Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 7C

MEETING DATE: **September 16, 2026**

SUBJECT: **Delegation of Authority to Board President Policy**

SUBMITTED FOR: **_X__ Action** **___ Information**

RECOMMENDATION

Approve amendments to the Delegation of Authority to Board President Policy.

PURPOSE/STRATEGIC PRIORITY

This item complies with state laws and SCERS policies associated with County employment and appropriate review of personnel-related activities and decisions.

DISCUSSION

The Board adopted its Delegation of Authority to Board President Policy in September 2021 to address personnel-related activities and decisions in unusual cases where recusal or disqualification of the Chief Executive Officer (who has delegated authority from the Board pursuant to SCERS' CEO Delegated Authority Policy for Personnel Matters) may be appropriate. Staff has re-evaluated this policy to consider whether any amendments are necessary due to legal changes or practical experience. While there have been no changes to the law or and there are no practical concerns, Staff is recommending stylistic and non-substantive amendments to streamline the policy and update its form to reflect SCERS' current templates.

ATTACHMENTS

- Board Order
- Redlined version of policy with proposed amendments
- Clean version of policy with proposed amendments

Prepared by:	Reviewed by:
/S/	/S/
Jason R. Morrish General Counsel	Eric Stern Chief Executive Office

Retirement Board Order

Sacramento County Employees' Retirement System

Before the Board of Retirement
September 16, 2026

AGENDA ITEM:

Delegation of Authority to Board President Policy

THE BOARD OF RETIREMENT hereby approves the Staff recommendation to approve amendments to the Delegation of Authority to Board President Policy.

I HEREBY CERTIFY that the above order was passed and adopted on September 16, 2026 by the following vote of the Board of Retirement, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ALTERNATES (Present but not voting):

Chris Giboney
Board President

Eric Stern
Chief Executive Officer and
Board Secretary

DELEGATION OF AUTHORITY TO BOARD PRESIDENT POLICY

PURPOSE

The purpose of this ~~P~~policy is to delegate certain authority to the President of the Board of Retirement (Board President) in the event that SCERS' Chief Executive Officer (CEO) has, for ethical or legal reasons, recused him/herself from certain personnel-related activities and decisions.

POLICY

Delegation of Authority in the Event of CEO Disqualification or Recusal from Handling Personnel Complaints and Decisions

SCERS is subject to various laws and policies that confer rights and protections ~~on~~to SCERS' employees. Among those is the right to submit a personnel complaint about a supervisor, and to have that complaint promptly reviewed and ~~(~~potentially~~)~~ acted upon by the next-level authority.

This ~~P~~policy creates a mechanism for effectuating ~~that~~ employees' rights when the CEO~~SCERS' Chief Executive Officer~~ is the subject of a personnel complaint. Under Government Code section 31522.2, the CEO is appointed by, and reports only to, the Board of Retirement (Board). The Board~~ of Retirement~~, however, can only take action at regular monthly meetings and within the strictures of the Brown Act. I~~Thus, i~~f a complaint is submitted about the CEO, and that complaint triggers a need for a next-level authority to take prompt action, the Board is not well-situated to react.

To address the above scenario, the Board hereby delegates to the Board President the following powers and responsibilities:

(1) To receive and review personnel complaints about the CEO;

(2) To receive and review any other personnel complaints that the CEO, in his/her sound judgment, decides to recuse him/herself from handling;

(3) To take, or considering taking, interim actions that, in the judgment of the Board President, are appropriate to help SCERS comply with law or policy, protect the parties, and/or de-escalate conflicts and disputes, until the next Board meeting.

(4) To consult with executive leadership, including SCERS' General Counsel – or outside counsel if the General Counsel recuses him/herself – to determine the appropriate interim actions; and

(5) To report any interim actions taken ~~by the Board President~~ to the ~~collective~~ Board at its~~the~~ next meeting.

