leave, sick leave (all types), floating holiday leave and paid management leave shall not count towards the accumulation of the workweek ~~or work performed during the defined work period~~ when calculating overtime compensation.

3.28.050 - Requirement of actual work.

There shall be no overtime payment unless the employee has actually worked at least some portion of time during said workweek. For example, an employee on paid leave only during an entire workweek is not entitled to any overtime compensation.

Effective June 5, 2016, for unrepresented non-management related to SEIU employees, there shall be no overtime payment unless the employee has actually worked over 37.5 or 40.0 hours during said workweek. For the purposes of this overtime payment, compensatory time off is considered time "actually worked."

...

SECTION V

Chapter 3.44 Grievance Procedures, Section 3.44.030 of the Alameda County Administrative Code is hereby amended by the addition and deletion of the following underlined and stricken language to read as follows:

3.44.030 - Departmental review and adjustment of grievance.

The following is the procedure to be followed in the resolution of grievances:

- A. An employee having a grievance shall first discuss it with his-their immediate supervisor and endeavor to work out a satisfactory solution in an informal manner with such supervisor.
- B. If a satisfactory solution is not accomplished by informal discussion, the employee shall have the right to consult with and be assisted by a representative of his-their own choice in this and all succeeding steps of this section and may thereafter file a grievance in writing with his-their immediate supervisor within seven-ten (10) working days after the date of such informal discussion. Within seven-ten (10) working days after receipt of any written grievance, the immediate supervisor shall return a copy of the written grievance to the employee with his-their answer thereto in writing. If the grievance is not resolved at this level, the employee shall have seven-ten (10) working days from receipt of the answer within which to file an appeal to the section head.
- C. The section head, or corresponding administrative level, shall have seven-ten (10) working days in which to review and answer the grievance in writing. If the grievance is not resolved at this level, the employee or his-their representative shall have seven-ten (10) working days from receipt of the answer within which to file an appeal with the division head, or corresponding administrative level.)
- D. The division head, or corresponding administrative level, shall have seven-ten (10) working days in which to review and answer the grievance in writing. Although no hearing is required at this step, the employee and his-their representative may be present at, and participate in, any such hearing as the division head may conduct. If the grievance is not resolved at this level, the employee shall have seven-ten (10) working days from receipt of the answer within which to file an appeal with the department head.
- E. A department head shall have seven-fifteen (15) working days after holding the grievance hearing to~~in which to review, hold hearing and~~ answer the grievance in writing. Unless waived by the mutual agreement of the employee or his-their representative and the agency/department head, a hearing is required at this step, and the employee, and his-their representative, shall have the right to be present at, and participate in, such hearing. The time limit at this step may be extended by mutual agreement between the department head and the employee or his-their representative.

SECTION VI

Chapter 3.64 Employee Health and Welfare Benefit Program, Sections 3.64.050, 3.64.100, and 3.64.110 of the Alameda County Administrative Code are hereby amended by the addition and deletion of the following underlined and stricken language to read as follows:

3.64.50 - County medical and dental contribution.

...

- B. Dental. The County shall contribute the total semi-monthly premium for a County-offered dental plan at the corresponding level of coverage (i.e., self, self + one dependent, family) provided that the employee is on paid status at least fifty ~~(50)~~-percent (50%) of the normal full-time biweekly pay period. If an employee is not on paid status at least fifty ~~(50)~~-percent (50%) of the normal full-time biweekly pay

period for the job classification, the employee will be responsible for paying the entire semi-monthly premium payment for the benefit.

1. Unrepresented M-Designated Employees. For unrepresented M-designated employees, the annual PPO dental maximum allowable shall be ~~one thousand six hundred fifty dollars (\$1,650.00) effective plan year 2019, and one thousand seven hundred fifty dollars (\$1,750.00) effective plan year 2021.~~
2. Unrepresented Non-Management Employees. For unrepresented non-management employees, the annual PPO dental maximum allowable ~~shall be one thousand five hundred fifty dollars (\$1,550.00) effective plan year 2017, one thousand six hundred seventy five dollars (\$1,675.00) effective plan year 2020, one thousand seven hundred seventy five dollars (\$1,775.00) effective plan year 2021, and one thousand nine hundred dollars (\$1,900.00) effective plan year 2022.~~

3.64.100 - Long term disability insurance policy for unrepresented ~~M-designated persons~~employees.

Effective January 1, 1996, a long-term disability insurance policy will be made available for the employee only. Coverage can be purchased ~~only either~~ through the use of vacation sellback. (See Section 7-4 of the ~~salary Salary ordinance Ordinance~~.) or through payroll deduction. This policy is subject to premium costs, eligibility requirements, age limitations, coverage exclusions, conversion rights, and all other provisions set forth in the applicable insurer contracts.

3.64.110 - Share the savings plan.

~~Medical benefit eligible e~~Employees who are eligible for medical benefits as defined in Section 3.64.020 who are regularly scheduled to work at least fifty ~~(50)~~ percent (50%) of the normal full-time biweekly pay period for ~~that their~~ classification, ~~are~~ on paid status at least fifty ~~(50)~~ percent (50%) of the normal full-time biweekly pay period, and have alternate medical coverage, are eligible to enroll in ~~for the s~~Share the ~~s~~Savings plan ~~stipend~~ if they choose to waive their ~~e~~County-sponsored medical coverage or reduce their applicable level of enrollment (i.e. self, self + one dependent, family). The stipend provided by this plan is taxable, payable on a semi-monthly basis, and subject to proration.

...

The county's share the savings plan stipend is as follows:

- A. Unrepresented ~~M-D~~esignated Employees: For unrepresented M-designated full-time employees, the share the savings plan tiers and stipend amounts ~~for plan year 2019~~ are as follows:
 1. Effective Plan Year 2019:
 - Two hundred fifty dollars (\$250.00) for those employees who decline all medical coverage;
 - Two hundred dollars (\$200.00) for those employees who decline family coverage and elect single coverage;
 - One hundred fifty dollars (\$150.00) for those employees who decline family coverage and elect two-party coverage; and
 - One hundred fifty dollars (\$150.00) for those employees who decline two-party coverage and elect single coverage.
- B. Unrepresented Non-Management Employees: For unrepresented non-management full-time employees, the share the savings plan tiers and stipend amounts are as follows:
 1. Effective Plan Year 2017:
 - Two hundred dollars (\$200.00) for those employees who decline all medical coverage;

- One hundred fifty dollars (\$150.00) for those employees who decline family coverage and elect single coverage;
 - One hundred dollars (\$100.00) for those employees who decline family coverage and elect two-party coverage; and
 - One hundred dollars (\$100.00) for those employees who decline two-party coverage and elect single coverage.
2. Effective Plan Year 2020:
- Three hundred dollars (\$300.00) for those employees who decline all medical coverage;
 - Two hundred fifty dollars (\$250.00) for those employees who decline family coverage and elect single coverage;
 - Two hundred dollars (\$200.00) for those employees who decline family coverage and elect two-party coverage; and
 - Two hundred dollars (\$200.00) for those employees who decline two-party coverage and elect single coverage.

SECTION VII

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 the same in the Inter-City Express, a newspaper published in the said 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: March 20, 2025

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Approve Pay Code Specalized/Indep-Cmplx Corr Tsk– 40I as “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) created a new pay code for Specalized/Indep-Cmplx Corr Tsk – 40I to track Tier 4 (PEPRA) members who are eligible for this additional pay. With the implementation of PEPRA, this pay code was determined to be “compensation earnable” for Tier 1 and Tier 2 members (Legacy) and excluded from “pensionable compensation” for Tier 4 members (PEPRA). This pay code established a footnote for additional compensation of 5% to be paid to two employees in the job classification of Treasurer-Tax Collector Specialist III (Job Code 1603) when assigned the more specialized and independent work as described below.

On December 6, 2011, the Board of Supervisors adopted the below Subsection 3-19.14 of the County of Alameda Salary Ordinance:

“3-19.14 – Effective December 11, 2011, not to exceed two (2) employees in Job Code 1603, Treasurer-Tax Collector Specialist III, when assigned the more specialized and independent work executing tasks relative to the most complex corrections within the Treasurer-Tax Collector Department, the incumbent shall receive an additional five percent compensation. (BOS approved 12/6/11)”

On April 7, 2015, this Subsection was amended to increase the number of eligible employees in the job classification of Treasurer-Tax Collector Specialist III (Job Code 1603) from two to three.

Staff and Chief Counsel reviewed the information provided by the County, and confirmed the original determination that this pay code qualifies as “compensation earnable” under Government Code Section 31461 (for Legacy members). This pay code clearly meets the definition of “compensation earnable” because it is paid in cash to the member, it is not paid for overtime and it does not fall under any of the express exclusions in Section 31461.

It is unclear why this pay code was previously excluded from “pensionable compensation” since this additional pay is considered base pay, and it applies to more than one employee in the same group or class of employment per Government Code Section 7522.34(a). In any event, there has not been any Tier 4 members eligible for this additional pay until recently.

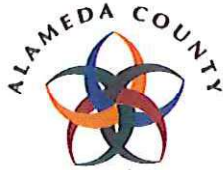
The two relevant Government Code sections are attached for the Board’s reference.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its March 20, 2025 meeting. If this item is not pulled from the Consent Calendar for discussion,

Approve Pay Code Specalized/Indep-Cmplx Corr Tsk– 40I as “Pensionable Compensation” – County of Alameda (continued)
March 20, 2025
Page 2 of 2

then the Board will approve Staff’s determination that pay code Specalized/Indep-Cmplx Corr Tsk – 40I is “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members), and that it will continue to be included as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



Human Resource Services

Agenda _____ March 24, 2015

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

March 5, 2015

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Subject: Salary Ordinance Amendment

Dear Board Members:

Recommendation:

Adopt a first reading of a Salary Ordinance amendment amending Section 3-19.14 to add one position of Job Code 1603, Treasurer-Tax Collector Specialist III, to receive additional compensation for performing higher level duties in the Treasurer-Tax Collector Department.

