

**RESOLUTION PERTAINING TO CALIFORNIA SUPREME COURT
"ALAMEDA DECISION"**

WHEREAS, the Board of Retirement for the Stanislaus County Employees' Retirement Association ("StanCERA") administers StanCERA for the benefit of its members and their beneficiaries; and

WHEREAS, StanCERA is governed by the County Employees' Retirement Law of 1937 ("CERL"), as amended in 2012 by Assembly Bills 197 and 340 ("PEPRA"), and as further amended from time to time, and STANCERA's regulations and policies issued thereunder; and

WHEREAS, on August 31, 2020 the California Supreme Court's decision in the *Alameda Deputy Sheriffs' Assn. v. Alameda County Employees' Ret. Assn.* cases ("Alameda Decision") clarifying the definition of "compensation earnable" for calculating the retirement benefits of StanCERA members and their beneficiaries; and

WHEREAS, on November 27, 2012, following the passage of PEPRA, the Board of Retirement decided to include members' pay received for services rendered while "on-call" as "compensation earnable" for active members retiring after that date; and

WHEREAS, under PEPRA, as interpreted by the Alameda Decision, pay coded as "on-call" pay may no longer be included in compensation earnable to the extent that it is for services rendered outside normal working hours. Therefore, be it

RESOLVED that the Board of Retirement hereby implements the following:

1. Immediately discontinue deducting active member contributions from pay coded as on-call to the extent that it is paid for services rendered outside normal working hours.
2. Recalculation of retiree benefits to be paid as of the next full retiree payroll cycle to members who retired on and after January 1, 2013 to eliminate that portion of the benefits attributable to on-call pay that was paid for services rendered outside normal working hours.
3. Immediately discontinue including on-call pay to the extent paid for services rendered outside normal working hours as compensation earnable for calculating the retirement benefits of members and their beneficiaries.

PASSED AND ADOPTED by the Board of Retirement of the Stanislaus County Employees' Retirement Association on the 20th day of August , 2020.

Ayes: 9
Noes: 0
Absent: 0


Michael O'Neal (Sep 8, 2020 18:49 PDT)

Michael O'Neal, Board of Retirement Chair


Attest: Rick Santos (Sep 9, 2020 10:22 PDT)

Rick Santos, Executive Director