



## Board of Administration

# Agenda Item 9c1

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**September 16, 2020**

**Item Name:** Designation of Precedential Decision – 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

### **Recommendation**

Staff recommends that the Board of Administration (Board) designate its final Decision in this matter, as adopted on September 18, 2019, as a Precedential Decision of the Board.

### **Procedural Summary**

On September 18, 2019, the Board adopted the Proposed Decision in this matter. (Attachment A.) On October 10, 2019, Respondent submitted a Petition for Reconsideration with the Board. On November 20, 2019, the Board denied Respondent's Petition for Reconsideration. The Board's Decision became final and effective on December 20, 2019.

At the February 19, 2020, Board meeting, the Board directed the CalPERS Legal Office to solicit written comments from the public regarding whether the September 18, 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 February 26, 2020, the CalPERS Legal Office sent a Request for Public Comments Re: Designation of Board Decision in the Dudley J. Lang matter as precedential to all CalPERS Contracting Agencies (Request). (Attachment B1.) On March 27, 2020, the CalPERS Legal Office sent a memorandum to all CalPERS Plan Participants informing everyone that, due to the challenges associated with responding to Covid-19, the public comment period would be extended until May 15, 2020. (Attachment B2.) CalPERS received two (2) responses to the Request. (Attachment C.)

## Alternatives

- A. For use if the Board decides to designate its Decision, as adopted on September 18, 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 appeal regarding post retirement employment of Respondent Dudley J. Lang as a Precedential Decision of the Board.

- B. For use if the Board decides not to designate its Decision, as adopted on September 18, 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 December 18, 2019, final Decision concerning the appeal regarding post retirement employment of Respondent Dudley J. Lang as a Precedential Decision of the Board.

- C. For use if the Board decides to designate certain parts of its Decision, as adopted on September 18, 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 appeal regarding post retirement employment of Respondent Dudley J. Lang determination of Dudley J. Lang as a Precedential Decision of the Board: ***[Board to insert here a description of the parts to be designated precedential.]***

## Attachments

Attachment A: Decision of the Board, as adopted on September 18, 2019

Attachment B1: February 26, 2020, Request for Public Comments Re: Designation of Board Decision in Dudley J. Lang matter as Precedential

Attachment B2: March 27, 2020, Memorandum Extending the Deadline for Providing Public Comments Re: Designation of Board Decision in Dudley J. Lang matter as Precedential until May 15, 2020

Attachment C: Copies of all written comments received

Attachment D: Staff's Argument

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Deputy Executive Officer  
Customer Services and Support