PROFESSIONAL ENGINEERS

IN CALIFORNIA GOVERNMENT

RETIREMENT AND DEFERRED COMPENSATION COMMITTEE

November 17, 2017

TO: PECG Board of Directors and Section Presidents

FROM: Tim Sharp, Akbar "Nick" Afshinnik, Ruben Reza, John "Jack" Roberts, Brian Young

SUBJECT: December 2017 Quarterly Report.

CalPERS long-term care lawsuit.

CalPERS loses key court decision over long-term care.
By Jon Ortiz in the Sacramento Bee on February 6, 2016.

The decision by Los Angeles Superior Court Judge Jane L. Johnson concluded that those purchasers' concerns are best handled as a class-action matter that pools legal resources and lumps all the plaintiffs together. Read the article at this website.
http://www.sacbee.com/news/politics-government/the-state-worker/article59381353.html

September 2017 litigation update from the law firm serving the plaintiffs:
The parties are close to wrapping up fact discovery. Plaintiffs are in the process of obtaining class member data from CalPERS' third party administrator, the Long Term Care Group, which will be used by Plaintiffs' experts to calculate class damages. CalPERS has also decided to take further depositions of the three Class Representatives, Holly Wedding and Eileen and Richard Lodyga. Those depositions will take place in the next two months.

The Court also set a new pre-trial and trial schedule at the Status Conference on Friday, September 22, 2017. Under the new schedule, Plaintiffs will be filing their proposed trial plan on December 17, 2017, which will set forth our plan for trying the class case. CalPERS will be filing a motion to decertify the class on February 5, 2018, which Class Counsel will, of course, oppose. Our opposition brief is to be filed February 26, 2018, and the decertification motion will be heard by the Court on April 19, 2018. Assuming the motion is denied, which is our expectation, expert discovery will be conducted through the summer of 2018 and completed by July 31, 2018. A trial date has been tentatively set for November 19, 2018, however, that date may be pushed out to early 2019.

And finally, the partial settlement with the Towers Watson defendants was also addressed at the September 22nd hearing. In short, the Court has reviewed Plaintiffs' Motion for Preliminary Approval of Partial Settlement and, before ruling, she has requested some additional information regarding the terms of the proposed settlement. Class Counsel will be submitting the requested information to the Court by the end of this week (September 29) and a further hearing on the proposed settlement will likely be scheduled for a date in October. Assuming the Court grants preliminary approval of the partial settlement, a notice with additional details will be sent to Class Members shortly thereafter.

June 2017 litigation update from the law firm serving the plaintiffs:
Judge Denies CalPERS Attempt to Dismiss Class Action Lawsuit.
On June 19, 2017, Los Angeles Superior Court Judge Ann I. Jones, sided with plaintiffs and denied CalPERS' request to dismiss the claims of approximately 123,000 class members who purchased Long Term Care insurance from CalPERS and had their premiums increased by 85%. A copy of the Court's order can be found here.

In this case, the plaintiffs asserted five causes of action against CalPERS: breach of fiduciary duty; breach of contract; breach of the implied covenant of good faith and fair dealing; rescission; and declaratory and injunctive relief. The court previously certified the breach of fiduciary duty and breach of contract claims for class treatment. CalPERS filed a motion for summary judgment seeking to eliminate the case in its entirety. CalPERS argued that plaintiff's breach of fiduciary duty claims were barred because it had immunity for any breaches that may have led to the 85% rate increase. On the breach of contract claim, CalPERS argued that the claim should be dismissed because it was permitted to raise rates under the contract of insurance and that the claims were barred by the statute of limitations.

The Judge denied the motion for the second cause of action for breach of contract, the third cause of action for breach of implied covenant of good faith and fair dealing, and the fifth cause of action for declaratory and injunctive relief. With respect to the breach of fiduciary duty claim, the Court found that CalPERS had immunity for this claim.

The Court rejected CalPERS' argument that the Class' breach of contract claims were barred by the statute of limitations. The Court found the time period to contest the 85% rate increase did not begin to run until CalPERS actually announced the rate increase in 2013. The Court also found that the rate increase potentially violated certain provisions in the insurance contract that prohibited rate increases that are "a result of" the increasing benefits that were being provide to policyholders who purchased inflation protection. Since CalPERS primarily implemented the rate increase on policyholders that purchased inflation protection, the Court found that a jury could infer that the rate increases were implemented as a result of this benefit.

At this point, CalPERS has indicated that it will attempt to "decertify" the class. If this motion is denied, the case will likely proceed to trial next Spring on a class-wide basis.

April 2017 litigation update from the law firm serving the plaintiffs:

As reported in our last update, Towers Watson, the actuarial firm responsible for setting CalPERS' premiums for the LTC Program in 1995, filed a Motion for Summary Judgment seeking the dismissal of plaintiffs' claims on the grounds that they were barred by the statute of limitations and that Towers Watson did not owe the plaintiffs a duty. However, before the hearing on that motion could take place, Towers Watson and Plaintiffs reached a preliminary settlement.

Under the terms of the settlement, Towers Watson will be paying $9.75 million to settle the claims against it. Importantly, this partial settlement *only* impacts the claims against Towers Watson and will not impact the claims asserted against CalPERS as the main defendant in this case. The case continues against CalPERS, which is set for trial in October of 2017.

