



Agenda Item 11b

December 16, 2015

ITEM NAME: Further Consideration – In the Matter of the Calculation of Final Compensation of CHRISTINE F. LONDO, Respondent, and CITY OF WALNUT, Respondent.

PROGRAM: Employer Account Management Division (EAMD)

ITEM TYPE: Action

PARTIES' POSITIONS

Staff argues that the Board of Administration should decline to adopt the Proposed Decision After Remand.

Respondent Londo and Respondent City of Walnut argue that the Board of Administration should adopt the Proposed Decision After Remand.

STRATEGIC PLAN

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

PROCEDURAL SUMMARY

Respondent, Christine F. Londo, submitted an application for service retirement. Staff determined that a temporary increase of \$5,000.00 per month, paid by the City to Respondent Londo from November 2005 through November 2006, should not be included in the calculation of Respondent Londo's final compensation. Respondent Londo and the City appealed this determination and the matter was heard by the Office of Administrative Hearings on November 5, 2014. A Proposed Decision was issued on January 14, 2015, granting the appeals of Respondent Londo and the City.

The initial Proposed Decision was considered by the Board at its March 18, 2015 meeting. The Board declined to adopt the initial Proposed Decision and, instead, remanded the matter to the Administrative Law Judge (ALJ). The matter was the subject of further hearing on July 31, 2015. The ALJ issued a Proposed Decision After Remand, which was considered by the Board at its October 21, 2015 meeting. The Board again declined to adopt the Proposed Decision After Remand and decided, instead, to hear and determine the matter at a Full Board Hearing.

Additionally, all parties have been notified of their right to present oral argument at the meeting on December 16, 2015.

ALTERNATIVES

- A. For use if the Board decides not to adopt the Proposed Decision After Remand, and to decide the case upon the record.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after reviewing the record produced before the Administrative Law Judge and considering written and oral argument presented by the parties, hereby determines to adopt its own decision concerning the appeal of Christine F. Londo; RESOLVED FURTHER that this Board Decision shall be prepared in accordance with the Board's direction and presented to the Board for adoption at the Board's next monthly meeting.

- B. For use if the Board decides to adopt the Proposed Decision After Remand as its own decision.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own decision the Proposed Decision After Remand dated August 28, 2015, concerning the appeal of Christine F. Londo; RESOLVED FURTHER that this Board's Decision shall be effective 30 days following mailing of the decision.

- C. Precedential Nature of Decision (two alternatives, either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Christine F. Londo, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its decision concerning the appeal of Christine F. Londo.

ATTACHMENTS

Attachment A: Staff's Argument

Attachment B: Respondent(s) Arguments(s)

Attachment C: Procedures for Full Hearing, Notice of Hearing and
Proof of Service

Attachment D: March 18, 2015 and October 21, 2015 Board Agenda Items

Attachment E: Transcripts of Administrative Hearings and March 18, 2015 and
October 21, 2015 Board Meetings

Attachment F: CalPERS Exhibits

Attachment G: Respondent's Exhibits

Attachment H: Pleadings

DONNA RAMEL LUM
Deputy Executive Officer
Customer Services and Support