Discussion/Findings:

We are amending Salary Ordinance Section 3-19.14 in the Treasurer-Tax Collector Department, to add one additional position of Job Code 1603, Treasurer-Tax Collector Specialist III, when assigned the more specialized and independent work executing tasks relative to the most complex corrections within the Treasurer-Tax Collector Department to receive an additional five percent compensation. This amendment allows an additional employee to receive the additional compensation on a temporary basis when the specialized and complex tasks are assigned. This assignment is beyond the normal duties performed by the Treasurer-Tax Collector Specialist III.

Financing:

Funds are available in the 2014-2015 budget appropriation to pay the cost resulting from this action.

Very truly yours,

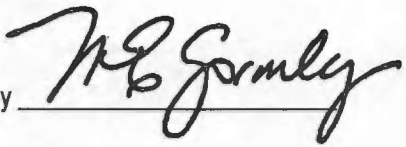
A handwritten signature in blue ink that reads "Cynthia Baron".

Mary Welch, Interim Director
Human Resource Services

MW:my
Z\Board Letters 2015\03.24.15 Salary Ordinance Amendment

Cc: CAO
Auditor-Controller
County Counsel
Treasurer-Tax Collector

Approved as to Form
DONNA ZIEGLER, County Counsel

By 

O-2015-17

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2014 - 2015
ALAMEDA COUNTY SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 1-2.2 of Ordinance Number 0-2014-47 of the County of Alameda is hereby amended by the addition thereto of the following note:

3-19.14 - Effective December 11, 2011, not to exceed ~~two (2)~~ three (3) employees in Job Code 1603, Treasurer-Tax Collector Specialist III, when assigned the more specialized and independent work executing tasks relative to the most complex corrections within the Treasurer-Tax Collector Department, the incumbent shall receive an additional five percent compensation. (BOS approved 12/6/11)

SECTION II

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 the same in the Inter-City Express, a newspaper published in the said County of Alameda.

MW:my

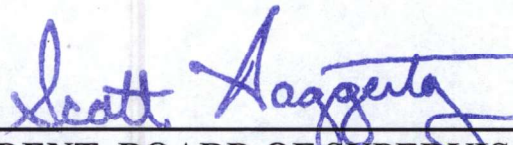
Z:\Board Letters 2015\03.24.15 Salary Ordinance Amendment

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this 7th day of April, 2015, to wit:

AYES: Supervisors Carson, Chan, Miley, Valle & President Haggerty – 5

NOES: None

EXCUSED: None



PRESIDENT, BOARD OF SUPERVISORS

File: 29535
Agenda No: 19
Document No: R-2015-17



I certify that the foregoing is a correct copy of a Ordinance adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:
Clerk, Board of Supervisors

By: Rhonda Bailey
Deputy

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.

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(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.

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

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

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(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.



Board Travel Policy

I. Purpose

- A. To encourage ACERA Trustees (“Trustees”) to pursue educational and business-related initiatives that will assist the Trustees in meeting their fiduciary duties to administer the pension plan;
- B. To facilitate Trustees’ participation in such activities;
- C. To ensure that expenditures incurred from travel or business-related activities are prudent and cost-effective, and to mitigate the risk of improprieties arising from these activities.

II. Assumptions

The Travel Policy rests on the following important assumptions:

- A. Prudent oversight of a public sector pension plan requires that Trustees travel to business meetings and educational conferences or seminars held in or outside of the State of California. Travel and related costs incurred in doing so not only represent legitimate expenses of the plan, but are a sound investment in the ongoing success of the organization in meeting the needs of the membership.
- B. Any expenditures relating to travel by ACERA Trustees and reimbursement of travel-related expenses by the plan must comply with the Board’s fiduciary obligations to plan members and beneficiaries.
- C. Trustees shall disclose all expenditures and expenses for which they seek reimbursement on claim reimbursement form.

III. Policy Guidelines

- A. ACERA Trustees are authorized to incur reasonable expenses necessary to fulfill their fiduciary or operational duties pursuant to the Board Education Policy, subject to the guidelines contained herein and consistent with ACERA's Conflict of Interest Policy. ACERA shall reimburse Trustees for business and travel-related expenses consistent with this Travel Policy.
- B. Trustees shall ensure that all business and travel-related expenses are reasonable using ACERA specific business-related expense guidelines attached as Exhibit A.
- C. Each Trustee is allotted \$17,750 for the calendar year effective January 1, 2024. The allotment for each Trustee shall automatically increase by the Consumer Price Index (CPI) for the greater San Francisco area effective January 1 of each year, subject to budgetary constraints. Staff will automatically update the Policy to reflect the new allotment and will notify the Committee of the new amount each year.
- D. Excluded from the allotted annual amount are the following educational opportunities which provide unique, high-level learning opportunities for Trustees which are more expensive than typical training opportunities and in which Trustees are unlikely to participate every year:
 - 1. Half of the total expenditures of the Milken Global Institute conference. The total expenditures include conference fee, airfare, accommodation and other travel costs.
 - 2. For first time Trustees, the Wharton Portfolio Concepts and Management and CALAPRS Principles of Pension Management or comparable Wharton and CALAPRS Programs.
 - 3. The advanced Wharton and CALAPRS pension management trainings may be taken by each Trustee once every three years.
- E. Should a Trustee desire to incur business and travel-related expenses which exceed the annual allotment, the Trustee must receive approval from the Board before incurring the expense. Special consideration will be given to requests by New Trustees, who are encouraged to attend educational seminars to obtain sufficient knowledge to better prepare them to execute their fiduciary responsibilities and govern the system.

- F. In light of ACERA's asset allocation to international investments, the Board may authorize travel outside the U.S. if such a travel request is deemed to be consistent with all of the provisions in this Policy and the Conflict of Interest Policy. The Trustee shall seek approval for travel outside the U.S. from the Board if traveling abroad for training more than one time in a calendar year.
- G. Trustees agree to make every attempt to attend any programs for which they have signed up to avoid the loss of travel and related expenses incurred by ACERA.
- H. Reservations for airline tickets and hotel accommodations may be made through the office of the CEO.
- I. When traveling by air Trustees may extend their trip if it will result in no additional cost or if it will result in a net savings to ACERA.
- J. Staff will provide each Trustee with a monthly statement listing the individual Trustee's travel and business related expenditures to date.
- K. Staff will provide the Operations Committee with a quarterly report identifying expenditures and the educational conferences that each Trustee has attended to date.

IV. Policy Review

The Operations Committee will review this policy every three years to ensure that it remains relevant and appropriate. The Committee shall make recommendations to the Board concerning any improvements or modifications it deems necessary.

V. Policy History

The Board reviewed and affirmed this policy, with revisions, on January 18, 2024.¹

¹ The Board adopted the Board Travel Policy on September 16, 1999. The Board reviewed and affirmed, with revisions, on September 20, 2001; May 19, 2005; May 18, 2006; November 9, 2006; October 18, 2007; November 19, 2009; March 18, 2010; January 20, 2011; November 8, 2012; September 19, 2013; October 16, 2014; November 12, 2015; June 22, 2017; February 15, 2018 and November 21, 2019. The Board reviewed and affirmed, without revisions, on November 9, 2011. The Policy is automatically updated from time to time to reflect the CPI adjusted travel allotment.



Board Travel Policy, Exhibit A Specific Travel Guidelines for Trustees

I. Purpose

These guidelines summarize the procedures for authorization and reimbursement of business and travel-related expenses for Trustees.

- A. The governing principle for business and travel-related expense reimbursement is that Trustees should neither profit nor suffer monetarily as a result of acquiring education and/or conducting ACERA business.
- B. Business and travel-related expenses include costs directly paid by ACERA to either an outside vendor for transportation, lodging, and related expenses, or to Trustees for reimbursement of incidental travel costs such as meals, tips, and baggage costs, incurred during the course of acquiring Trustee education or conducting ACERA business.
- C. ACERA will neither pay for nor reimburse a Trustee for business or travel-related expenses that have been or will be paid for or reimbursed from any outside sources.
- D. Trustees are expected to follow this Board Travel Policy in a manner that minimizes expenses and fairly assigns the costs of business-related activities to ACERA.

II. Reimbursement Request Responsibility And Requirements

- A. Trustees are required to comply with the Board Travel Policy. The Trustee requesting reimbursement or incurring the expense is responsible for ensuring all the following:
 - 1. The travel and other expenses are directly related to an approved education or business matter;
 - 2. Mileage and other reimbursement calculations are accurate; and
 - 3. Proper business justification and supporting documentation have been provided to ACERA for processing the expense.

- B. Trustees must account for all business and travel-related expenses.
 - 1. Substantiation of the expense requires the original receipts (a digital or photo copy of the original receipt is acceptable), printed confirmation of itinerary or order confirmation if purchased on the internet, and an adequate record of each expense indicating the provider of service or product, amount, date, and location of expense.
 - 2. Submit reimbursement within 45 days of completion of travel or the date the expense was incurred. Exceptions to the 45-day timeframe will be made for extenuating circumstance (e.g., illness, emergency, or unforeseen absence).
- C. The CEO or designee is responsible for approving a Trustee's request for reimbursement by verifying the following:
 - 1. Expenses were related to an approved business matter;
 - 2. Expenses are documented as required and the Board Travel Policy has been applied;
 - 3. Expense reports or other requests for reimbursement are both mathematically accurate and reasonable in amount in light of the business purpose; and
 - 4. The applicability of any exceptions.

