

**ATTACHMENT C**

**RESPONDENT'S ARGUMENT**

# FAX

TO: Cheree Swedensky, Asst to the Board  
 FROM: Pam Hullinger, RESPONDANT Ref. No. 2021-0086

FAX: 916-795-3972

FAX:

PHONE:

[REDACTED]

PHONE:

530-601-0714

SUBJECT: Respondent argument

DATE:

January 27, 2022

COMMENTS Dear Chree Swedensky – Please find this two-page respondent argument for my appeal which is calendared for consideration by the board on February 15, 2022. Please let me know if there is anything else that is needed from me. I can be reached at [REDACTED]. Thank you for your assistance. Pam Hullinger

## RESPONDANT ARGUMENT Ref. No. 2021-0086

CalPERS Board  
c/o  
Cheree Swedensky, Assistant to the Board  
CalPERS Executive Office  
P.O. Box 942701  
Sacramento, CA 94229-2701

January 26<sup>th</sup>, 2022

Dear CalPERS Board:

Thank you for this final opportunity to obtain the CalPERS retirement income that I believe I have earned, qualified for and deserve.

I ask that you reject the recommendation of the administrative law judge and award me my CalPERS retirement income based on my final 12 months salary while employed at the University of California, Davis. My ability to establish reciprocity for final compensation benefit between CalPERS and UCRS was the primary factor in my decision to change jobs in 1996.

As explained in the decision (OAH No. 2021050613) the vast majority of the facts in the matter are not under dispute. Therefore, I will not repeat them here.

The main issue in question is how and when a CalPERS member, should have been made aware of the intricate details of reciprocity law that impact compensation when a member decides to retire. At the time I established reciprocity in 1996, I was not provided any information or reference to specific requirements for UCRS to have a "publicly available pay scale". The information I was given just referenced the final 12 months salary as the basis of the retirement income calculation. The estimates I made for my anticipated retirement income were based on the information provided by CalPERS both in writing and on-line.

I diligently planned my retirement well over eight months prior to my anticipated retirement date. I communicated with both CalPERS and UCRS well in advance of the timeframes they recommended to estimate my final compensation. Despite all that, I did not learn that CalPERS would not actually accept my final 12 months salary from UC in calculating my final compensation until **4 months after I had retired**. I was informed of this at a point when the decision could not be changed. As a result, I am receiving ~\$1200 less a month in retirement from CalPERS than I had calculated and expected. As you can imagine, this substantially impacts my quality of life, for the remainder of my life.

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This seems illegal, unethical, and irresponsible of CalPERS. Why is there no responsibility (legal or ethical) on the part of CalPERS to let members, in my situation, know that there are many additional details that need to be considered in making an informed estimation of anticipated retirement income. If I had been aware of the requirement for a "publicly available pay scale", I would have used the correct final 12 months salary in estimating my retirement income and ultimately delayed my retirement.

Furthermore, my salary fits the spirit of Government Code section 20636 and CCR title 2, sections 570.5 and 571 in my salary that I was receiving in my last 6 years was regular pay, available to all members with similar responsibilities, paid monthly as earned as part of my normal job duties. It was historically consistent with incumbents to the position (actually less), and not final settlement pay nor paid exclusively in a final compensation period. Ninety-five percent of the academic administrators in UC are compensated in a similar manner due to the administrative responsibilities of such positions.

I respectfully request that you re-consider the recommendation of the administrative law judge and recommend that I receive my pension from CalPERS based on the last 12 months of my earnings at UC Davis.

At a minimum, there must be something done going forward, so that other CalPERS members, who are in my position, are not misled based on what information CalPERS is providing them about the calculation of their final compensation benefit. Especially, when in my case I was not informed until 4 months after my retirement date. When the decision was irrevocable.

Once this situation is rectified, I respectfully request that it is set as precedent so that other members in my situation can make fully informed decisions in advance of the selection of their retirement date.

Thank you for your time and consideration.

Kind regards,

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