

# Memorandum

MEETING DATE
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AGENDA ITEM
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**Date:** December 12, 2012

**To:** Board of Retirement  
Marilyn Leedom, Retirement Chief Executive Officer

**From:** Karen Levy, General Counsel

**Subject:** Summary of SB 1382; Consideration of Amendments to CCCERA's Policy On Mailings to Retirees

This memorandum summarizes the provisions in Senate Bill 1382 and proposed amendments to CCCERA's Policy on Mailings to Retirees.

## I. Bill Summary

Senate Bill 1382 was enacted and its provisions become law effective January 1, 2013. This legislation addresses the following matters:

- **Retiree payroll deductions.** The CERL currently authorizes the retirement board to allow a retired member to have a deduction from their retirement check of a specified amount for various purposes, including, among others, paying for group life insurance, group disability insurance, prepaid group medical or hospital service plans, and dental plans approved by the retirement board. SB 1382 will allow, effective January 1, 2013, deductions for payments to a recognized retiree organization and payment for any retiree benefit programs available through the recognized retiree organization. The board of retirement may charge a reasonable fee for the making of the deductions and payments.
- **"Recognized" Retiree Organization.** SB 1382 authorizes a "recognized" retiree organization to submit a list of nominees for the office of the alternate 8<sup>th</sup> (retired) member of the retirement board. The bill defines "recognized retiree organization" to mean an organization in which a majority of the members of the organization are retired members of the system and which the retirement board, upon request, has approved recognition.
- **Mailings.** SB 1382 requires the retirement board, upon request from a "recognized" retiree organization, to cooperate with and assist the organization in distributing communications regarding membership in and retiree benefit programs available through the organization to all, or a portion of, the retired members of the system. The bill provides that the content of those communications be the responsibility of the recognized retiree organization, and that the retirement board "shall not have any liability for the content of those communications." (Govt. Code § 31592.6.) The bill also authorizes the retirement board to charge a reasonable fee for those mailings, not to exceed the actual costs to the system, including staff time for preparation of the mailings.



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## **II. Amendments to Policy On Mailings to Retirees**

- CCCERA has reviewed its policy on mailings to retiree to ensure compliance with SB 1382. We have included a clean and redlined copy of suggested changes. The changes make it clear that under new Government Code Section 31592.6:
  1. Requests for mailings from a “recognized” retiree organization extend to communications regarding membership in and retiree benefit programs available through the organization to all, or a portion of, the retired members of the system; and
  2. The content of communications in the requested mailings is the responsibility of the recognized retiree organization.



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# CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## POLICY ON MAILINGS TO RETIREES Adopted 2/9/93; Amended 8/11/10; 12/\_\_/2012

### **Statement of Policy**

The addresses of the system's retirees are confidential. Staff and Board members are not authorized to release this information for any purpose other than to conduct the business of the system.

Occasionally the Retirement Board is asked to help contact system retirees, either by releasing addresses for mailing purposes or by mailing material directly from the retirement office.

This policy is intended to set forth the criteria by which such requests will be evaluated and, if approved, the procedure which will be followed.

### **Criteria**

No material which solicits purchase of a product or service will be approved. (no political candidates)

Requests from retiree organizations must relate to membership in and retiree benefit programs available through the retiree organization to all or a portion of those retired members. (Govt. Code § 31592.6.)

The content of the communications are wholly the responsibility of the retiree organization and the Board does not have any liability for the content of the communications. (Id.)

### **Procedure**

1. All requests will be reviewed by the Board for approval.
2. Once the Board has agreed to assist, all material must be reviewed by staff to assure it does not imply the Board's endorsement.
3. Material should be pre-stuffed in sealed envelopes, ready for applying labels. In general, no material will be stuffed with monthly pension checks.
4. The requestor's stationary and envelopes will be used.
5. The retirement office will generate labels and coordinate the mailing from that point forward. No material with address already affixed will be released to the requestor.
6. The requestor will be billed for any and all paper, mail room, label generation, staff time, including legal review, postage and handling charges incurred by the system.

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**Criteria**

~~No requests which target a specific sub-group of retirees will be approved. Sub-group examples are: all Tier I retirees, all retirees from a particular employer, all disability recipients, etc.~~

~~The material to be mailed must be deemed to be of general interest to the system's retirees and related to either (1) their current retiree status, or (2) their status as formerly active members.~~

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2. ~~Once the Board has agreed to assist, all material must be reviewed by staff to assure the~~  
~~following:~~

\*2. ~~It must~~ it does not imply the Board's endorsement.

~~It must clearly contain the following legend on every page of the material, in font size no smaller than 12 dpi and in bold: "The Retirement Board has facilitated the mailing of this material to retiree members of CCCERA. However, no recipient's name or address has been disclosed to (SENDER). The mailing of this letter by the Retirement Board and CCCERA does not constitute an endorsement of the~~

~~{SENDER} or the statements or offers made by {SENDER} in this letter. All contents of this letter are statements of the {SENDER}."~~

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4. The requestor's stationary and envelopes will be used.
5. The retirement office will generate labels and coordinate the mailing from that point forward. No material with address already affixed will be released to the requestor.
6. The requestor will be billed for any and all paper, mail room, label generation, staff time, including legal review, postage and handling charges incurred by the system.

~~7. Each group's requested mailings will only be approved once during a 12 month period.~~