III. General Expense Provisions

- A. ACERA will reimburse tips or gratuities for travel and business services such as meals, baggage handling and storage, ground transportation and hotel services. Reasonable and customary tips for meals are 15-25% of the bill. Tips for other services will be in amounts that are reasonable and customary for the service rendered.
- B. ACERA will not provide, pay for, or make reimbursements for the travel-related expenses of companions or spouses who accompany a Trustee on ACERA business.
- C. ACERA will not reimburse or pay for personal items or services unrelated to a valid business or educational purpose.
- D. At no time, and under no circumstances, stated or unstated in this Board Travel Policy, will ACERA reimburse or pay for alcoholic beverages.

IV. Automobile, Shuttle, Taxi and Alternative Transportation

A. Generally,

1. Trustees will select a reasonable and cost effective means of transportation such as personally owned vehicles, rental cars, taxis, shared economy options (e.g., Uber or Lyft), Bay Area Regional Transit (BART), Alameda County (AC) Transit and other forms of public transportation.
2. Trustees shall maintain receipts to obtain reimbursements. Fees for transportation, parking and tolls are all reimbursable.
3. ACERA will not reimburse for parking tickets, fines for moving violations, vehicle towing charges, or auto repairs and maintenance.

B. Personally Owned Vehicles (POV)

1. Trustees may only use their POV for ACERA business if they are in possession of both a valid driver's license and maintain current comprehensive auto insurance, including liability limits that match those carried by ACERA's vehicle insurance policy. If not, the Trustee is not authorized to drive for ACERA business travel.
2. Trustees may use their POV instead of flying if they provide documentation that the cost of using a POV is comparable to flying and, if needed, airport transportation and rental car charges at the final location.
3. Reimbursement for mileage is based on the Internal Revenue Service's (IRS) business standard mileage rate. ACERA will only reimburse mileage for the most reasonably direct route (given traffic and other constraints) driven solely for business purposes.

C. Mileage Expenses

1. To receive reimbursement for mileage, Trustees must complete an expense report specifying the purpose of the trip, point of origin, destination and date of trip. Trustees shall submit a documented route through a mapping service to verify the mileage.

2. Mileage shall ordinarily be computed one of the following two ways, depending upon the circumstance: (a) Between the Trustee's office and the common carrier or destination (if Trustee left for travel from the workplace); or (b) Between the Trustee's residence and the common carrier or destination (if Trustee left from his or her residence).

D. Rental Car Travel (Domestic and Foreign)

1. Rental cars are authorized only when another form of ground transportation is either unavailable or would create an unreasonable hardship for the Trustee. Trustees shall rent cars that are economical and reasonable.
2. Rental vehicles for ACERA business purposes are subject to the following conditions:
 - a. All drivers of rental vehicles must be over the age of 25 unless pre-approved by the CEO or designee.
 - b. ACERA's automobile insurance provides liability coverage, but does not provide coverage for any physical damage to the automobile. Collision insurance coverage provided by the rental agency is required for all vehicles.
 - c. If a rental vehicle is required for travel outside the United States, the Trustee is required to contact ACERA's Legal Department or Administration Department to ensure the agency's automobile insurance policy coverage is in force at the foreign destination.
 - d. Any accident involving a rental vehicle must be reported in writing within 24 hours to both the car rental agency and the CEO or designee except in cases of injury rendering the ACERA Trustee unable to report within 24 hours.
3. Trustees are required to cooperate in the investigation of any accident involving their rental car.

V. Airline Travel

A. Airline Fares

Airfares should be the most economical that are reasonable under the circumstances regardless of whether ACERA purchases the tickets or Trustees purchase their own airline tickets.

B. Baggage and Lost Luggage/Items

The airline charge for one checked bag is a reimbursable business expense. Charges for more than one bag will be reimbursable under the following circumstances:

1. The Trustee is transporting ACERA business and/or conference materials; or
2. The Trustee is on a travel period longer than 3 days or is traveling internationally.

ACERA does not purchase or maintain insurance coverage for lost luggage or the personal belongings of Trustees while on ACERA business travel.

C. Parking or Other Forms of Transportation for the Airport

Airport or other business parking will be reimbursed. Trustees are urged to seek cost effective transportation to and from the airport such as shuttles or other public transportation.

VI. Lodging

A. Generally:

1. ACERA will directly pay for or reimburse for lodging expenses for a standard room during ACERA-related travel, which could also include an upgraded room where there is no increased cost.
2. ACERA will reimburse for business related services such as Wi-Fi connection, printing, and faxing when such expenses are incurred for authorized business travel.
3. If paying with a personal credit card, the Trustee must present an itemized hotel bill for reimbursement of lodging expenses.

B. Cancellations

1. ACERA will pay for costs incurred as a result of a hotel room cancellation only under extenuating circumstances such as illness or emergency.
2. A written explanation for the cancellation verified by the CEO or designee must be submitted to the Fiscal Service Department within 15 days of the cancellation.

C. “No-Show” Charges

1. Trustees are responsible for requesting a refund from the hotel for a “no show” charge regardless of whether ACERA or the Trustee made the reservation.
2. In the case of flight delays or cancellations which are outside of a Trustee’s control, ACERA will reimburse for additional expenses incurred to continue travel, such as rebooking fees or increased airfares.

VII. Meals For Business Meetings While Traveling

A. Trustee only Business Meals

1. ACERA will reimburse for meals during business-related travel (as distinguished from local business meals covered below in Section VIII) at a rate not to exceed \$150 per person, per day. The \$150 limit applies to the total cost, including all taxes, tips and other charges. Receipts for all meals are required.
2. As a general rule, Trustees are not expected to incur personal expense for meals while attending conferences, training workshops, and similar activities. If meals are provided and paid for as part of the cost of attendance, Trustee should exercise fiduciary responsibility and make a reasonable adjustment to the \$150 a day meal allowance. If, however, dietary restrictions prevent consumption of provided meals, no adjustment in the meal allowance is expected.

B. Business Meals for Others

1. Trustees may pay for the meals of other ACERA Trustees as part of a business-related meeting.
2. ACERA will also reimburse Trustees for meals paid for on behalf of other meeting attendees so long as the meal is for an ACERA business purpose and the expense is reasonable in light of that business purpose.
3. The receipt submitted by the Trustee must include the business justification for the expense and the names of all meal recipients and their affiliation with ACERA.

VIII. Meals For Business Meetings When Not Traveling

A. Trustee Only Business Meals

1. ACERA will reimburse Trustees for meals incurred as part of a meeting only where the primary purpose of the meeting is to conduct ACERA business and there is a valid business need to meet over the meal.
2. The receipt submitted by the Trustee must include the name of each meal recipient and the business purpose for purchasing the meal for the others. Meals under this circumstance should not exceed \$37.50 each for breakfast and lunch and \$75 for dinner per person. The limits apply to the total cost, including taxes, tips and other charges.

B. Trustee Only Meals at Local Conferences, Seminars, Workshops, etc.

1. ACERA will reimburse Trustees for the cost of their meals when attending a local conference, seminar, workshop, presentation, or other similar group meeting when it extends through the usual mealtime.
2. The receipt submitted by the Trustee must include the purpose of the meeting and should not exceed \$37.50 each for breakfast and lunch and \$75 for dinner. The limits apply to the total cost, including all taxes, tips and other charges.
3. Meals provided and paid for by ACERA for in-house training, seminars, workshops, or meetings are not included in this Board Travel Policy.

IX. Lost Receipts

- A. A receipt or a credit card statement is required for all requests for reimbursement of purchases over \$5.
- B. If a Trustee loses a receipt and cannot obtain a duplicate, the Trustee may receive reimbursement by providing ACERA with a completed Affidavit Form for Business Expenses without Receipt. The use of affidavits is expected to be an exception and not a regular practice.



Board Education Policy

I. Purpose

To establish guidelines and procedures for Trustees to fulfill their fiduciary responsibilities and satisfy the education requirements in the Government Code.

II. Assumptions

The Policy rests on the following important assumptions:

- A. The role of a Trustee is distinct from that of management and requires different knowledge and education.
- B. Education will assist Trustees in carrying out their fiduciary responsibilities.
- C. Trustees are responsible for making policy decisions affecting all major aspects of pension plan administration and therefore must acquire an appropriate level of knowledge of all significant facets of plan administration.
- D. No single method of educating Trustees works for everyone so a variety of approaches is appropriate. Trustees have discretion to determine which programs best meet their needs and the objectives of this policy.
- E. This Policy complies with Government Code section 31522.8.

III. Objectives

The objectives of this Policy are as follows:

- A. Ensure that all Trustees gain the knowledge they need to effectively carry out their fiduciary responsibilities as defined by the County Employees Retirement Law of 1937 Act (Government Code §31450, et seq.).
- B. Ensure that access to the necessary educational opportunities is available to all Trustees.
- C. Ensure that Trustees possess a shared knowledge of pension administration that facilitates group discussion, debate, and effective decision-making.

D. Ensure that Trustees have the opportunity to acquire relevant knowledge across all major aspects of pension plan administration.

E. Ensure that all newly appointed or elected Trustees are provided with sufficient knowledge to effectively participate in Board and committee deliberations.

~~F. Ensure equitable allocation of opportunities for education and training discounts where discounts and/or attendance quantities are limited due to Brown Act limitations.~~

IV. Policy Guidelines

Trustee Education and Training Requirements

All Trustees agree to develop and maintain their knowledge and understanding of the issues involved in the management of ACERA.

A. Minimum Hours of Education

1. All new Trustees must receive a minimum of 24 hours of Board member education within the first two years of assuming office.
2. After first two years of assuming office, each Trustee must receive a minimum of 24 hours of Board member education every two years.