~~To be clear, ~~“I~~i~~nterim actions” refer to short-term actions appropriate to comply with law or policy, defuse workplace tensions, prevent injury, etc., until the next Board meeting, whereupon the Board can deliberate and take action collectively. Examples of ~~“~~interim actions~~”~~ include initiating a fact investigation (particularly where required by law)~~,~~ or mediating communications. “Interim actions~~”~~ do not include formal employment actions such as termination, suspension, etc.

This delegation of authority shall be deemed effective as of June 1, 2021.

~~Delegation of Authority in the Event of CEO Recusal from Personnel Management Decision~~

~~Government Code section 31522.1 states: “The board of retirement . . . may appoint such administrative, technical, and clerical staff personnel as are required to accomplish the necessary work of the boards. . . . The personnel shall be county employees and shall be subject to the county civil service or merit system rules and shall be included in the salary ordinance or resolution adopted by the board of supervisors for the compensation of county officers and employees.”~~

~~Although Section 31522.1 authorizes the Board to appoint staff, the Board has historically delegated that authority to the CEO. Under unusual circumstances, there may be a legal or ethical need for the CEO to recuse him/herself from an employee management decision (e.g., a decision to discipline an employee). Upon such recusal, there would be a need for a secondary Board delegate to perform the function that the CEO otherwise would have performed.~~

~~To address the above scenario, the Board hereby delegates to the Board President the power to make personnel management decisions in place of the CEO should the CEO, in his/her sound judgment, elect to recuse him/herself from that decision. (It is anticipated that such recusal would very rarely occur.) In making that management decision, the Board President shall consult with SCERS’ General Counsel, Chief Operating Officer, and other senior staff as necessary to aid in the decision-making. If, after consideration, the Board President concludes that the personnel management decision is better made by the Board collectively, he/she may elevate the matter accordingly.~~

AUTHORITY

California Government Code §31522.1
California Government Code §§54950 *et seq.*
SCERS CEO Delegated Authority Policy for Personnel Matters

RESPONSIBILITIES

Executive Owner: General Counsel

POLICY HISTORY

Date	Description
09-16-2026	Board amended policy
09-15-2021	Board approved new policy

DELEGATION OF AUTHORITY TO BOARD PRESIDENT POLICY

PURPOSE

The purpose of this policy is to delegate certain authority to the President of the Board of Retirement (Board President) in the event that SCERS' Chief Executive Officer (CEO) has, for ethical or legal reasons, recused him/herself from certain personnel-related activities and decisions.

POLICY

Delegation of Authority in the Event of CEO Disqualification or Recusal from Handling Personnel Complaints and Decisions

SCERS is subject to various laws and policies that confer rights and protections to SCERS' employees. Among those is the right to submit a personnel complaint about a supervisor, and to have that complaint promptly reviewed and potentially acted upon by the next-level authority.

This policy creates a mechanism for effectuating employees' rights when the CEO is the subject of a personnel complaint. Under Government Code section 31522.2, the CEO is appointed by, and reports only to, the Board of Retirement (Board). The Board, however, can only take action at regular monthly meetings and within the strictures of the Brown Act. If a complaint is submitted about the CEO, and that complaint triggers a need for a next-level authority to take prompt action, the Board is not well-situated to react.

To address the above scenario, the Board hereby delegates to the Board President the following powers and responsibilities:

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(3) To take, or considering taking, interim actions that, in the judgment of the Board President, are appropriate to help SCERS comply with law or policy, protect the parties, and/or de-escalate conflicts and disputes, until the next Board meeting.

(4) To consult with executive leadership, including SCERS' General Counsel – or outside counsel if the General Counsel recuses him/herself – to determine the appropriate interim actions; and

(5) To report any interim actions taken to the Board at its next meeting.

“Interim actions” refer to short-term actions appropriate to comply with law or policy, defuse workplace tensions, prevent injury, etc., until the next Board meeting, whereupon the Board can deliberate and take action collectively. Examples of interim actions include initiating a fact investigation (particularly where required by law) or mediating communications. Interim actions do not include formal employment actions such as termination, suspension, etc.

This delegation of authority shall be deemed effective as of June 1, 2021.

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