This partial settlement was reached at mediation on February 16, 2016, which was conducted after the briefing was completed on Towers Watson's Summary Judgment Motion but before the March 8, 2017 hearing. This was viewed as a logical time to convene mediation because of the risks associated with the fully dispositive Motion for Summary Judgment. Towers Watson asserted throughout this litigation that it is not responsible for the 85% rate increase, and it made two primary arguments in its Motion for Summary Judgment as to why the case against it should be dismissed.

First, Towers Watson argued that the two-year statute of limitations for the claims asserted against it had expired since the negligent conduct alleged by Plaintiffs (mispricing of premiums) occurred prior to 1995, and Towers Watson had not had been involved in the LTC program since 2004. Second, Towers Watson argued that it owed no duty to the Class since it was hired by CalPERS, and not by the Class Members, to provide the actuarial services that were at issue in the case. If either of these arguments were to be accepted by the Court, all of the claims asserted against Towers Watson would have been dismissed.

In reaching this partial Settlement, Class Counsel has considered the benefits of the partial settlement and balanced these benefits with the risk that the claims against Towers Watson would be dismissed. Plaintiffs also took into consideration the value that a partial settlement would bring to the overall litigation and the claims they will continue to assert against CalPERS.

Class Counsel will shortly be filing a Motion for Preliminary Approval of the Partial Settlement with the Court. Assuming the proposed settlement is preliminarily approved by the Court, notice will be sent to the Class with details on the terms of the partial settlement and Class Members will be given the right to object to the settlement. These objections, if any, will be considered by the court at a Final Approval hearing. The deadlines for objections and the date of the Final Approval hearing will be included in the notice sent to the class.

Class Counsel have also been working on an opposition to a Motion for Summary Judgment filed by CalPERS. The opposition papers on behalf of the Class were filed on April 28, 2017, and the Motion is set for hearing on June 2, 2017. The briefing relating to CalPERS Motion for Summary Judgment have been posted here.

January 2017 litigation update from the law firm serving the plaintiffs:
The Towers Watson defendants ("Towers"), recently filed a Motion for Summary Judgment that seeks to have the claims against it dismissed. This motion is currently set for hearing on March 8, 2017.
Towers was the actuary firm hired by CalPERS in or around 1992 to help it establish the initial premiums for the LTC Program. In our case, we allege that Towers breached its duty of care to policyholders by negligently performing the actuary work for the program. Specifically, the plaintiffs assert that Towers failed to incorporate appropriate reserves into its pricing structure for the program and used an unrealistic investment rate of return assumption, which forced CalPERS to invest a significant amount of the LTC Fund in the stock market. Plaintiffs further assert that these mistakes were concealed and lead to the 85% rate increase that was announced in 2013.
Towers' motion argues that the claims against it should be dismissed for two reasons. First, it claims it owed no duty to the class since it was CalPERS that hired it to perform services; not individual policyholders. As such, only CalPERS can pursue claims against it, which it has declined to do. Second, Towers argues that the claims should be dismissed because they are barred by the 2 year statute of limitations that applies to claims of professional negligence. Towers asserts that when CalPERS first raised rates in 2003, class members should have had a reasonable suspicion that it made mistakes in structuring the premiums back in 1995 and that the statute of limitations on plaintiffs' claims started running at that time. Therefore, this case, which was not filed until 10 years later, is time barred by the 2 year statute of limitations.
The plaintiffs have filed an opposition to Towers' motion and do not believe it has merit. First, plaintiffs contend that Towers did owe a duty to class members since it was foreseeable they would be harmed if Towers negligently performed its duties. Second, plaintiffs contend that the statute of limitations on their claims has not run since the 85% rate increase that is the subject of this action did not actually happen until 2013. Since plaintiffs would not have been able to sue for a rate increase that had not even yet occurred, there is no way the statute of limitations on this claim has run.
The hearing on the motion is set for March 8, 2017 and the court will likely rule on this motion at the hearing
Class counsel have also been busy working on a number of issues. We have continued to seek discovery from CalPERS and other entities connected with the Long Term Care ("LTC") Program. For instance, in November and/or December we deposed several witnesses from United Health Actuarial Services, including the consulting actuaries who were primarily responsible for preparing the valuation reports for the CalPERS LTC Program during the relevant time period. The motion was filed November 15, 2016, opposed by Plaintiffs on January 6, 2017 and heard by the Court on February 3, 2017. The schedule has the motions being filed in March 2017 and heard by the Court in June 2017.

October 2016 litigation update from the law firm serving the plaintiffs:
The class notice process is nearly complete and we are pleased to report that things have gone very smoothly. To recap, we began sending out notice on July 8, 2016 and—over the following 6-8 weeks—notices were sent to 122,767 class members via email (if we had an email address) and by regular mail. Since that date, we have also received and

responded to more than 500 calls from class members with questions, address updates, etc. The deadline to request exclusion was Friday, October 14, 2016, and so far we have only received 145 opt-out requests. This means that approximately 99.9% of the class has chosen to participate, which demonstrates the overwhelming support for this case.

July 2016 litigation update from the law firm serving the plaintiffs:
The content of the class notice was approved by the Court on June 21, 2016. We will begin sending out notice on or around July 5, 2016. Importantly, because there are over 122,000 potential class members. These are CalPERS Long Term Care policy holders from 1995 to 2004. Recipients can "opt-out" to exclude themselves from the lawsuit by October 14, 2016. The class notices are being mailed in groups of about 20,000 each mailing. This process will take several weeks to complete, so please be patient if you do not receive your class notice immediately. We will provide an update on this website once mailing is completed. If you have not received a notice by that time, you can contact us at 1-877-959-1926.