B. Educational Topics

1. Trustees agree to develop and maintain relevant knowledge across a broad spectrum of pension-related topics in at least the following areas:
 - a. Fiduciary responsibilities.
 - b. Ethics.
 - c. Pension fund investments and investment program management.
 - d. Actuarial matters.
 - e. Pension funding.
 - f. Benefits administration.
 - g. Disability evaluation.
 - h. Fair hearings.
 - i. Pension fund governance.

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C. Process for Selecting Educational Opportunities

1. Trustees shall consider the following requirements when selecting an educational vehicle that best meets their needs:
 - a. The opportunity is designed to provide Trustees with the knowledge they need to carry out their responsibilities;
 - b. The opportunity assists Trustees in securing a useful level of knowledge of the areas listed above;
 - c. The opportunity meets the requirements of this Policy; and
 - d. The cost-effectiveness of the program.
2. Trustees will attend appropriate educational programs, such as:
 - a. Conferences, seminars, workshops, and roundtables;
 - b. Courses, workshops and presentations sponsored by academic institutions or external service providers;
 - c. In-house workshops, seminars, or presentations delivered by ACERA staff;
 - d. Self-study from relevant periodicals, articles, trade journals, textbooks, and electronic media or other sources of educational material; and
 - e. Any other educational opportunities that the Trustees deem appropriate.
3. Educational seminars sponsored by pension fund organizations or accredited academic institutions shall be deemed to meet the Trustee education requirements.

D. Orientation Program

1. A formal orientation program shall be developed by senior management for the benefit of new Trustees designed to ensure that new Trustees are in a position to contribute fully to Board and committee deliberations, and effectively carry out their fiduciary duties as soon as possible after joining the Board.
2. New Trustees shall be encouraged to participate in the orientation program within 45 days of being elected or appointed to the Board.
3. The orientation program shall include:
 - a. An Orientation Handbook;

- b. Introduction to all key members of senior management and staff;
 - c. A tour of the ACERA offices; and
 - d. A comprehensive briefing by senior management.
4. The Orientation Handbook shall include:
- a. Most recent plan description and member handbook;
 - b. Roles and responsibilities of Trustees, committees, and senior management;
 - c. Copies of ACERA Board policies;
 - d. Most recent actuarial valuation and financial statements;
 - e. Most recent actuarial asset/liability study;
 - f. Most recent investment performance report;
 - g. Most recent business plan and budget;
 - h. Up-to-date organizational chart;
 - i. Up-to-date names and phone numbers of other Trustees and the CEO;
 - j. Relevant readings covering pension fiduciary fundamentals; and
 - k. Copies of relevant ACERA publications/brochures.

E. Required Trustee Trainings

- 1. Sexual Harassment Prevention Training
 - a. Each trustee is required to take two hours of sexual harassment prevention training within the first six months of taking office and every two years after that. (Government Code §§53237, et. seq.)
 - b. Sexual harassment prevention training obtained by a Trustee at an employer will satisfy this requirement if the training complies with current legal requirements and was completed within one year before the Trustee took office.
- 2. Ethics Training:
 - a. Each Trustee is required to take ethics training within one year of taking office and every two years after that. (Government Code §§53234, et seq.)

- b. The California Attorney General's website includes training for "Local Officials" that satisfies this requirement.

F. Policy Compliance

1. Each Board member must maintain a record of his or her compliance with the education requirements (Government Code §31522.8). The Board members must certify their compliance on the form attached as Exhibit A and provide the form to the Legal Office no later than January 31 for the previous calendar year.
2. This Policy and an annual report on Board Member Compliance with the Policy will be on the ACERA website (Government Code §31522.8).
3. Trustees agree to be accountable to each other, as a group, for complying with the provisions of this Policy.
4. The Legal Office will maintain records indicating the date sexual harassment prevention training and ethics training were completed and the entities that provided the trainings.

V. Policy Review

This policy shall be reviewed by the Operations Committee every three (3) years to ensure that it remains relevant and appropriate.

VI. Policy History

The Board reviewed and affirmed this policy, with revisions, on January 18, 2024.¹

¹ The Board adopted the Policy (then named the Trustee Education Policy) on October 16, 1999. The Board reviewed and affirmed with revisions September 18, 2003; November 18, 2003; November 9, 2006; December 18, 2008; December 20, 2012; October 17, 2013; September 17, 2015; January 19, 2017; February 15, 2018; and November 21, 2019.



*Certification of Compliance:
Board Education Policy*

I, _____, am a Trustee on the Board of Retirement for the Alameda County Employees' Retirement Association (ACERA).

I have been informed of the education and continuing education requirements under California Government Code Section 31522.8 and ACERA's *Board Education Policy*.

I hereby state that I am in compliance with the obligations imposed on me by California Government Code Section 31522.8 and ACERA's *Board Education Policy*.

This is applicable for the period January 1, _____, to December 31, _____.

Dated: _____ Signature: _____



Office of the Chief Counsel

To: Board of Retirement
From: Jeff Rieger, Chief Counsel
Meeting: March 20, 2025
Subject: **Review of Error Correction Policy**

A handwritten signature in black ink, appearing to be 'JR'.

At the March 5, 2025 Operations Committee meeting, the Committee considered whether to recommend that the Board exercise its discretion to revise the Error Correction Policy based on recent guidance from the IRS. The Committee did not pass a motion, but the Committee Chair directed staff to bring to the Board meeting potential revisions to the Error Correction Policy that would eliminate interest from member/beneficiary repayment plans in cases where the member/beneficiary was not at fault for the overpayment of benefits or underpayment of contributions. Following this memorandum is a redline with those potential revisions. Outside tax counsel has reviewed and approved the potential revisions (which would be required if ACERA were subject to ERISA).



Error Correction Policy

I. Purpose

This Policy establishes standards and procedures for resolution of overpayments or underpayments of benefits or member contributions.

II. Objectives

- A. To meet the Board's fiduciary obligation to conserve fund assets and protect the integrity of the fund for the benefit of the members and beneficiaries.
- B. To make reasonable efforts to restore the Plan to the position it would have been in had no error occurred.
- C. To maintain the tax-qualified status of the pension plan and avoid making any gift of public funds.

III. Assumptions

- A. These procedures are intended to comply with applicable requirements of the Internal Revenue Code (IRC) and [applicable Internal Revenue Service \(IRS\) revenue procedures and Treasury regulations](#). If there is a conflict between applicable law and this policy, the law shall govern.
- B. This policy applies when an error affects an individual member's or beneficiary's benefits or contributions. In the event of a system-wide error that affects multiple members'/beneficiaries' benefits or contributions, the Board may implement a system-wide correction process that it determines appropriate under the circumstances.

IV. Guidelines & Procedures

- A. Investigation and Reporting.
 - 1. Investigation: When an error is identified, Staff shall promptly notify the CEO (or designee), who shall ensure that an appropriate and timely investigation is undertaken into the facts and circumstances surrounding the error and that all necessary corrective actions are taken.
 - 2. Reporting: The CEO shall make periodic reports to the Board on errors and corrections results at least annually.

3. Overpayment based upon fraud:
 - a. Staff shall be vigilant for any indications of fraud as a cause for overpayment, whether by the payee or a third party.
 - b. If fraud is suspected, Staff shall immediately notify the Legal Department and the CEO who will investigate whether evidence of fraud exists.
 - c. Further investigation may include retention of a private investigator or other outside resources as may be deemed appropriate under the circumstances.
 - d. Based on the evidence uncovered, Staff and the Legal Department may notify law enforcement and pursue criminal action.
 - e. If justified and reasonable, Staff and the Legal Department may undertake civil action to recover fraudulently obtained ACERA funds.

B. Overpaid Benefits and Underpaid Contributions: Correction and Recovery

1. As soon as possible after an error is discovered, ACERA staff shall determine:
 - a. The appropriate date of correction;
 - b. The correct benefit or contribution starting from the date of correction;
 - c. The amount of the error starting from the beginning of the erroneous payment to the date of correction;
 - d. The “appropriate interest” related to the error as defined below.
 - e. Whether Gov’t Code § 31541.2 applies to any benefit overpayments and, if so, the impact such application has on the member/beneficiary and employer.
2. ACERA shall promptly notify the member/beneficiary in writing of the following:
 - a. The amount and starting date of any prospective adjustment to benefits or contributions. The starting date must be no less than 30 days after ACERA sends the notice to the member/beneficiary, unless ACERA’s Chief Counsel determines that there is good cause to make the correction sooner.
 - b. The circumstances of the error and the means used to calculate the corrected amount.

- c. The amount of any overpaid benefits or underpaid contributions plus the amount of appropriate interest. If Gov't Code § 31541.2 applies, ACERA shall explain how such application impacts the member/beneficiary and employer.
 - d. Repayment options, which may include a lump sum payment, installment payments or an offset against future benefits; and
 - e. The right of the member/beneficiary to appeal the staff determination. Staff will make the necessary adjustments on a prospective basis regardless of whether an appeal is filed. If the staff determination is overturned, any amounts withheld during the appeal process will be paid to the member/beneficiary.
3. Appropriate Interest
- a. If the evidence shows that the benefit overpayment or contribution underpayment resulted from fraud or dishonest conduct by the member/beneficiary or because the member/beneficiary provided, or caused to be provided, inaccurate information to ACERA or the member's employer, or if the Chief Counsel determines that full correction is required under applicable law (e.g., the IRC, Treasury regulations, or the IRS' Employee Plans Compliance Resolution System), then "appropriate interest" will be as follows:
 - 1) ACERA's smoothed, semi-annual interest returns on its investments from the time of the error until the last period of smoothed semi-annual interest returns before discovery of the error (investment losses will not result in any reduction to the principal amount the member owes ACERA).
 - 2) ACERA's assumed annual effective rate of return, compounded based on the payment frequency (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually), from the last period of smoothed semi-annual interest returns (per No. 1 immediately above) until such amounts are fully repaid.

b. If the benefit overpayment or contribution underpayment was solely the result of an error by ACERA or the member’s employer¹ and the member/beneficiary is not relieved of a repayment obligation under Gov’t Code § 31541.2, then “appropriate interest” will be as follows:

1) Before Notice: No interest shall be charged from the time of the error until ACERA notifies the member/beneficiary of the error. Any liability created by this action shall be part of ACERA’s unfunded liability.

