
Program: Employer Account Management Division

Item Type: Action

Recommendation

Staff recommends that the Board of Administration (Board) designate the Final Decision in this matter, as adopted on February 21, 2019, as a Precedential Decision of the Board.

Procedural Summary

On February 21, 2019, the Board adopted its Final Decision in this matter. (Attachment A.) At the May 15, 2019, Board meeting, the Board directed the CalPERS Legal Office to solicit written comments from the public regarding whether the February 21, 2019, Board Decision should be designated precedential and upon receipt of these comments, to return to the Board for further consideration of a precedential designation.

On June 25, 2019, the CalPERS Legal Office sent a Request for Public Comments Re: Designation of Board Decision in the Mark L. Wheeler, Thomas R. Valdez, John M. Lopez, Larry D. Blackwell, Garry G. Cohoe (Respondents) matter as precedential to all CalPERS Contracting Agencies (Request). (Attachment B.) CalPERS received one response to the Request. (Attachment C.)

Alternatives

A. For use if the Board decides to designate its Final Decision, as adopted on February 21, 2019, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees’ Retirement System, acting pursuant to Government Code section 11425.60, hereby designates its Final Decision concerning the Respondents’ appeals as a Precedential Decision of the Board.
B. For use if the Board decides not to designate its Final Decision, as adopted on February 21, 2019, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees’ Retirement System, after consideration of all the written public comments and its staff argument, determines not to adopt its February 21, 2019, Final Decision concerning the Respondents’ appeals as a Precedential Decision of the Board.

C. For use if the Board decides to designate certain parts of its Final Decision, as adopted on February 21, 2019, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees’ Retirement System, after consideration of all written public comments and its staff argument, determines to designate the following parts of its Final Decision concerning the Respondents’ appeals as a Precedential Decision of the Board: [Board to insert here a description of the parts to be designated precedential.]

Attachments
Attachment A: Final Decision of the Board, as adopted on February 21, 2019
Attachment C: Copies of all written comments received
Attachment D: Staff’s Argument

Donna Ramel Lum
Deputy Executive Officer
Customer Services and Support