April 2016 litigation update from the law firm serving the plaintiffs:
The parties appeared at a case management conference before the Court on Monday, March 28, 2016. The Court addressed several issues including the status of class notice and the case schedule. CalPERS has provided the class list, which identifies and provides contact information for nearly 122,500 class members. However, the parties have not reached agreement on the form of the class notice. It is estimated that notice will be sent out soon. The Court schedule of case dates are September 18, 2017 for Trial Readiness Conference and a Trial date on October 2, 2017.

If you would like to view the class notice, please read it at this website.
http://www.calpersltcclassaction.com/

Here's some history on this lawsuit:
On August 6, 2013 a class action lawsuit was filed in an effort to obtain relief for individuals who purchased certain Long Term Care (LTC) insurance policies through CalPERS. Information on this article can be found at this website.
http://wwwcalpersclassactionlawsuit.com
This website is designed to answer many of the questions that have been raised by members of the class action lawsuit.

CalPERS' responded to this long-term care lawsuit by asking a judge to throw out the lawsuit that's alleging that the fund and individual board members, among other things, failed to watch out for members' best interests when the fund increased rates on long-term care insurance plans.

Some additional history that preceded this lawsuit was that CalPERS reopened the insurance to new applicants, ending a five-year hiatus marked by heavy financial losses and the announcement of the significant rate increases. The fund said, back in February 2014, its taking applications, for a series of new LTC insurance plans designed to be affordable. "None of the older plans that were offered in the past are available anymore" said CalPERS spokeswoman Jeanie Esajian. Read the article at this website. http://www.sacbee.com/2014/02/06/6134703/calpers-reopens-long-term-care.html##storylink=cpy

This was the first time the CalPERS Long-Term Care Program was open to new applicants since 2008, and the first time the application period will be continuous. The CalPERS fourth generation of long-term care insurance (LTC4) has new benefit design plans which may be reviewed at this website.
http://www.calpers.ca.gov/index.jsp?be=/member/ltc/open-app.xml

New allegations about CalPERS long-term care management surfaced in an article by Jon Ortiz in the Sacramento Bee on 9/29/15.
Lawyers representing a class action lawsuit said the private-sector business partner of CalPERS marketed the program on commission.
Actuaries cautioned CalPERS nearly 20 years ago that its new long-term care insurance fund was set up for failure, an attorney suing on behalf of policyholders says, but officials ignored the warning. Read the article at this website. http://sacb.ee/4kCf

CalPERS approved an 85% premium increase, on October 17, 2012, for early purchasers of its LTC insurance program policies. CalPERS said the increase, to be spread over two years, is being implemented to help stabilize the Programs underlying LTC fund and did take effect July 2015. Since 1995 the increased premiums have been 30% in 2003, 43.8% in 2007, 22% in 2009 and 5% annually since 2010. An Assembly hearing took place with The Aging and Long-Term Care Committee on May 7, 2013 in the State Capitol. The hearing was attended by LTC fund officials, industry experts, policyholders and retirees. It was heated and emotional at times, some calling for the fund to be brought under the authority of the state Department of Insurance.

CalPERS Long-Term Care (LTC) insurance has over 148,000 policyholders in its program. Some policyholders saw a 5% increase annually since 2010, while most saw the bigger 85% increase in July last year. The 85% increase primarily affects about 110,000 people who purchased CalPERS LTC from 1995 to 2004 that provided lifetime 5% compound inflation benefits.

Court of Appeal ruling impacts the "California Rule"

On August 17, 2016 the First District Court of Appeal released a published opinion in *Marin Association of Public Employees v. Marin County Employees' Assn.* The lawsuit brought by Marin public employees challenged the application of the Governor's 2013 Public Employees' Pension Reform Act of 2013 (PEPRA).

Following the passage of PEPRA, Marin County decided to exclude standby pay, callback pay, cash payments for waiving health insurance and other items from the calculation of retirement benefits for employees effective January 1, 2013. In other words – for employees retiring December 31, 2012 – there would be no changes. For employees retiring after January 1, 2013, they still could have their retirement calculations based on these payments in 2012 and before, but only if they were part of their final compensation (highest three years for example) for retirement calculations.

Employees sued saying that inclusion of these items into pay for retirement purposes was a vested pension right and the new practice of excluding them impaired employees' vested pension rights. The appellate court ruled that while employees have a vested right to a pension, the pension can change – even for existing employees. This directly challenges the "California Rule" which essentially says you can't change the terms of the pension for an existing employee for future work without an offset of a comparable new advantage.

In this case the court held that employees only have a right to a "substantial or reasonable" pension and reasonable modifications can encompass reductions in promised benefits. Applying that standard, the court ruled that eliminating the pay at issue here from retirement calculations was a "reasonable" modification to promised benefits, presumably in part because of the financial condition of the Marin pension system - "projected to plunge into a fiscal and actuarial abyss."

While emphasizing the "limited nature" of the holding, this is a direct challenge to the longstanding principle that employees have vested rights and changes to pensions are constitutionally protected. The problem is that the question of whether the changes are "reasonable" would never be asked if the California Rule were adhered to – the changes in retirement calculations would be deemed unconstitutional.

The parties (and others) will no doubt petition the State Supreme Court to review the case. Because the appellate decision is a big public policy deal, and because it questions what the State Supreme Court decisions really mean, it is the kind of case the State Supreme Court would hear.