2) After Notice:

i. If the CEO determines that the member (a) did not know, and should not reasonably have known, that amounts were paid in error before receiving notice from ACERA, and (b) did not take action to impair ACERA’s recovery of the overpayment, then no interest shall be charged during a repayment plan.

ii. If the CEO determines that the member (a) knew or reasonably should have known that amounts were paid in error, or (b) took action to impair ACERA’s recovery of the overpayment, ACERA’s interest will accrue at ACERA’s assumed annual effective rate of return, compounded based on the payment frequency (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually) under a repayment plan, from the time the member is notified of the error until such amounts are fully repaid.

~~+) —~~

~~⇒ ACERA’s assumed annual effective rate of return, compounded based on the payment frequency (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually), from the time the member is notified of the error until such amounts are fully repaid.~~

4. In structuring a repayment methodology, ACERA staff shall take into consideration the financial circumstances of the member/beneficiary affecting their

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¹ When determining fault, the CEO may consider the member/beneficiary’s (a) failure to alert ACERA to an overpayment that the member/beneficiary knew or should have known was made in error, and (b) failure to cooperate with ACERA to correct the error, even if the member/beneficiary was not initially at fault for the overpayment.

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ability to make payments. The repayment schedule will not exceed 10 years except in cases of extreme hardship as defined below.

5. If the member/beneficiary dies before full repayment has been made, ACERA shall use all reasonable efforts to recover the unpaid amount from the member/beneficiary's estate or trust, survivors, heirs and/or beneficiaries.
6. If no agreement can be reached with the member/beneficiary for repayment, or if the member/beneficiary fails to respond to communications from ACERA staff, ACERA may take action to recover the unpaid amount, including through reductions to future benefit payments, subject to Board review if the member appeals to the Board.
7. Overpaid benefits that are not recovered from the member per Gov't Code § 31541.2 will be paid through recognition in the actuarial accrued liability if doing so will impact only the employer of the overpaid member. Otherwise, the employer must pay ACERA the overpaid amounts, plus interest at ACERA's assumed annual effective rate of return, compounded monthly (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually) from the time of each overpayment until such amounts are fully repaid.
8. ACERA interprets "time of retirement" and "date of retirement" in Gov't Code § 31541.2 (b)(3)(A), as the date that ACERA issues the first allowance payment based on disallowed compensation. ACERA will not apply Section 31541.2(b)(3)(B) (which requires the employer to pay the member/beneficiary 20% of the projected value of the reduction in benefits) to an error that is corrected before such an allowance payment is made.
9. When applying Gov't Code § 31541.2, ACERA will determine interest on overpaid employer contributions using ACERA's assumed annual effective rate of return, compounded based on the overpayment frequency (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually) from the time of each overpayment until such amounts are fully repaid.

C. Compromise & Settlement.

1. In some circumstances, ACERA may agree to receive less than the full amount in repayment. The recovery options may include:

- a. Using a discounted interest rate;
 - b. Waiving interest altogether; or
 - c. Accepting less than full repayment of the principal.
2. Factors to be considered in compromising any recovery shall include, but not limited to:
- a. The likelihood of collection;
 - b. The cost of collection;
 - c. The amount of possible recovery;
 - d. The relative fault of the member/beneficiary, ACERA and employer; and
 - e. Extreme hardship to the member/beneficiary or to his/her estate or heirs.
3. For purposes of this policy, “extreme hardship” will be determined as follows:
- a. The member bears the burden of establishing any claimed “extreme hardship.”
 - b. “Extreme hardship” is not a bright line test, and a finding of “extreme hardship” depends on the facts and circumstances presented by the member.
 - c. ACERA will consider the following factors in determining whether the member has established an “extreme hardship” justifying compromise of the amount owed by the member:
 - 1) Net worth of member and spouse.
 - 2) Amounts and sources of all income to the member and spouse. In general, ACERA will consider that an “extreme hardship” is established if the member’s gross income is no more than 400% of the current federal poverty level based on the member’s household composition of single, married or family.
 - 3) Monthly expenses.
 - 4) Existence and value of real estate and personal assets.
 - 5) Divorce or legal separation.
 - 6) Current or pending catastrophic financial events.
 - 7) Other factors presented by the member.

4. If the member's gross income is no more than 400% of the federal poverty level as defined above, ACERA will not collect more than 15% of the member's gross income.
5. In consultation with the Chief Counsel the CEO is authorized to compromise recovery of error amounts of \$15,000.00 or less, excluding interest. The CEO shall apply the standards for compromise set forth in this Section. The CEO is also authorized to waive recovery of claims of \$500.00 or less. All other compromises must be approved by the Board.
6. ACERA shall maintain a record of all error corrections, payments, collection efforts and compromises and releases related to those errors.

D. Underpaid Benefits

1. When ACERA has underpaid benefits to the member/beneficiary, the member/beneficiary shall be entitled to a prospective adjustment to his or her retirement benefits necessary to correct the error, as well as a lump sum payment for all past amounts owed as a result of the error.
2. If the underpayment was due to an ACERA error, as determined by the CEO in consultation with the Chief Counsel, ACERA will pay interest at ACERA's assumed annual effective rate of return, compounded monthly (e.g., monthly interest of 0.56541% when the assumed rate of return is 7% annually) from the time of underpayment to the time the member/beneficiary is made whole for the underpayment.
3. If the member/beneficiary who was underpaid dies before payment of the lump sum amount due, the payment will be made in accordance with ACERA's process for paying residual amounts following the death of the member.

E. Underpaid Member Contributions:

For underpaid member contributions (which includes completely missed contributions), ACERA will follow the procedures outlined in the Membership Policy for members who are currently employed with a participating employer and will follow the procedure outlined in Sections IV(B) and (C) above for members who are no longer employed by a participating employer.

F. Overpaid Member Contributions

1. For active members, ACERA will calculate the total overpaid member contributions, plus any related interest that was credited to the member's account. That total amount will be applied to the employer's future contributions to ACERA and the employer must pay the total amount to the member.
2. For deferred and retired members, ACERA will return directly to the member all overpaid member contributions plus any related interest that was credited to the member's account.

G. Appeals/Due Process.

The member/beneficiary may appeal any staff decision regarding corrective actions consistent with the Administrative Hearing Policy.

V. Policy Review

The Operations Committee shall review this policy at least every three years to ensure that it remains relevant and appropriate.

VI. Policy History

A. The Board adopted this policy on September 17, 2015.

B. The Board reviewed and affirmed this policy, with revisions on ~~June-March 20, 2025~~², ~~2018~~

~~C. The Board reviewed and affirmed this policy, with revisions on January 16, 2025.~~

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² The Board adopted the Recovery of Overpayment of Member Benefits & Underpayment of Member Contributions Policy on September 17, 2015. The Board reviewed and affirmed, with revisions, May 19, 2016, June 21, 2018, September 17, 2020, ~~and~~ April 20, 2023, ~~and~~ January 16, 2025.



*Office of the Chief Executive Officer
Office of Administration*

DATE: March 20, 2025
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer *DN*
SUBJECT: Committee/Board Meeting Day Schedule

Background:

In June of 2023, the Board of Retirement chose to consolidate the meeting days for Committee and Board meetings. It changed the schedule to have the Operations and Retiree Committee meetings on the opposite months of each other, and to move the Investment Committee to the first Wednesday following the earlier Retiree or Operations Committee meeting. Previously, the Operations and Retiree Committee meetings were held on the same first Wednesday of every other month, generally, and the Investment Committee was held on its own on the second Wednesday of every month. Additional committee meetings continued to be held on the same day as the Board meeting.

Positive comments about the idea included the reduced travel time, cost, and environmental impact, easier ability to set time aside for the meetings which could facilitate attendance, and some administrative efficiencies with fewer meeting days. There were some concerns raised about the Trustees' ability to prepare for the three meetings given the volume of material that is often provided, and the ability to remain sharp and focused through the duration of the day, particularly if the meetings are long. It was noted that often the Investment Committee presentations can go very long, and occasionally the other meetings can also be challenging given some of the agenda items.

It was decided at that time that this change could be reconsidered after the Trustees had time to try out the new schedule.

Today's Discussion:

The Chair of the Board brought this topic back for consideration at the Board Meeting in February. After that discussion, the Board requested to bring back copies of Calendars that graphically show the monthly meeting days under the current schedule and under the previous schedule, which are included with this memo. Does the Board wish to continue with the current meeting schedule or consider other options?

These options could include:

1. Continue with the current meeting schedule of two meeting days per month.
2. Revert back to the previous meeting schedule, which called for three meeting days per month with the ICM having its own meeting day.
3. Consider other options;
 - a. Scheduling other meetings with a Retirees/Operations Committee day, and keeping the ICM and Board as individual meeting days (three meeting days per month) or,
 - b. Scheduling Retirees or Operations on the Board meeting day and other Committee meetings with the ICM (two meeting days per month).

Analysis:

Staff doesn't have a recommendation. We can accommodate any of the options provided. However, if the Board does want to change the schedule, Option 2 above would require the least rescheduling of current committee meetings. Also, we can effect this change with the April meetings.

