



Appeals Committee

Item Number 2 – Open Session

Subject: Approval of Minutes for the May 3, 2023, Appeals Committee Meeting – Open Session

Presenter(s): Chairperson

Item Type: Consent Action

Date & Time: September 15, 2023 – 0 minutes

Attachment(s): None

PowerPoint(s): None

PROPOSED MINUTES

Teachers' Retirement Board – Appeals Committee Meeting

May 3, 2023

OPEN SESSION

LOCATION: Board Room, 100 Waterfront Place, West Sacramento, CA, 95605

COMMITTEE MEMBERS PRESENT

Karen Yamamoto, Chairperson

Ken Tang, Vice Chairperson

Denise Bradford

STAFF PRESENT

Brian J. Bartow, General Counsel

Bill Perez, Chief Benefits Officer

Teresa Schilling, Chief Public Affairs Officer

Reina G. Minoya, Assistant General Counsel

Fred Messerer, Assistant General Counsel

Diane Stanton, External Affairs Director

Kirsten Casella, Director of Enterprise Information Management & Legal Operations

Jody Cozad, Pension Program Manager II
 Meredith Bartles, Staff Services Manager I
 Mark Gini, Ombuds
 Jaismin Kaur, Counsel
 Christopher McAllister, Counsel
 Rose Bocci, Associate Governmental Program Analyst
 Adrian Ellescas, Staff Services Analyst
 Elena Fewell Howard, Counsel

OTHERS PRESENT

Dana Dillon, CTA/NEA-Retired
 Phyllis Hall
 Chris Waddell, Olson Remcho, LLP (Independent Counsel to the Appeals Committee)
 Jennifer Baker, CalRTA
 Doug Orr, CFT
 Joe Bartell, CTA
 Brian Breslin, CTA
 Pat Geyer, CTA
 Mary Kay Scheid, CTA
 Kevin Welch, CTA
 Orval Garrison, CTA /NEA-Retired

A quorum being present, Chairperson Yamamoto called the Open Session meeting of the Appeals Committee meeting to order at 3:04 p.m.

I. APPROVAL OF COMMITTEE AGENDA (Item 1)

MOTION duly made by Mr. Tang, seconded by Ms. Bradford, and carried to approve the Committee Agenda.

Members Voting	Aye	Nay	Abstain
Ms. Bradford	X		
Mr. Tang	X		
Chairperson Yamamoto	X		

II. APPROVAL OF MINUTES FOR THE JANUARY 25, 2023, APPEALS COMMITTEE MEETING OPEN SESSION (Item 2)

MOTION duly made by Ms. Bradford, seconded by Mr. Tang, and carried to approve the minutes for the January 25, 2023, Appeals Committee Meeting Open Session.

Members Voting	Aye	Nay	Abstain
Ms. Bradford	X		
Mr. Tang	X		
Chairperson Yamamoto	X		

III. CONSIDERATION OF PROPOSED ADMINISTRATIVE DECISION (Item 3)

a. In the Matter of the Appeal Regarding the Final Compensation Calculation of: Dorothy Cole

The committee received a presentation from Ms. Kaur and Mr. Cozad regarding the proposed decision by the administrative law judge in the matter of *In the Matter of the Appeal Regarding the Final Compensation Calculation of: Dorothy Cole*, which upheld CalSTRS’ determination that the longevity pay Dr. Cole received was included erroneously in calculating her retirement benefits. The committee discussed how Dr. Cole’s compensation was misreported by the school district and how Dr. Cole was the only psychologist receiving the longevity pay. The committee inquired about whether the longevity pay was creditable compensation, the circumstances surrounding Dr. Cole’s settlement with the school district concerning longevity pay, and whether the administrative law judge had a complete record of the documents. The committee learned that staff requested copies of public records from the district that showed that longevity pay was provided to all psychologists, but the district provided no documents in response and Dr. Cole did not present any such documents as evidence at the hearing. Mr. Waddell asked clarifying questions regarding the findings of the administrative law judge.

Although staff disagreed with the proposed decision as to Dr. Cole’s employee class and that other psychologists would have received the longevity pay after the 2006-2007 school year if they qualified for it, staff agreed with the conclusion that the longevity pay should not have been included in calculating Dr. Cole’s retirement benefit because it did not meet the definition of creditable compensation. Thus, pursuant to Government Code section 11517, subdivision (c)(2)(C), staff recommended that the committee adopt the proposed decision with the following technical or other minor changes:

1. On page 2, in the “Issue” statement, change “Lynwood School District” to “Lynwood Unified School District.”
2. On page 2, paragraph 1, line 2, change “education” to “educators and.”
3. On page 2, paragraph 1, line 4, change “the inception of retirement” to “their benefit effective date.”
4. On page 2, paragraph 1, line 5, add “final compensation that must be” before “creditable.”
5. On page 3, paragraph 5, line 8, change “on” to “effective” and add “and the LTA” after “District.”
6. On page 4, indented paragraph 3, line 2, add “pay” after “monthly.”

7. On page 5, paragraph 9, line 3, change “they” to “CalSTRS.”
8. On page 5, paragraph 9, indented paragraph 2, lines 5-6, change “agreement and was not paid to the entire class of psychologists” to “agreement...and was not paid to the entire class of psychologists.”
9. On page 6, paragraph 10, line 1, change “CRU determination” to “Decision Letter.”
10. On page 6, paragraph 11, line 1, change “determination” to “Determination.”
11. On page 7, paragraph 1, line 2, change “Board of Administration” to “Teachers’ Retirement Board.”
12. On page 7, paragraph 2, line 5, change “22201, subd. (a)” to “22250, subd. (b).”
13. On page 9, paragraph 7, line 4, change “22919.2” to “22119.2.”
14. On page 9, paragraph 7, line 7, change “22919.2” to “22112.5.”
15. On page 9, paragraph 7, line 9, change “after” to “beginning in.”
16. On page 11, paragraph 12, line 3, change “6” to “5.”

IV. STAFF REPORT (Item 4)

The committee received a staff report from Ms. Minoya concerning upcoming scheduled administrative hearings and the potential need for an off-cycle meeting depending on when anticipated proposed decisions are issued. The committee learned that the post-audit resolution process pursuant to AB 1667 has started.

V. REVIEW OF INFORMATION REQUESTS (Item 5)

There were no requests for information.

VI. OPPORTUNITY FOR STATEMENTS FROM THE PUBLIC (Item 6)

There were no statements from the public.

RECESS

The Open Session of the committee meeting recessed at 3:30 p.m. and the committee went into Closed Session. The committee reconvened in Open Session at 4:12 p.m.

VII. ANNOUNCEMENT OF ACTIONS TAKEN ON PROPOSED ADMINISTRATIVE DECISION (Item 10)

a. *In the Matter of the Appeal Regarding the Final Compensation Calculation of: Dorothy Cole*

The committee rejected the proposed decision *In the Matter of the Appeal Regarding the Final Compensation of: Dorothy Cole* and decided to hear the matter itself based upon the record without taking additional evidence.

VIII. ADJOURNMENT

There being no further business to conduct, Chairperson Yamamoto adjourned the Appeal Committee meeting at 4:13 p.m.

Cassandra Lichnock, Chief Executive Officer
And Secretary to the Teachers' Retirement Board

Karen Yamamoto, Chairperson

Prepared by: Elena Fewell Howard, Counsel