If the decision stands, possible changes in pensions for existing employees will undergo a new test to see if they are "reasonable" given all the factual circumstances.

The Supreme Court will rule on this later this year.

Gerald James has indicated that a ruling may occur next Spring.

Pensions & Investments
https://www.pionline.com/
Second California appeals court rules pension benefits can be reduced.

Case involves 2013 pension reform that eliminated CalPERS participants' right to buy retirement credits

BY RANDY DIAMOND | JANUARY 3, 2017 4:20 PM | UPDATED 10:42 AM
A second California appeals court panel has said that vested pension rights can be reduced or eliminated in California as long as employees still receive a pension that is "substantial" and "reasonable," court filings show.

The Dec. 30 decision by a three-member panel in San Francisco affirmed a state pension reform law that went into effect in 2013 and eliminated the right of participants of the $302.4 billion California Public Employees' Retirement System, Sacramento, to enhance their pension by buying retirement credits. A lower court in Alameda County in 2015 had ruled that the pension enhancement benefits could be eliminated.

The enhanced benefit, known as an airtime service credit, allowed CalPERS participants to increase their retirement benefit by up to five years by making additional contributions from their salary.

The panel cited another state appeals court's decision in August, which said the $2.1 billion Marin County Employees' Retirement Association, San Rafael, did not have to count pay given to employees for being on an on-call status toward retirement benefits. That decision also cited the 2013 pension reform law, which applies not only to CalPERS but to most other public pension systems in California.

The law put in place anti-spiking provisions that prevent pension benefit increases from unused vacation and leave, bonuses, terminal pay, among other things.

These "anti-spiking" provisions apply to current workers.
"While a public employee does have a 'vested right' to a pension, that right is only to a 'reasonable' pension — not an immutable entitlement to the most optimal formula of calculating the pension," the appeals panel wrote in August.
That decision put into question the so-called California rule, which held for five decades that pension benefits could not be cut.
The California Supreme Court has agreed to hear an appeal on the Marin County case, although no schedule has yet been set for oral arguments.
The latest case was filed by firefighter union Local 2281, which represents 6,000 firefighters across California.

Attorney Gregg McLean Adam, who represented the firefighters, said he believes there is a “strong basis” for the Supreme Court to also hear the retirement credit case.
But Mr. Adam said no decision has been made as to whether an appeal will be made.
CalPERS spokesman Wayne Davis said the pension fund would have no comment on the decision.

PECG Weekly Update   October 4, 2017

David Miller has been elected to one of the two Member-at-Large seats (Position A) on the **CalPERS Board of Administration**. Miller, a state scientist who was endorsed by PECG, received 64% of the votes.
Michael Bilbrey, who was also endorsed by PECG, was the leading vote getter as he sought re-election to Position B. Because he received 41% of the vote but not a majority, he will face a runoff election next month.

PECG Weekly Update   September 5, 2017

CalPERS has mailed ballots to all active and retired members to elect the two Member-at-Large positions on the CalPERS Board of Administration. Your PECG Board of Directors has unanimously endorsed **David Miller** for Position A
and **Michael Bilbrey** for Position B for these two important Board seats.

PECG Weekly Update   September 1, 2017

Your paystub probably reflected a deduction for something called CERBT. That stands for the California Employers’ Retiree Benefit Trust. The current Unit 9 Memorandum of Understanding (MOU), which included last year’s and this year’s pay raises, also included a provision to start prefunding retiree health care. For Unit 9 employees and their supervisors, it begins with a 0.5% of salary contribution effective July 1, 2017. This is less than the contribution for most other Bargaining Units and is matched with a state contribution. Its purpose is to reduce the “unfunded liability” for retiree health care which has received substantial negative public and media attention.

The contribution was supposed to begin with the July payroll (your August 1 paycheck), but the State Controller was unable to process the deduction in time. The actual deduction of 0.5% is based on “pensionable compensation” rather than total salary, so the actual amount deducted may differ slightly from 0.5% of your gross salary.

PECG Weekly Update   August 16, 2017

The California Public Employees Retirement System **(CalPERS)** has reported that the net return **(earnings)** on investments for the 12-month fiscal year ending on June 30 was **11.2%**. The total funds now contain more than $323 billion. CalPERS had recently reduced its assumed earnings rate for the future from 7.5% to 7%, so the 11.2% actual return is certainly good news.

Several months ago, CalPERS decided to reduce its investments in private and public equity (such as the stock market), which earned 13.9% to 19.7% this year, and increase its "stable" investments, such as real estate, which earned 7.4%. Nationally, public employee pensions saw a median gain of 12.4%.

PECG Weekly Update   August 4, 2017

In addition to receiving the **2% salary increase** on July 1, PECG-represented employees and the state were supposed to start contributing **0.5% each** to a fund to start prepaying retiree health plan premiums. However, the State Controller's current system only allows them to process that deduction a month in arrears. This means that the August paycheck should reflect the 0.5% deduction for July. At some point in the future, it is likely they will fix the system so deductions, like pay increases, will be made on time.

PECG Weekly Update   May 12, 2017

In addition to the state's scheduled $5.8 billion contribution to CalPERS for state employee pensions next year, the Governor is proposing an additional $6 billion supplemental payment to reduce the pension obligation in future years. Also, by the end of the 2017-18 fiscal year, the contributions from the state and the employees (shared equally) will build the Trust Fund for retiree health benefits to more than $1 billion, further reducing future unfunded liabilities.