Attachment: Calendars

2023 Year-at-a-glance

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
1/11 Investment						
1/19 Board						

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				
2/1 Operations & Retirees						
2/8 Investment						
2/16 Audit & Board						

March						
S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
3/8 Investment						
3/16 Board						

April						
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
4/5 Operations & Retirees						
4/12 Investment						
4/20 Governance, Actuarial, Audit & Board						

May						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
5/17 Investment						
5/18 Actuarial, Audit & Board						

June						
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18	19	20	21	22	23	24
25	26	27	28	29	30	
6/7 Operations & Retirees						
6/14 Investment						
6/15 Actuarial, Audit & Board						

July						
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
7/5 Retirees						
7/12 Investment						
7/20 Governance & Board						

August						
S	M	T	W	T	F	S
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20	21	22	23	24	25	26
27	28	29	30	31		
8/2 Operations & Retirees						
8/17 Board						

September						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
9/6 Retirees & Investment						
9/21 Actuarial & Board						

October						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
10/4 Retirees & Investment						
10/19 Audit & Board						

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
11/16 Governance, Operations & Board						

December						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
12/6 Retirees & Investment						
12/21 Actuarial & Board						

B:/Admin/Admin Board-Committee Schedule/2023 Committee & Board Schedule

Current 2025 Year-at-a-glance

January							February							March							April												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
			1	2	3	4							1												1				1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12						
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19						
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26						
26	27	28	29	30	31	23	24	25	26	27	28	23	24	25	26	27	28	29	27	28	29	30											
														30 31																			
1/8 Investment							2/5 Retirees & Investment							3/5 Operations & Investment							8/6 Retirees & Investment												
1/16 Board							2/20 Audit & Board							3/20 Board							4/17 Actuarial, Audit & Board												
May							June							July							August												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
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11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16						
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23						
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5/7 Investment							6/4 Retirees & Investment							7/2 Retirees & Investment							8/6 Retirees & Investment												
5/22 Actuarial, Audit & Board							6/18 Actuarial, Audit, Operations & Board							7/17 Board							8/21 Board												
September							October							November							December												
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														30																			
9/3 Retirees & Investment							10/1 Retirees & Investment							11/5 Investment							12/3 Retirees & Investment												
9/18 Board							10/16 Audit & Board							11/20 Operations							12/18 Board												
														11/20 Board																			

This Schedule is based on the 2025 Committee Work Plans. Mandatory Retirees Committee meetings are from Jun through Oct and Dec 2025.

Revised Proposed 2025 Year-at-a-glance

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
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24	25	26	27	28	29	30
31						

5/21 Investment
5/22 Actuarial, Audit & Board

6/4 Retirees & Operations
6/11 Investment
6/18 Actuarial, Audit, Board

7/2 Retirees
7/9 Investment
7/17 Board

8/6 Retirees & Operations
8/13 Investment
8/21 Board

September						
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28	29	30				

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November						
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30						

December						
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21	22	23	24	25	26	27
28	29	30	31			

9/3 Retirees
9/10 Investment
9/18 Board

10/1 Retirees & Operations
10/8 Investment
10/16 Audit & Board

11/12 Investment
11/20 Operations & Board

12/3 Retirees & Operations
12/10 Investment
12/18 Board

To eliminate any confusion, the Color Codes are based on meetings that fall on the same date.

Mandatory Retirees Committee meetings are from April, June through October and December 2025. The Retirees Committee meeting will begin at 9:30 a.m. and the Operations Committee meeting will follow directly after the Retirees Committee meeting.



*Office of the Chief Executive Officer
Office of Administration*

DATE: March 20, 2025
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer *DN*
SUBJECT: **Alameda County Local Agency Formation Commission (LAFCO)**

Background:

LAFCO is a state mandated local agency that oversees boundary changes to cities and special districts, the formation of new agencies including incorporation of new cities, and the consolidation of existing agencies. Each county in California has a LAFCO, except San Francisco. The LAFCO consists of eleven commission members, including two Special District Representatives and an Alternate, two County Supervisors and an alternate Supervisor, two City Mayors and an Alternate City Mayor, and one General Public representative and an alternate. Recently, the Alameda County LAFCO has expressed interest in becoming an ACERA employer, and contracted with Segal to provide actuarial analysis about the costs and impacts of joining.

LAFCO meets the requirements of qualifying to be an ACERA employer. They currently have two employees, who are County employees and ACERA PEPRA members. These two employees are leased to LAFCO. There are a number of different methodologies the various LAFCOs use to provide pension benefits to their employees. Some are members of their respective County retirement systems, such as Marin and Santa Barbara, some are covered by CalPERS, some are leased employees from their County (like Alameda) or a city within their jurisdiction, and some just provide savings programs, like a 457 deferred compensation plan.

To become an ACERA employer, the Board of Retirement would have to decide whether or not to allow this to happen, and under what conditions. There is no requirement to allow this, it is discretionary. Administratively, there are some additional steps to make this happen, including drafting the resolution and agreement between the entities, and training the LAFCO staff on monthly data reporting and contribution submissions. At the Board meeting this month, Segal will lay out the decision points as it pertains to actuarial impacts and costs.

Discussion:

This month is just an introduction to the issue. If the Board wishes, we will solicit feedback from the other employers and will bring the full proposal and recommendation to the April Board meeting. If approved by the Board of Retirement in April, it would go before the LAFCO for approval in May.

Attachments: Segal Letter re ACERA Potential New Employer to Contract with ACERA
Segal Presentation re Potential New Employer to Join ACERA

March 11, 2025

Mr. Dave Nelsen
Chief Executive Officer
Alameda County Employees' Retirement Association
475 14th Street, Suite 1000
Oakland CA 94612-1900

Re: Alameda County Employees' Retirement Association (ACERA) — Potential new employer to contract with ACERA

Dear Dave:

We were requested to provide analysis and cost for Alameda Local Agency Formation Commission (LAFCO) to contract with ACERA as an independent participating employer, to provide vested pension and other non-vested benefits¹ such as those paid by the Supplemental Retiree Benefits Reserve (SRBR). In this letter, we have included our recommended employee and employer contribution rates for LAFCO and outlined certain cost considerations for providing the vested pension benefits² by ACERA.

Background

We understand that LAFCO currently contracts with the County to have two County employees perform work at that agency. Those County employees are currently enrolled in ACERA's General Tier 4 plan and they are paying the same employee rate charged by ACERA to all members in General Tier 4. Similarly, LAFCO is paying to the County the same employer rate charged by ACERA to the County for all members in General Tier 4. We understand that upon a successful negotiation with ACERA and other stakeholders, the two employees would effectively have their employment be transferred from the County to LAFCO. It is anticipated that the two employees would not experience any changes in their benefits³ provided by ACERA and LAFCO would become an independent participating employer at ACERA with a preliminary starting date of July 1, 2025.

We have provided below the procedure that we used to determine the normal cost to be paid by the two employees and by LAFCO. As the two future employees at LAFCO have past service at the County and the County has unfunded actuarial accrued liability (UAAL) at ACERA with respect to that past service (as well as past service for other County active, deferred vested and

¹ The payment of non-vested benefits is at the discretion of the Board of Retirement based on the availability of funds in the SRBR.

² There are no contributions required to be paid to the SRBR.

³ As part of this study, we have assumed that there would be no change in the current and future salaries that the two employees would be expected to receive whether they are employed by LAFCO or the County.

retired members), we have included in this letter our proposed UAAL contribution rate to be paid by LAFCO.

Determination of normal cost rates and Actuarial Funding Policy considerations

For informational purposes, we have determined the normal cost rate based just on the specific demographic profile as of December 31, 2023 of the two County employees that currently work at that agency. For these two employees, their entry ages into ACERA are 29 and 58 for purposes of determining normal cost. Generally, the earlier the entry age the lower the normal cost rate would be determined in the valuation, as there would be more time to grow the contributions necessary to fund the benefit at the employees' expected retirement ages.

As shown in the table below, the average normal cost rate for just the two LAFCO employees is 9.11% of payroll for each of the employee and the employer. This rate is very close to the average normal cost rate that is charged to all General Tier 4 members in ACERA based on an average entry age of about 39 (9.06% of payroll for each of the employee and employer).

Again, the normal cost rates based only on the two LAFCO employees are provided for informational purposes only because absent any specific direction to the contrary from the Board of Retirement, under ACERA's Actuarial Funding Policy, the employee and employer normal cost rates currently charged in the valuation for each tier are pooled and the same normal cost rates are therefore paid by all the employees and the employers covering members under General Tier 4. We believe this Policy element to pool normal cost rates would help produce more stable employee and employer normal cost rates especially for smaller employers like LAFCO. In particular, the average normal cost rate based just on LAFCO's membership could fluctuate if upon the termination or retirement of the two employees included in this study, they were replaced by new employees with very different demographic profile.

Normal Cost Rates Determined as of December 31, 2023

Normal Cost Rate	(For Informational Purposes) Normal Cost Rate for General Tier 4 Calculated Just On LAFCO Employees	Recommended Normal Cost Rate for LAFCO General Tier 4 Employees
Employee normal cost rate	9.11%	9.06%
Employer normal cost rate	9.11%	9.06%

Determination of UAAL contribution rates and Actuarial Funding Policy considerations

As we indicated above, LAFCO is currently paying to the County the same employer rate charged by ACERA, which includes both a normal cost rate and a rate to amortize the UAAL.

In the December 31, 2023 valuation, the net UAAL rate for the General membership group that is ultimately paid by the County reflects the UAAL for the County and several other district employers at ACERA after it has been offset by the credits from the pension obligation bonds (POB), and the implicit retiree health benefit subsidy that is only available to the County.

