

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC NOTICE PERIOD OF NOVEMBER 7, 2022 THROUGH NOVEMBER 22, 2022.

CalPERS received two public comments regarding the amended proposed regulations during the 15-day comment period which commenced on November 7, 2022, and closed November 22, 2022. The following is a summary of the comments and responses:

COMMENT NO. 1: Caritia Hughes, in her capacity as a Health Benefits Officer, comments on behalf of the Los Angeles Community College District.

The commentor expressed concerns with allowing documentation that is older than 60 calendar days as indicated in subparagraph (E) (i.e., Legal Guardian, Court Order, etc.).

- Commentor believes this provides employees the ability to submit documentation that is several years old with no evidence of recent status such as claiming a child on their tax forms.
- This will make it difficult for the employing office to verify the recent status of the Parent-Child Relationship (PCR), particularly with those over the age of 19 who are not required to provide documentation in the form of tax dependent status.

RESPONSE NO. 1:

*Response to comments stating permitting documentation that is older than 60 days as indicated in subparagraph (E) allows employees to 1) submit documentation that may be several years old, without requiring evidence of recent status of a PCR, such as claiming a child on their tax forms, and 2) does not allow for the determination of recent status of PCR for older children (age of 19 and over).*

The regulation outlines the requirements to substantiate the child's current financial dependence on the employee or annuitant.

For children aged 18 and under, CalPERS requires a copy of the first page of the employee or annuitant's federal or State income tax return from the previous tax year listing the child as a tax dependent. In lieu of a tax return, for a time not to exceed one tax filing year, and only during the child's initial enrollment as a PCR, the employee or annuitant may submit other documents that substantiate the child's financial dependence upon the employee or annuitant as set forth in subparagraphs (C) and (D).

Similarly, for children aged 19 and over, employees and annuitants can submit a copy of the first page of an employee or annuitant's federal or State income tax return from the previous tax year listing the child as a tax dependent or documents that substantiates the child is financially dependent upon them as described in subparagraphs (C) and (D).

Subparagraph (C) and (D) outlines the requirements to provide primary and secondary documentation. Subparagraph (C) requires a minimum of one primary document and subparagraph (D) requires a combination of two or more secondary supporting documents.

In the instances where a tax return is not available or required, the regulation would require secondary supporting documentation, such as tuition payments, credit card statements, medical bills. These documents must be current and within 60 calendar days from the date of signature of the Affidavit of Parent-Child Relationship and would provide the employing office the ability to validate the recentness of the PCR.

COMMENT NO. 2:

Denae Harris, in her capacity as a Personnel Analyst, submits the following comments on behalf of the Shasta County Department of Support Services.

The commentor indicates they were pleased CalPERS made some adjustments to the proposed language during the previous comment period.

The commentor reiterates their concerns with the acceptable documents listed in (C) and (D), indicating it would be difficult for members to attain if their PCR dependent is not school age, particularly if the PCR is in a newly established relationship or if the member is not required to file taxes as indicated in subparagraph (F).

Commentor agreed the revisions have loosened some of the time restrictions for a few documents, however, there were no revisions that relieved some of the overly restrictive requirements for newly established PCR's who are not school age and employees or annuitants that are not required to file taxes.

Additionally, the commentor still felt there is a need to add language which would allow for exceptions, grace periods, or consideration of special circumstances on a case-by-case basis.

RESPONSE NO. 2:

*In response to the comment that indicates acceptable documents listed in subparagraphs (C) and (D) would be difficult for members to attain if their PCR dependent is not school age particularly if the PCR is a newly established relationship or if the member is not required to file taxes as indicated in (F).*

CalPERS does not agree that additional modifications to the regulatory language is necessary. In the instance where a tax return is not available or required, subparagraph (C) and (D) outlines various alternative primary and secondary documentation that is acceptable. This opens many opportunities to provide evidence of the child's financial dependence on the member.

- Subparagraph (C) requires a minimum of one primary document, which includes legal judgements or court documents, school or day care records, and other verifiable documentation showing common residency. The provision does not limit these documents to school age children and should be accessible for a newly established parent-child relationship.
- Subparagraph (D) requires a combination of two or more secondary supporting documents. This includes credit card statements, joint bank account statements, medical and dental bills along with proof of payment, day care or preschool payments, and proof of payment by the employee or annuitant for the child's activities like sports, music lessons, swimming lessons, etc.