PECG Weekly Update   April 17, 2017

Two pension-related cases are headed to the State Supreme Court. One deals with whether changes to the law, regarding which items can be included in compensation when calculating retirement benefits, can be applied to existing employees as well as new hires. The other addresses whether employees can purchase additional service credits before retiring, even if there is no cost to the employer. A date (or dates) to hear the cases has not yet been set.

PECG Weekly Update   December 8, 2016

Public employee **pensions** continue in the news. Four years ago, the City of San Bernardino declared bankruptcy. A U.S. Bankruptcy Court has just approved the City's plan to emerge from bankruptcy. The pension benefits for the City's employees and retirees will not be affected.

Last month we reported on a Court of Appeal decision addressing which compensation items (such as callback pay and standby pay for local agencies) could be included in the calculation of compensation for retirement purposes. The decision also addressed a long-standing series of rulings by the Supreme Court and lower courts that public employee pensions cannot be reduced below the formula in place when the employees were hired. In other words, employees have a vested contractual right to those benefits. As the Appellate Court ruling called that principle into question, PECG and others urged the state Supreme Court to review the ruling and reaffirm its position.
The Supreme Court has agreed to review the case but will await an Appellate Court ruling in a different pension lawsuit, presumably so the high court could consider both cases at once.

PECG Weekly Update   November 1, 2016:

PECG has asked the California Supreme Court to review a Court of Appeal decision which calls into question the long-standing principle that public employees have a vested contractual right to their **pension benefits**. The Supreme Court has consistently ruled that any modification of pension rights which "result in disadvantage to employees must be accompanied by comparable new advantages." The Appellate Court ruling would appear to substantially weaken this principle. Thus, PECG and several other public employee organizations and unions have asked the Supreme Court to review the decision and reaffirm its long-standing ruling.

Thanks to Gerald James for this important information on the potential impact that this ruling may have on our pensions.

PECG Weekly Update   September 30, 2016:

Governor Brown has signed legislation which will implement a **retirement savings plan** for up to 7 million **private sector workers** in California. 2012 legislation created a California Secure Choice Retirement Savings Investment Board to study the feasibility of such a plan. This week, Governor Brown signed Senate Bill 1234 which creates a Savings Trust. Beginning in 2018, employees without a retirement plan will begin contributing 3% of their salary into the Trust, which would invest the money in low-risk and long-term investments. Over the years, the contributions will increase to 8% of salary, but the employees can increase, reduce, or opt out of the plan at any time. When the employee retires, he/she can take the money out or convert it to monthly income. The state will pay at least the initial costs of administering the program and investing the funds. No employer contribution is required.

California State Retirees
This is the largest, most experienced organization exclusively representing state retirees.Read "Legislative Watch" with Ted Toppin in the monthly newspaper publication "California State Retiree".www.californiastateretirees.org

Jerry Brown to Congress: Protect California's private retirement program.

BY CHRISTOPHER CADELAGO 2/15/2017

ccadelago@sacbee.com

Gov. Jerry Brown, in a letter to the state's congressional delegation, pushed back against a Republican-led repeal of federal labor regulations allowing California to create state-run investment accounts for millions of private-sector workers without retirement plans.

Brown, who signed legislation last year establishing the "Secure Choice" program, called the retirement savings opportunity modest, but important.

He said the labor department issued its rule to ensure the retirement schemes were financially and legally sound.

Efforts to wipe away the Obama administration regulations could spur legal challenges to state programs like the one in California, and imperil future moves to enact the benefit in other states.

"I understand that Wall Street institutions strongly object to California and other states setting up such systems," Brown wrote in the Tuesday letter, which was released Wednesday.

"They think the dollars that move into Secure Choice should instead flow into their own products. I consider this a feature, not a defect, of Secure Choice. Indeed, we hope to enroll those who historically (have) not been served by the savings industry."

Brown concluded: "I urge you to oppose this resolution, so states can continue to create innovative programs like this one – and enable more people to live with dignity in their retirement years."

The Democratic governor joins a bipartisan group of elected leaders working to protect the program, including Treasurer John Chiang.

Last week, Senate President Pro Tem Kevin de León, D-Los Angeles, and Republican Sen. Anthony Cannella of Ceres sent a letter to House Majority Leader Kevin McCarthy of Bakersfield in support of Secure Choice. De León said his office was exploring all options – including a potential statewide ballot measure.

The link to the article can be found here. http://sacb.ee/8TCY

Read more here: http://www.sacbee.com/news/politics-government/capitol-alert/article132862844.html#storylink=cpy

CalPERS dates for benefits education events and classes.

Members that are close to retirement might consider signing up for a CalPERS retirement education class. To log in, click on to **my |** CalPERS box to schedule your appointment.

Upcoming events:

January 26, 27, 2018 Embassy Suites, San Luis Obispo, CA 93405
February 2, 3, 2018 Sacramento Convention Center, Sacramento, CA 95814
March 2, 3, 2018 Visalia Convention Center, Visalia, CA 93291

CalPERS online and instructor-led classes are based on career stage and are hosted by our eight Regional Offices throughout the state. To view class dates and locations, log in to **my |** CalPERS and select the **Education** tab. You can also enroll for classes in **my |** CalPERS or by calling the CalPERS Customer Contact Center at 888 CalPERS or 888-225-7377.
Classes:

- Benefits Basics
- New CalPERS Members
- Continuing CalPERS Members
- Planning Your Retirement
- Completing Your Retirement Application
- Completing Your Disability Retirement Application
- Retired CalPERS Members

CalPERS retirement options simplification.

