



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 in the event that SCERS' Chief Executive Officer 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

SCERS is subject to various laws and policies that confer rights and protections on 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 that employee right when 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. The Board of Retirement, however, can only take action at monthly meetings within the strictures of the Brown Act. Thus, 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:

- (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 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 the next meeting.

To be clear, "interim actions" refer to short-term actions appropriate to comply with law or policy, defuse, 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.

RESPONSIBILITIES

Executive Owner: General Counsel

POLICY HISTORY

Date	Description
09-15-2021	Board approved new policy