*In response to the comment that indicates a need to add language which would allow for exceptions, grace periods, or consideration of special circumstances on a case-by-case basis.*

CalPERS does not agree that additional modifications to the regulatory language are necessary, as CalPERS already has regulatory authority to consider extenuating circumstances on a case-by-case basis as provided in California Code of Regulation 599.502 subparagraph (g).

**From:** Hughes, Caritia L <[HUGHESCL@EMAIL.LACCD.EDU](mailto:HUGHESCL@EMAIL.LACCD.EDU)>  
**Sent:** Monday, November 7, 2022 12:58 PM  
**To:** Regulation Coordinator <[Regulation\\_Coordinator@CalPERS.CA.GOV](mailto:Regulation_Coordinator@CalPERS.CA.GOV)>  
**Subject:** Older than 60 days

**[External Email Caution]**

I am the HOffice with the Los Angeles Community College District. My concern about permitting documentation that “may be older than 60 days” is that people have literally sent me some documentation e.g. Legal Guardian, Court Order, that is as old as 7 years, with no evidence of recent status such as claiming a child on their tax forms.

I feel that older children who don't mandate some type of relationship recency in the form of tax dependent status will submit older documents and we are not able to verify the recency/present PCR status.

Caritia Hughes  
LACCD: 7874022252

Sent from [Mail](#) for Windows

**From:** Denaë Harris <[dxharris@co.shasta.ca.us](mailto:dxharris@co.shasta.ca.us)>  
**Sent:** Tuesday, November 22, 2022 11:54 AM  
**To:** Regulation Coordinator <[Regulation\\_Coordinator@CalPERS.CA.GOV](mailto:Regulation_Coordinator@CalPERS.CA.GOV)>  
**Cc:** Shelley Forbes <[sforbes@co.shasta.ca.us](mailto:sforbes@co.shasta.ca.us)>; Monica Fugitt <[mfugitt@co.shasta.ca.us](mailto:mfugitt@co.shasta.ca.us)>; Kari Kibler <[kkibler@co.shasta.ca.us](mailto:kkibler@co.shasta.ca.us)>; Jennifer Lamprecht <[jlamprecht@co.shasta.ca.us](mailto:jlamprecht@co.shasta.ca.us)>; Debra Edwards <[dedwards@co.shasta.ca.us](mailto:dedwards@co.shasta.ca.us)>; Samantha Jackson <[skjackson@co.shasta.ca.us](mailto:skjackson@co.shasta.ca.us)>; Mitchell Rogers <[merogers@co.shasta.ca.us](mailto:merogers@co.shasta.ca.us)>; Melissa Mansfield <[mmansfield@co.shasta.ca.us](mailto:mmansfield@co.shasta.ca.us)>  
**Subject:** Written Comment - Proposed Regulatory Action (§599.500 Title 2)

**[External Email Caution]**

Dear Mr. Andrew White,

Shasta County was pleased to see that CalPERS was willing to adjust some of the proposed language in section 599.500 of Title 2 of the California Code of Regulations.

We still feel strongly about the previous concerns below that were not addressed with the revisions and would like to submit them for final consideration:

- Acceptable documentation listed in subsections C and D are by and large applicable to children who are school age and above.
- Employees and annuitants defined in subsection F that have a PCR with a child who is not in school may not be able to provide three or more supporting documents, particularly documents that would meet the requirement of subsection E (not being older than 60 calendar days).
- Employees and annuitants who have a newly established PCR with a child who is not in school may not be able to provide the minimum supporting documents in subsections C and D due to conflicting time constraints of the special enrollment period and the obtainment of valid documentation.

The proposed revisions have loosened some of the time restriction requirements for a few of the documents but there were no revisions that would relieve some of the overly strict requirements for newly established PCRs, children who are not of school age, and employees and annuitants who are not required to file taxes. Additionally, Shasta County still feels there is a need to add language which would allow for exceptions, grace periods, or consideration of special circumstances on a case by case basis.

Thank you,

*Denaë Harris*

**Personnel Analyst I**

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