On February 18, 2015 CalPERS purposed Retirement Options Simplification.
A number of PECG members have raised some concern over the possibility of CalPERS reducing the retirement options for simplification.
CalPERS staff recommended the Pension & Health Benefits Committee (PHBC) approve condensing the number of retirement payment options from 13 to 5. While the overall options would be reduced, the remaining options available to members would include a combination of existing and modified choices.
On February 17, 2016 sponsor legislation to condense the number of retirement payment options currently in statute and regulations from 13 to 5 for the members of CalPERS, the Judges' Retirement System and the Judges' Retirement System II, that retire for the first time on or after January 1, 2018.
CalPERS has moved forward with the proposal to simplify retirement options. AB 2404 (Cooley) passed the Legislature on August 26th and is expected to be signed by the

Governor. The bill streamlines the CalPERS plan design by consolidating redundant retirement options for those retiring on or after January 1, 2018. In addition to removing redundant options, the legislation removes options that are infrequently chosen by members and may be potentially disadvantageous to retiring members.

Thanks to Gerald James for this update on AB 2404.

We also want to thank Paul Milkey, Linda Lee and others for their attention on this issue. For a summary of this retirement options simplification go to the following websites.
http://www.calpers.ca.gov/docs/board-agendas/201510/pension/item-5.pdf
http://www.calpers.ca.gov/docs/board-agendas/201510/pension/item-5-attach-1.pdf
http://www.calpers.ca.gov/docs/board-agendas/201510/pension/item-5-attach-2-pdf
http://www.calpers.ca.gov/docs/board-agendas/201510/pension/item-5-attach-3-pdf

Sharon Stewart would always remind us to be aware of our options when filling out our paperwork for retirement.

Deferred Compensation information.

Jagannath "Jag" Sarkar, former Committee member, has some basic information to share with you.

Savings Plus program has 401 (K) and 457 (b) plans that has both Traditional and Roth option to choose from. It allows employees to put aside money from their pay check towards retirement. Employees can evaluate for themselves how much they need for their retirement to supplement their pension and social security.

Deferred Compensation Plans have low investment cost. The record of Index Funds over time is good, and it improves quality of life during our retirement time.

Contact for Deferred Compensation Plan:
https://www.**savingsplusnow**.com/
OR call 1-855-616-4776

Why Join the Deferred Compensation Plan

Deferred compensation plan supplements retirement income. It provides employees a low cost, convenient way to save for retirement through payroll deductions.

A few things to know about deferred comps are as follows:

A. **Savings Plus:** It is the 401(k) and 457 plan
B. **Eligibility:** All permanent state of California employees may enroll in the Savings Plus program
C. **Enrollment/Sign up:** Employees may enroll anytime. The email address: www.savingsplusnow.com
D. **Cost:** Employees pay a $1.50 monthly administrative fee for each plan account
E. **Annual Contribution Limits:** Minimum amount is $50 per month. Maximum limit is $1500/month on both 401(k) and 457 plan.
F. **Can we put money in both the 401(k) and 457?**
YES!
G. **Age Based Deferral:**
    a. Yes we do, age 50 and above can contribute $500/month more on both 401k and 457
H. **Choosing an Investment Strategy:**
    a. Employees can choose an investment profile that meets their needs
I. **Loans:** Savings Plus offers two types of loans
    a. General Purpose Loan
    b. Primary Resident Loan
J. **401(k) Hardship Withdrawal:**
    a. Employees may request a 401(k) Hardship Withdrawal for an immediate and heavy financial need when no other funds (including Savings Plus Loans) are available.

K. **457 Unforeseeable Emergency:** Withdrawal is possible only for an unforeseeable emergency that can be demonstrated beyond their control, e.g. 1. Catastrophic illness, 2. Disabling injury, 3. Death of a dependent family member, 4. Property damage from a natural disaster.
L. **Lump Sum Separation Pay:** Employees can transfer all or portion of their unused accumulated leave credit to Savings Plus. The amount transferred cannot exceed the annual limit for the tax years involved. If the employee's separation date is between November 1, and December 31, the employee can transfer up to the limit for the current tax year and the following tax year.
M. **Savings Plus Contact Information:** Contact Savings Plus (/employees/pages/savings-plus-contact-info.aspx) for more information about the plan.

Jack has collected the following articles and links that we hope you will find helpful.

RETIRE TO MARGARITAVILLE

http://abcnews.go.com/Lifestyle/jimmy-buffett-inspired-margaritaville-retirement-community-coming/story?id=45884447

http://www.aarp.org/home-family/friends-family/info-2017/retire-to-margaritaville-fd.html

TOP 10 TIPS BEFORE RETIRING FROM YOUR JOB

https://www.thebalance.com/top-tips-for-retiring-from-your-job-2894585?utm_term=retirement+vacations&utm_content=p1-main-4-title&utm_medium=sem&utm_source=gemini_s&utm_campaign=adid-f41ae508-2c39-4b64-8a73-7d2bda6eff1a-0-ab_tsb_ocode-33135&ad=semD&an=gemini_s&am=broad&q=retirement+vacations&o=33135&qsrc=999&l=sem&askid=f41ae508-2c39-4b64-8a73-7d2bda6eff1a-0-ab_tsb

