Board of Administration

Agenda Item 9b1

November 20, 2019

Item Name: Petition for Reconsideration – In the Matter of the Appeal Regarding Post Retirement Employment of DUDLEY J. LANG, Respondent, and CITY OF INDUSTRY, Respondent.

Program: Employer Account Management Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should deny the Petition for Reconsideration.

Respondent Dudley J. Lang (Respondent Lang) argues that the Board of Administration grant the Petition for Reconsideration.

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

The Board at its September 18, 2019, meeting adopted the Proposed Decision of the Administrative Law Judge. The Decision denied Respondent Lang's appeal.

A Stay of Execution in the above matter has been granted so that the Petition for Reconsideration may be presented to the Board.

Respondents have been notified of the date of the Board meeting and of their opportunity to submit written argument in advance of the Board meeting on November 20, 2019.

Alternatives

A. For use if the Board decides to deny the Petition for Reconsideration:

   RESOLVED, that the Board of Administration of the California Public Employees' Retirement System denies the Petition for Reconsideration submitted by Dudley J. Lang concerning the Board's Decision of September 18, 2019; the Board's Decision of September 18, 2019, is effective immediately and the Respondents have 30 days to appeal to the courts.

B. For use if the Board decides to grant the Petition for Reconsideration and decide the matter upon the record. A transcript of the hearing would be provided to each Board member, and the Board would receive written and/or oral argument at a subsequent meeting and adopt a new decision upon reconsideration:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System grants the Petition for Reconsideration submitted by Dudley J. Lang concerning the Board's Decision dated September 18, 2019; RESOLVED FURTHER that the reconsideration shall be made at a subsequent Board meeting, after notice is given to all affected parties, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board.

C. For use if the Board decides to grant the Petition for Reconsideration and assign the case to an Administrative Law Judge, subject to the procedures provided in Government Code section 11517. The matter would be remanded to the Office of Administrative Hearings for taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System grants the Petition for Reconsideration submitted by Dudley J. Lang and concerning the Board's Decision dated September 18, 2019; RESOLVED FURTHER that the reconsideration shall be scheduled for hearing with the Office of Administrative Hearings, after notice is given to all affected parties, where the Administrative Law Judge may base his or her findings upon the record produced before the Administrative Law Judge at prior hearing(s) and any additional evidence including written and oral argument presented by the parties as may be permitted.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Respondent's Petition for Reconsideration

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Attachment D: Decision

Attachment E: Proposed Decision

Donna Ramel Lum
Deputy Executive Officer
Customer Services and Support