Item Name: Full Board Hearing Final Decisions – In the Matter of the Appeal Regarding the Uniform Allowance of ENCINA WASTEWATER AUTHORITY and SAN ELIJO JOINT POWERS AUTHORITY, Respondents.

Program: Employer Account Management Division

Item Type: Action

Action Required: Adopt Final Decisions

This matter came before the Board for a Full Board Hearing on November 15, 2018. At that time, the Board determined to adopt its own decisions in the matter. Pursuant to the Board’s decision, staff prepared the Final Decisions (see Attachments B-1 and B-2). The track change versions of the Final Decisions are included with this agenda item (see Attachments A-1 and A-2). These Decisions must be adopted by the Board in order to become effective. Adoption cannot be delayed due to the “100-day rule” in the Administrative Procedure Act.

Procedural Summary

At its September 26, 2018, meeting, the Board of Administration requested a Full Board Hearing in connection with the appeal of CalPERS determination that respondents, Encina Wastewater Authority and San Elijo Joint Powers Authority, failed to properly report the monetary value related to the purchase, rental and maintenance of employee uniforms as pensionable compensation. The Board of Administration considered the Proposed Decisions of the Administrative Law Judge and concluded not to adopt them, but instead to decide the matter itself on the record after affording the parties the opportunity for further argument.

On November 15, 2018, the Board conducted a Full Board Hearing on this matter. Counsel for respondents Encina Wastewater Authority and San Elijo Joint Powers Authority, and CalPERS were present and presented oral argument. After considering the entire record as well as oral argument, the Board voted to deny respondents Encina Wastewater Authority and San Elijo Joint Powers Authority appeal in full.
Board’s Resolution

RESOLVED, that the Board of Administration of the California Public Employees’ Retirement System adopts Attachments B-1 and B-2 as the Final Decisions of the Board concerning the appeal of respondents Encina Wastewater Authority and San Elijo Joint Powers Authority; RESOLVED FURTHER that these Final Decisions shall be effective immediately upon the Board’s adoption.

Attachments

Attachment A-1: Track Changes – Final Decision (Encina Wastewater Authority)
Attachment A-2: Track Changes – Final Decision (San Elijo Joint Powers Authority)
Attachment B-1: Final Decision (Encina Wastewater Authority)
Attachment B-2: Final Decision (San Elijo Joint Powers Authority)

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