RETIREMENT PARTY IDEAS

https://www.thebalance.com/top-tips-for-retiring-from-your-job-2894585?utm_term=retirement+vacations&utm_content=p1-main-4-title&utm_medium=sem&utm_source=gemini_s&utm_campaign=adid-f41ae508-2c39-4b64-8a73-7d2bda6eff1a-0-ab_tsb_ocode-33135&ad=semD&an=gemini_s&am=broad&q=retirement+vacations&o=33135&qsrc=999&l=sem&askid=f41ae508-2c39-4b64-8a73-7d2bda6eff1a-0-ab_tsb

PINTEREST RETIREMENT PARTY IDEAS

https://www.pinterest.com/explore/retirement-parties/

WISHES RETIREMENT QUOTES

https://www.reference.com/web?qsrc=999&qo=semQuery&ad=semD&o=36982&l=sem&askid=9f7f68f2-4361-4fc3-b7f4-31606df2533a-0-rf_msb&q=wishes%20for%20retirement%20quotes&dqi=retirement%20quotes&am=broad&an=msn_s

7 RETIREMENT BUDGET KILLERS

https://www.thebalance.com/deadly-retirement-budget-mistakes-2388341?utm_term=retirement+vacations&utm_content=p1-main-1-title&utm_medium=sem&utm_source=gemini_s&utm_campaign=adid-f41ae508-2c39-

4b64-8a73-7d2bda6eff1a-0-ab_tsb_ocode-33135&ad=semD&an=gemini_s&am=broad&q=retirement+vacations&o=33135&qsrc=999&l=sem&askid=f41ae508-2c39-4b64-8a73-7d2bda6eff1a-0-ab_tsb

CHOOSING A COMPACT RV OR CAMPER FOR RETIREMENT TRAVEL

http://www.caniretireyet.com/choosing-a-compact-rv-or-camper-for-retirement-travel/

FUN THINGS TO DO IN RETIREMENT

http://www.retirement-cafe.com/Fun-Things-to-Do-When-You-Retire.html

45 MANLY HOBBIES

http://www.retirement-cafe.com/Fun-Things-to-Do-When-You-Retire.html

50 HOBBY IDEAS FOR WOMEN

http://listofhobbies.org/50-favorite-hobby-ideas-for-women/

More retirement and deferred compensation information:

Section 457 Deferred Compensation Plans of state and local government and tax-exempt employers after The Small Business Job Protection Act Of 1996 and The Taxpayers Relief Act Of 1997.
http://www.irs.gov/pub/irs-tege/eotopici99.pdf
Public Pensions: Section 457 plans posed greater risk than other supplemental plans (Chapter Report, 04/30/96, GAO/HEHS-96-38).
http://www.gpo.gov/fdsys/pkg/GAOREPORTS-HEHS-96-38/html/GAOREPORTS-HEHS-96-38.htm

Pros and Cons of 457 plan.
http://money.cnn.com/2000/03/23/pensions/q_retire_457/
About.com – Retirement Planning.
http://retireplan.about.com/lw/Business-Finance/Personal-finance/What-is-a457-b-plan-.htm
Perks of a government retirement plan.
http://www.bankrate.com/finance/retirement/perks-government-retirement-plan-1.aspx
How to cash out a 457(b) plan.
http://www.ehow.com/how_7405387_cash-out-457b-plan.html
Valuing and dividing 457, 401(k)s, ESOPs, and profit sharing plans for divorce.
http://www.vecon.com/article/457.htm
What is the difference between-401(k) plan and 457(b) plan.
http://www.investopedia.com/sak/answers/100314/what-difference-between-401k-plan-and-457-plan.asp
CalHR - Saving Plus.
http://www.calhr.ca.gov/employees/pages/savings-plus.aspx

IRS issues more guidance on 457(b) corrections.
http://www.employmentmattersblog.com/2014/03/irs-issues-more-guidance-on-457b-plan-corrections/
Thinking about retirement and your psychological portfolio.
http://www.apa.org/research/action/retire.aspx
Retiring minds want to know.
http://www.apa.org/monitor/2014/01/retiring-minds.aspx

PECG members' retirement certificate and gift.

The Committee wants to properly recognize PECG members upon their retirement from State service. We do this for those who have at least five consecutive years as a PECG member at retirement. Since obtaining lists of outgoing members is easier said than done, we would like the assistance of our members to notify PECG headquarters in Sacramento at least a month before retirement.
With the assistance of the Sacramento staff, retiring members are presented with a framed certificate and laser inscribed crystal cube in appreciation of their years of dedicated State service.
Again, if you are retiring or know someone who is, please notify PECG headquarters a minimum of a month before the gift and certificate are needed.

Sacramento area monthly PECG retiree meeting.

Brian Young wants to remind those in the greater Sacramento area that for the past 14 years PECG retirees have been meeting on the first Thursday of each month at 8:00am for a breakfast meeting at Sacramento Café and Brew (formerly Denny's and Perko's), at 3rd and J St. in Sacramento.

Hi Brian; following below are the notes that I jotted down during the Nov 2, 2017 PECG retiree meeting.

The presenter was by Gray Scott, a manager at the CalPERS Long Term Care program. The meeting had greater than usual attendance.

1. Gray started by pointing out that (a) Long term care (LTC) is not just for seniors, AND (b) LTC is not just about providing for end-of-life needs. Gray said there is a testimony on the CalPERS LTC web site of a 20+ year old woman old who developed complications during childbirth and has received over $500,000 in benefits so far. Gray also provided another example situation of a younger person needing LTC help. Say a young motorcycle rider has an accident and needs help for 7 or 8 months with activities of daily living (such as bathing, dressing, etc). Most health insurance would only cover at most, the first 3 months of need.

