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Circular Letter

August 19, 2011

TO: **ALL CALPERS EMPLOYERS**

SUBJECT: **ADOPTION OF CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5 AND AMENDED CCR 571, SUBDIVISION (b)**

The purpose of this Circular Letter is to inform you of the newly enacted California Code of Regulations, (CCR) Title 2, Section 570.5 and amendments to CCR Section 571, subdivision (b). On April 13, 2011 the CalPERS Board of Administration adopted the proposed regulation and regulatory amendments to clarify existing law and make specific the requirements for publicly available pay schedule as that phrase is used in the definition of "payrate," and written labor policy or agreements as used in the definition of special compensation. The regulations became effective August 10, 2011.

The addition of Section 570.5 and amendments to Section 571, subdivision (b) will ensure consistency between CalPERS employers and enhance the disclosure and transparency of public employee compensation by requiring that the payrate or item of special compensation be listed on a pay schedule or in a document meeting criteria set forth in the regulations.

CCR 570.5 – Requirement for a Publicly Available Pay Schedule

This regulation requires that each pay schedule include:

- position title for every employee position
- payrate for each position
- time base for each payrate

This regulation also contains criteria for ensuring the pay schedule is publicly available and does not permit a reference to another document in lieu of disclosing the payrate. Further, the regulation clarifies that "compensation earnable" will be limited to the amount listed on a pay schedule that meets all of the established criteria, and identifies how payrate may be determined where employers fail to meet the requirements.

This regulation applies to all employers reporting compensation to CalPERS.

CCR Section 571. Subdivision (b) Amendment – Special Compensation

This amendment clarifies existing law by ensuring greater transparency and disclosure of special compensation items in written labor policies or agreements. The labor policy or agreement must include:

- the conditions for payment of the item of special compensation
- eligibility requirements and amount for each special compensation item

The written labor policy or agreement cannot reference another document in lieu of disclosing the details of the special compensation. In addition, the written labor policy or agreement must be duly approved, posted or immediately accessible and available for public review, retained for not less than five years, and include an effective date.

CCR Section 571, subdivision (b) applies to all schools and public agencies reporting compensation to CalPERS.

Conclusion

These regulations benefit the public, employers, members, and CalPERS staff by clarifying existing law, ensuring consistency in the reporting of compensation and enhancing disclosure and transparency of public employee compensation.

We have attached CCR sections 570.5 and 571 for your convenience.

If you have any questions, please call the CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

DARRYL WATSON, Chief
Customer Account Services Division

Enclosure

[California Code of Regulations 570.5 and 571](#) (PDF, 12 KB)