

ATTACHMENT B
REQUEST FOR PUBLIC COMMENTS



California Public Employees' Retirement System
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Memorandum

April 8, 2015

To: ALL CALPERS CONTRACTING AGENCIES

From: WESLEY E. KENNEDY
Senior Staff Attorney

A handwritten signature in black ink, appearing to read "W. Kennedy", written over the name Wesley E. Kennedy.

CalPERS Legal Office
400 Q Street, Lincoln Plaza North Room 3340
P.O.Box 942707
Sacramento, CA 94229-2707

Subject: REQUEST FOR PUBLIC COMMENTS RE: DESIGNATION OF BOARD
DECISION IN THE RANDY G. ADAMS MATTER AS PRECEDENTIAL

On October 4, 2012, an Administrative Law Judge (ALJ) issued a proposed decision after a public hearing in an administrative appeal before the CalPERS Board of Administration (Board) entitled "In the Matter of the Calculation of the Final Compensation of RANDY G. ADAMS, Respondent and CITY OF BELL, Respondent. A copy of the proposed decision is attached.

The proposed decision determined that in order to be used in the calculation of compensation earnable, the pay rate or base pay of a member must be created by public notice and action of the governing board and with public consent. The pay schedule must be readily available in an open manner or place. That in addition to being noticed, a pay schedule must provide a pay rate or base pay that is stable and predictable among all members of a group or class.

On December 12, 2012, the Board adopted the proposed decision of the ALJ as its final decision. The Board determined at its meeting on March 18, 2015, to consider the question of whether its decision in this matter should be designated as precedential and directed staff to take public comments about whether the decision should be made precedential.

This Request for Public Comments has been issued to solicit your written comments on the question of whether the Board's final decision in this matter should be made precedential. (Please note: the Board is not requesting comments or arguments on the merits or correctness of its final decision, which

is not up for reconsideration; any such comments or arguments will not be considered.)

In deciding whether to designate a decision as precedential, the Board's policy is to consider the following questions:

- Does the decision contain a significant legal or policy determination of general application that is likely to recur?
- Does it include a clear and complete analysis of the issues in sufficient detail so that interested parties can understand why the findings of fact were made, and how the law was applied?

If you are interested in commenting on whether the Board's decision should be precedential, please address the questions above, along with any other questions or considerations, and mail, fax or deliver your written comments to:

CalPERS Legal Office
Attn: Wesley E. Kennedy, Senior Staff Counsel
400 Q Street, Rm LPN 3340
Sacramento, CA 95811
Fax No. (916) 795-3659

Comments must be received in the CalPERS Legal Office no later than 5:00 p.m. PDT, May 8, 2015. Comments should not exceed six pages in length (single spaced). Late comments will not be considered.

The Board will consider all comments received at a future Board public meeting, on a date to be announced, and determine whether to make its final decision in the RANDY G. ADAMS matter precedential.

CalPERS staff will provide copies and a summary of the comments received to Board members. CalPERS staff will also provide its written recommendations to the Board. Oral comment or argument will not be received at the Board meeting.

Questions concerning this notice may be directed to Wesley E. Kennedy in the CalPERS Legal Office at (916) 795-0725.

Attachment