2. Gray then offered to continue on with a presentation, or to go directly to answering audience questions. There were many questions from the audience at that point.

Q1. Is CalPERS LTC insurance eligible to anybody?
A1. No. But it is eligible to any public employee, public retiree, or former public employee. PLUS it is also available to direct close relatives. Gray said an example of a direct relative is a grandchild, but a great grandchild would not be eligible.

Q2. Do you have to wait before collecting?
A2. Yes. There is a 90 day waiting period. The 90 day waiting period is a requirement of all long term care plans if they want to be an IRS tax qualified plan. (Qualified plan means that the premium payments are eligible for income tax deductions) Day 1 of the 90 day waiting period begins after the first day of personal expenditures.

Under general medical coverage you can often get short term (less than 90 day) coverage for medically caused personal care need.

Q3. Explain what an 'Attorney-in-Fact' is.
A3. An 'Attorney-in-Fact' (also known as an 'Agent') is someone you designate to make your health care decisions if you are not able to. Gray recommends that the person you designate as 'Attorney-in-Fact' should not be the nice person that you know, but the person who will act aggressively in your behalf for your health care needs when you are no longer able to.

Q4. One PECG member had great difficulty getting CalPERS to approve payment to a small, but good, care facility. It took them a great deal of repeated efforts before CalPERS LTC would finally accept and make payment to the small facility.
A4. Gray said that in the past, small care facilities were a bone of contention for the long term care industry. Gray said that in the past, some small care facilities have had difficulty meeting care facility standards and there were liability concerns. Currently CalPERS LTC has an alternative care facility provision that enables beneficiaries to appeal to get approval to use these smaller facilities when they meet the beneficiaries needs.

Q5. Does the CalPERS Power-of-Attorney form cover the CalPERS LTC Power-of-Attorney needs?
A5. Yes.

Q6. What are the powers and authority of a person that the beneficiary designates as authorized?
A6. Individuals a beneficiary designates as authorized (as opposed to 'Agents' or 'Attorney-in-Fact's) can call the beneficiaries health care providers to get information about the beneficiaries health, or care, or health benefits; but authorized individuals cannot make changes to, or decisions about any of those things.

Q7. There was a previously submitted multi-part question.

Q7a. It would be appreciated if he (Gray) could give us a status on the investments and/or actuarial status need for further increases in premiums for the lifetime plan. Is the 5% annual increase in premiums for the lifetime plan continuing?

A7a. The plans of concern are those with (a) inflation coverage, or (b) those with no lifetime limits, or (c) both. For those plans created before CalPERS suspended selling plans (known as LTC1 and LTC2), the past one-time 85% premium increase and the past 5% annual premium increases has stabilized the two plans. The present day premiums for those two groups are sufficient for the foreseeable future so no future increases are envisioned. There is a third CalPERS LTC group called LTC3 that has inflation coverage, and that was created after the 2012 Program stabilization. The LTC3 group has not reached the level of stability of LTC1 and LTC2. No premium increases are envisioned for LTC3, but that group does have a loss problem.

Gray said that the self imposed stabilization effort was needed and has done so well that currently the program is overfunded. It has been at least 10% overfunded every year since the stabilization program was implemented. In 2015 the program was 23% overfunded. Gray said that anyone can read about the CalPERS LTC program's valuation on the internet at CalPERSLongTermCare.com and navigating to 'Recent News', then down to 'Past News', and if you search down far enough in past news you will be able to see valuation reports.

Q7b. (What is the) Status of court suit?
A7b. No answer was recorded for this question (it may not have been addressed?).

Q7c. With increases in care keeper wages is there any thought to eliminating the prohibition of relatives getting paid for in house care?
A7c. No, relatives cannot be paid to care for beneficiaries. Many times relatives do not have the accreditation needed to be a care giver so industry LTC practice is to not allow relatives to be paid care givers. The only way relatives can be paid is for the relative to get any necessary accreditation and become an employee of a caregiver company.

Q7d. What were the reasons for getting a new administrator? Why did it take so long to replace?
A7d. CalPERS does not really have a new administrator, but it does have a new contract for administration. A long time ago, the CalPERS LTC plans were administered by the Long Term Care Group (LTCG). LTCG was sold to a holding company called Univida. Later, Univida sold LTCG to another holding company called Stone Care Health Care group. When the last CalPERS LTC administration contract was nearing expiration, CalPERS solicited proposals for a new plan administrator. The proposal submitted by LTCG was the best and LTCG was awarded the new contract.

Q8. Does CalPERS have recommendations for Health Care facilities?
A8. No. But there is a list of already accepted facilities (this is really just a list of the facilities that CalPERS LTC is already making payments to). CalPERS would not make the effort to pre-qualify a facility because the facility could lose accreditation at any time.

Q9. Once benefits start being received, do you still have to pay the premiums on the policy?
A9. No, at that point the beneficiaries premiums are waived.

Q10. How do you get qualified for benefits?
A10. File with CalPERS, then (a) CalPERS will send out a nurse (or doctor) to make an

assessment of the individual, and (b) if a facility is involved, CalPERS will also make an assessment of the qualifications of the facility.

The Retirement and Deferred Compensation Committee appreciates your comments and suggestions.