Given the unique circumstances as they relate to the retention of the two existing County employees to work at LAFCO, and the amount that is charged to LAFCO that has always included a UAAL cost component, it would be reasonable for LAFCO to contribute the same UAAL contribution rate as other district employers at ACERA.

The County issued POB in the late 1990's. The proceeds from the POB provided additional contributions to advance fund the UAAL for the County as well as for Alameda Health System, Superior Court and First 5 as these district employers were part of the County at the time the POB was issued. In return for the POB contributions, ACERA has been providing POB credit to these employers to reduce their UAAL contribution rate. We understand that in order to pay back the POB, these employers have been charged a proportionate share of the annual debt service payment by the County.

Also, the County's health care plan premiums are underwritten on a blended rate basis based on both the active employees of the County and all eligible ACERA members enrolled in the group plans who are under age 65 and receiving a premium subsidy from the SRBR. Because the health care plan premiums if underwritten only on the members in the SRBR would have been higher, there is an implicit subsidy paid by the County using the blended rate for their active employees. As a result, ACERA has been providing a credit to reduce the County's UAAL contribution rate to reflect the implicit retiree health benefit subsidy cost.

The table below shows the employer UAAL rate that is currently paid by the County for their General employees (that we have provided for informational purposes) compared to LAFCO's UAAL rate after LAFCO becomes an independent participating employer with ACERA, based on the results of the December 31, 2023 valuation. In recommending the UAAL rate for LAFCO, we have taken into consideration input received from ACERA that the County would not be inclined to extend the POB credit to LAFCO and it would not charge LAFCO for a proportionate share of the annual debt service payment made by the County.

UAAL Rates Determined as of December 31, 2023

Employer UAAL Rate	(For Informational Purposes) UAAL Rate for County General Employees	Recommended UAAL Rate for LAFCO Employees
UAAL (Before POB and Implicit Subsidy Credits)	19.52%	19.52%
POB Credit	(5.06%)	N/A
Implicit Retiree Health Benefit Subsidy Credit	(1.08%)	N/A
Net UAAL Rate	13.38%	19.52%

Even after the Board approves the initial UAAL rate for LAFCO, there would still be a need to determine if future changes in the UAAL (such as from actuarial gains/losses) would be tracked separately for LAFCO. Under the Board's Actuarial Funding Policy, with the exception of the UAAL contribution rate adjustments outlined above, all General employers with similar benefit and contribution history⁴ share in the same UAAL contribution rate.

Similar to the normal cost discussion above, due to the small population size of LAFCO, tracking and charging LAFCO based on their unique actuarial experience could lead to large swing in their UAAL rate. Therefore, absent any direction to the contrary from the Board of Retirement, we would follow ACERA's Actuarial Funding Policy to pool the future changes in UAAL for LAFCO with the other General employers.

However, as the annual payments required to pay off the UAAL for the General membership group are charged to an ACERA General employer based on payroll, for a small agency such as LAFCO with only two employees, a temporary reduction in payroll (if an active employee leaves LAFCO and is not immediately replaced by another employee) or a permanent reduction in payroll (if budgetary concerns caused LAFCO to reduce its workforce) might result in not collecting the proper UAAL amount. Depending on the circumstances, we might need to consult with the Board on how such occurrence would be handled in future valuations taking into consideration the "triggering event" under ACERA's Declining Employer Payroll Policy.

Other considerations

Information provided in this letter is based on the most recent December 31, 2023 actuarial valuation results, including the financial, participant data and actuarial assumptions on which that valuation was based.

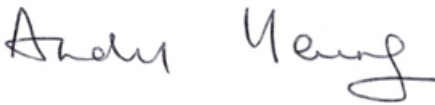
⁴ LARPD is the only General employer that has adopted a Tier 3 plan and they have made additional contributions to advance fund their UAAL. As a result, the UAAL contribution rate for LARPD has been calculated separately.

Segal valuation results are based on proprietary actuarial modeling software. The actuarial valuation models generate a comprehensive set of liability and cost calculations that are presented to meet regulatory, legislative and client requirements. Our Actuarial Technology and Systems unit, comprised of both actuaries and programmers, is responsible for the initial development and maintenance of these models. The models have a modular structure that allows for a high degree of accuracy, flexibility and user control. The client team programs the assumptions and the plan provisions, validates the models, and reviews test lives and results, under the supervision of the responsible actuary.

The actuarial calculations contained in this letter were performed under the supervision of Eva Yum, FSA, MAAA, Enrolled Actuary. We are members of the American Academy of Actuaries and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions herein.

If you have any questions, please do not hesitate to give us a call.

Sincerely,



Andy Yeung, ASA, MAAA, FCA, EA
Vice President and Actuary



Eva Yum, FSA, MAAA, EA
Vice President and Actuary

EY/jl

cc: Rachel Jones

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Alameda County Employees'
Retirement Association

Potential New Employer to Join ACERA

March 20, 2025

Andy Yeung, ASA, EA, MAAA, FCA

Eva Yum, FSA, EA, MAAA



Alameda Local Agency Formation Commission (LAFCO)

- LAFCO has requested cost to join ACERA
 - LAFCO currently contracts with the County to have two County General Tier 4 employees work at LAFCO
- If Board of Retirement agrees to LAFCO's request to join ACERA as a separate employer
 - No change in vested pension and other non-vested (SRBR) benefits for the two LAFCO employees
 - Board has to adopt appropriate employee and employer contribution rates for LAFCO
- Relevant Board Policies to consider
 - Actuarial Funding Policy
 - Declining Employer Payroll Policy

Employee and Employer Contribution Rates – Before LAFCO Becomes a Separate Employer

- Normal cost rates: Same as normal cost rates paid by employee and employer for General Tier 4 members of County and all districts
- Unfunded actuarial accrued liability (UAAL) rate: Same as net County employer rate required to pay off UAAL for all General members in Tiers 1, 2 and 4
 - UAAL rate commensurate with unfunded liabilities of above members
 - Adjust to reflect credit from Pension Obligation Bonds (POB) previously issued by the County
 - Adjust to reflect credit from providing implicit retiree health benefit subsidy by the County

Employee and Employer Contribution Rates – Before LAFCO Becomes a Separate Employer

- Contributions collected by County but not paid to ACERA
 - Share of annual debt service payment to repay County's POB

Employee and Employer Normal Cost Rates – After LAFCO Becomes a Separate Employer

- Considerations under Board’s Actuarial Funding Policy
 - Reflective of entry age and other demographic profiles of all General Tier 4 members who are active
 - Employee & employer normal cost rates developed on a pooled basis for General Tier 4 members of County and all districts
- Comparison of entry age and normal cost rates
 - No material difference in average entry age and normal cost rates for LAFCO only vs all General Tier 4 members

	LAFCO Only (For informational purposes)	All General Tier 4
Average Entry Age	43 (average of 29 & 58)	39
Employee Normal Cost	9.11%	9.06%
Employer Normal Cost	9.11%	9.06%

Employee and Employer Normal Cost Rates – After LAFCO Becomes a Separate Employer

- Recommendation following Actuarial Funding Policy
 - LAFCO employee and employer normal cost rates set equal to normal cost rates of General Tier 4 members of County and all districts
 - Continuation of pooling provide more stable normal cost rates, especially for smaller employers such as LAFCO
 - Be aware pooling could result in either some subsidy or increase in cost among County and districts

Employer UAAL Rates –

After LAFCO Becomes a Separate Employer

- Considerations under Board’s Actuarial Funding Policy
 - UAAL rates are reflective of underlying unfunded liabilities for all (actives, deferred, retired) General members in Tiers 1, 2 and 4
 - UAAL rates are developed on a pooled basis for General members of County and all districts
- Comparison of UAAL rates

	UAAL Rate for County Employees <i>(For Informational Purposes)</i>	UAAL Rate for LAFCO Only <i>(Recommended)</i>
UAAL <small>(Before POB & Implicit Retiree Health Subsidy Credits)</small>	19.52%	19.52%
POB Credit	(5.06%)	N/A
Implicit Retiree Health Subsidy Credit	(1.08%)	N/A
Net UAAL Rate <small>(Not Including Debt Service Previously Paid by LAFCO to County)</small>	13.38%	19.52%

Employer UAAL Rates – After LAFCO Becomes a Separate Employer

- Recommendation following Actuarial Funding Policy
 - LAFCO employer UAAL rate set equal to UAAL rate before POB and implicit retiree health subsidy credits
 - Continuation of pooling provide more stable UAAL rate, especially for smaller employers such as LAFCO
 - Be aware pooling could result in subsidy or increase in cost among County and districts

Employer UAAL Rates –

After LAFCO Becomes a Separate Employer

- Requirement under Declining Employer Payroll Policy
 - UAAL contributions are paid in proportion to payroll
 - Triggering event under Declining Employer Payroll Policy
 - With two employees at LAFCO, a temporary reduction in payroll (e.g. employee turnover and without immediate replacement) or a permanent reduction in payroll might result in LAFCO not paying their fair share of UAAL contributions
 - Segal will consult with the Board if that happens

Questions?





Office of the Chief Executive Officer

DATE: March 20, 2025
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
Discuss with Segal the use of AI in actuarial services	Dave Nelsen	November 2024	Segal will present to the Board on this issue in the coming year.	The Board Off-Site meeting raised the question of the use of AI in the actuarial profession, and whether there are any actuarial committees discussing AI standards.

Conference/Event Schedule

None

Other Items

Business Planning Update

Attached are the 2025 Business Plan updates.

Legislative Update

Attached is the monthly Legislative Update from the SACRS lobbying firm which discusses bills of interest and their status.

