



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 11

MEETING DATE: September 18, 2019

SUBJECT: Electronic Signatures Policy

SUBMITTED FOR: ___ Consent X Deliberation and Action ___ Receive and File

RECOMMENDATION

Staff recommends the Board approve the Electronic Signatures Policy.

PURPOSE

This item complies with the 2019-20 Strategic Management Plan goal to leverage technology and creative solutions to enhance enterprise performance.

DISCUSSION

Staff have identified the use of electronic signatures as a key part of SCERS' effort to improve customer service by expediting receipt of various retirement forms. Board approval is necessary to facilitate this process.

In 2012, the Legislature amended Government Code section 31527 to address the acceptance of member electronic signatures by county retirement systems. Under the statute, the Board may authorize SCERS to accept electronic signatures so long as the Board finds that the underlying software technology meets certain quality control standards.

Government Code section 31527(i) authorizes the Board to issue a policy permitting:

[T]he use and acceptance of a document requiring a signature that is submitted by a member using an electronic signature, if the document and electronic signature are submitted using technology the board deems sufficient to ensure its integrity, security, and authenticity. A document submitted pursuant to the regulation shall be given the same force as a signed, valid original document.

Staff has concluded that both the *Ariel* software, currently being installed at SCERS as part of the Pension Administration System project and available in the near future, and *DocuSign*, commercial software that is currently available, use technology that ensures the integrity, security, and authenticity of electronic signatures as required by section 31527(i). At this time,

the policy would apply only to members and retired members. In addition, the policy applies to beneficiaries who are receiving retirement benefits.

While the policy is intended to address the use of electronic signatures in member submissions, the policy does not disturb or restrict SCERS' ability to use and accept electronic signatures in services contracts, investment contracts, and other business transactions, as permitted by law.

Prepared by:

Reviewed by:

/S/

/S/

Stephen Lau
General Counsel

Eric Stern
Chief Executive Officer



ELECTRONIC SIGNATURES POLICY

PURPOSE

The purpose of this policy is to authorize SCERS to accept electronic signatures, as permitted by Government Code section 31527(i).

POLICY

The Board may use and accept a document requiring a signature that is submitted by a member using an electronic signature, if the document and electronic signature are submitted using technology the Board deems sufficient, as set forth in this and future policies adopted by the Board, to ensure their integrity, security, and authenticity. A document submitted pursuant to such policies shall be given the same force as a signed, valid original document.

The Board has determined that DocuSign and Ariel are software programs that use technology sufficient to ensure the integrity, security, and authenticity of documents with an electronic signature. Consequently, SCERS will give an electronically signed document filed through DocuSign and Ariel the same legal force as a signed, valid original document. The determination contained in this paragraph applies only to SCERS-generated documents, containing electronic signatures submitted by (1) non-retired SCERS members, (2) retired SCERS members, and (3) beneficiaries receiving retirement benefits.

This policy does not modify, disturb, or restrict SCERS' ability to use and accept electronic signatures in services contracts, investment contracts, and other business transactions, as permitted by contract law and/or the Uniform Electronic Transactions Act.

BACKGROUND

The Board of Retirement may issue a policy that allows "the use and acceptance of a document requiring a signature that is submitted by a member using an electronic signature, if the document and electronic signature are submitted using technology the [B]oard deems sufficient to ensure its integrity, security, and authenticity." Gov. Code § 31527(i). An electronically signed document submitted via such approved technology would have the "same force as a signed, valid original document." *Id.*

RESPONSIBILITIES

Executive Owner: General Counsel

POLICY HISTORY

Date	Description
09-18-2019	Staff recommended Board approve policy