Other Items

RTO Mandates: Recently, both the Federal Government and the State of California, as well as some large companies, have issued Return To Office mandates for their employees. While no tenants in our building are subject to these mandates, there are several buildings close to ACERA that are impacted. We will continue to watch this development as it pertains to some of the issues of downtown Oakland, particularly as it relates to the profitability of retail and real estate prices.

Key Performance Indicators

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

Scorecard KPI	2022 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</i> As of January of 2025: 10 year net return 7.78%, policy index 8.06%.
EFFECTIVE PLAN ADMINISTRATION	
Actual Spent vs. Approved Budget	<i>On budget or 10% below 2024 approved budget</i> As of January of 2025: 5.14% over budget.
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?"</i> As of the latest survey (October of 2024): 77%.
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?"</i> For 4th Quarter of 2024: 100%.

**ACERA BUSINESS PLANNING
PROJECTS UPDATE**

1. **OnBase Software Upgrade:**
Goal 2 & Goal 3 (Complete in June 2025)

OnBase components, including document images, are now functional and in the cloud. It is in the process of being tested by the departments that use the software.

2. **WFE Phase III (Adoption into OnBase platform)**
Goal 2 (Complete in November 2025)

Migration of job performance and job development plans into the OnBase Workforce Excellence module for use by both team members and leaders. After this is completed, the entire workforce excellence process will have been migrated into OnBase.

3. **PAS 2.0 Post-Implementation Initiatives**
Goal 3 (December 2025)

These initiatives are various additional improvements to Pension Gold 3. The scope of work is prioritized according to criticality of the processes supported by enhancements to PGV3. The enhancement items set at priority 1 are in progress.

4. **General Ledger System - New Product Selection**
Goal 3 (Complete December 31, 2025)

For 2025, the Great Plains upgrade project team will be selecting the final software vendor from the list that was narrowed down in 2024. The project team will take a deeper dive into each of the software options, including Hyland OnBase once ACERA's OnBase upgrade is completed in mid-2025. The 2025 OnBase Upgrade is the predecessor project to this General Ledger System selection project. The goal is to target the next phase of the General Ledger System project – implementation for 2026. Currently, we are scheduling a demo for Microsoft's cloud offering.

5. **Customer Service – Member Engagement Enhancement**
Goal 4 (Complete November 1, 2025)

To enhance member engagement, the output for this project will include a Video Library and quick click answer links to frequently asked member questions. We will pilot test a 30-minute new member and a post-retirement webinar. Ten or more short, 1-minute video tutorials will be created to address the most frequently asked member questions. We will explore developing full DRO/Joinder tutorials. ACERA has begun enhancing its processes to extract and analyze call center audio data using AI. This analysis will identify key topics and trends in member inquiries, which will inform the development of 1-minute video tutorials addressing the most frequently asked questions.

6. **CEM – Benchmarking (Administration)**

Goal 3 (Target Completion date TBD)

Review administrative benchmarking process and tools available to help measure, compare and guide assessment of our pension administration costs, resource levels and the value of service we provide to our members. This project will bring the greatest benefit if the participating systems are comparable.

7. **Internal Administrative Dashboard Tool Review And Selection**

Goal 3 (Complete by November 30, 2025)

Review and selection of an internal tool for allowing input of data and for displaying data in a dynamic, graphical, and interactive format. We are currently acquiring demo licenses for PowerBI for comparison against OnBase reporting. We will need to get requirements from end-users, including expectations around training.

8. **2025 Business Initiative for Investments - Clearwater Onboarding**

Goal 1 (Complete by December 31, 2025)

Onboard ACERA into the Clearwater Analytics (CW) service provider platform. CW's benefits for ACERA will provide increased efficiencies and timely accessibility of investment data, automation of many processes, improved record keeping and retention, and an extra resource for data reconciliation. This project requires involvement from multiple ACERA departments (Investments, Fiscal Services, Legal), and once onboarding is complete it will also benefit the same three departments. The onboarding process will build and transition historical and current ACERA information and data into CW's systems. The project scope will cover setting up the required user IDs, conducting user training and ongoing client service check-ins. The project is expected to be complete by the end of December 2025.

9. **Letter Printing Initiative Assessment**

Goal 4 (Complete by September 30, 2025)

Automate some of the member printing output for process efficiency and business resilience. The 2025 phase of the project will be dedicated to requirements assessment and limited testing of potential tools and technology. After providing some sample data to the vendor, a small population of letters have been selected for requirements development and pilot testing.

LEGISLATIVE UPDATE



TO: State Association of County Retirement Systems
FROM: Cara Martinson, Public House Consulting
Laurie Johnson, LJ Consulting & Advocacy
RE: **Legislative Update – March 2025**

The Legislature is now in its second month of this year’s legislative session and has passed its first major deadline—the bill introduction deadline on February 21st. Despite leadership in both chambers limiting the number of bills each legislator can introduce during the two-year session, a total of 2,510 bills were still submitted- an increase from years past. As expected, there are a number of bills related to disaster assistance and wildfire, immigration and ongoing housing and homelessness proposals. As we move into March, the Legislature is rapidly ramping up its budget subcommittees and policy committees to meet upcoming legislative deadlines.

Beyond the routine legislative process, some notable developments have taken place “under the dome.” Recently, Assembly Speaker Robert Rivas removed several GOP lawmakers from committees, citing a 2020 resolution. This move breaks from precedent, as minority party leaders have traditionally had informal influence over their members’ committee assignments.

According to the California Assembly Democratic Caucus, HR-1 “empowers the Speaker to choose committee membership and leadership, and these changes will allow the Assembly to best conduct the people’s business.”

Additionally, on March 3rd, the Governor issued an executive order requiring all agencies and departments within his administration to update their hybrid telework policies. By July 1, 2025, the default expectation will be at least four days per week in the office, with telework flexibilities granted on a case-by-case basis in alignment with family-friendly employment policies and legal obligations.

“To further enhance the state’s workforce needs, the Governor is also directing CalHR to streamline the hiring process for former federal employees seeking employment in key roles, including firefighting, forest management, and weather forecasting,” according to the Governor’s Office press release.

The following is a list of bills that SACRS is actively tracking.



SACRS is tracking the following bills:

- **ACA 2 (Jackson)** –seeks to reinstate retirement for State Legislators. ACA 2 would establish a retirement system specifically for legislators elected or serving from November 1, 2010 onward. To qualify, legislators would be required to serve at least 10 years. If their service is less than 10 years, legislators could transfer their accumulated service credits to another public pension or retirement system they are a part of. Status: This bill has not yet been referred to a policy committee.
- **AB 259 (Rubio)** –would remove the 2026 sunset on existing laws governing teleconferencing procedures for public meetings. This bill is sponsored the CA Special District’s Association (CSDA). Status: This bill has been referred to the Assembly Local Government Committee.
- **AB 288 (McKinnor)** – deletes a reference in government code 3558 to a date in which the section is operative. The section is related to the ability of an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board alleging a violation related to notice requirements. Status: This bill has been referred to the Assembly Committee on Public Employment & Retirement (PERS).
- **AB 339 (Ortega)** – would require the governing body of a public agency to give a recognized employee organization no less than 120 days’ written notice before issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization. Status: This bill has been set for hearing on 3/19 in the Assembly PERS Committee.
- **AB 340 (Ahrens)** – would establish an employee-union representative privilege in the context of California public employment. Specifically, the bill would prohibit a public agency employer from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized



employee organization's representation. Status: This bill has been set for hearing on 3/19 in the Assembly PERS Committee.

- **AB 409 (Arambula)** – would delete the 2026 sunset on existing laws governing teleconferencing procedures for California Community College student body associations and student-run community college organizations. Status: This bill has been referred to the Local Government and Higher Educations Committees.
- **AB 467 (Fong)** – extends the sunset date from 2026 to 2031 for teleconferencing procedures for neighborhood councils, defined as an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the Brown Act. Status: This bill has been referred to the Assembly Local Government Committee.
- **AB 569 (Stefani)** – would permit a local public employer and a union representing one or more of its bargaining units to negotiate and agree to contributions to a supplemental pension plan administered by or on behalf of the union representing the bargaining unit. Status: This bill has been referred to the Assembly PERS Committee.
- **AB 1323 (Chen)** – this bill would state the intent of the Legislature to enact legislation relating to public retirement. This is a “spot” placeholder bill.
- **SB 239 (Arreguín)** – allows flexibility for remote meetings of local advisory bodies (“subsidiary bodies” in the language of the bill). Specifically, this bill would allow a subsidiary body of a local agency to teleconference their meetings without having to publicly notice or make all locations publicly available. This bill is nearly identical to last year’s AB 817, which stalled in the Senate Local Government Committee. Status: The bill has been referred to the Senate Local Government and Judiciary Committees.
- **SB 301 (Grayson)** – would make non-substantive changes to the CERL Act. This is “spot” placeholder bill.



- **SB 470 (Laird)** – would delete the 2026 sunset on existing laws governing teleconferencing procedures for state agencies relative to the Bagley-Keene Open Meeting Act. Status: This bill has been referred to the Senate Governmental Organization and Judiciary Committees.
- **SB 707 (Durazo)** – would add additional teleconferencing meeting options for local governments until 2030 to allow members of the public to attend a public meeting via a two-way teleconferencing option or two-way audio-visual platform. The bill would also require additional alternative language noticing requirements. Status: The bill has yet to be referred to a policy committee.

Contact:

If you have any questions, please feel free to contact Cara Martinson at cara@publichouseconsulting.net, or Laurie Johnson at lauriejconsult@gmail.com.

12. CLOSED SESSION:

- A. See Items 5A and 5B.**
- B. Existing litigation pursuant to paragraph (1) of subdivision (d) of Section 54956.9: LACERA v. County of Los Angeles et al., California Supreme Court Case No: S286264.**

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