

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

1. Date

May 6, 2025

2. Department

California Public Employees Retirement System

3. Organizational Placement (Division/Branch/Office Name)

Legal Office

4. CEA Position Title

Associate General Counsel

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

CalPERS proposes to allocate the Associate General Counsel (AGC) position to the CEA category. The AGC will oversee the Employment and Litigation Section, providing executive-level leadership in the development, implementation, and management of policies related to employment law compliance and litigation strategy. The duties and responsibilities of an AGC at CalPERS focus on providing high-level legal oversight, strategic direction, and expert legal advice to support the organization's mission of delivering retirement and health benefits to its members with excellence, integrity, and sustainability. As the largest defined-benefit public pension fund in the United States, CalPERS is committed to securing the financial future of more than two million members while promoting transparency, accountability, and innovation.

6. Reports to: (Class Title/Level)

Deputy General Counsel

7. Relationship with Department Director (Select one)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

The Associate General Counsel provides high-level legal oversight, strategic direction, and expert legal advice to support the organization's mission of delivering retirement and health benefits to its members. This position provides strategic litigation planning, sound legal guidance, and strategic oversight in the development, implementation, and management of legal policies, litigation plans/case development, and operations to executive leadership, the CalPERS Board, and various divisions.

8. Organizational Level (Select one)

- ☐ 1st ☐ 2nd ☐ 3rd ☒ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The duties and responsibilities of an Associate General Counsel (AGC) at CalPERS focus on providing high-level legal oversight, strategic direction, and expert legal advice to support the organization's mission of delivering retirement and health benefits to its members with excellence, integrity, and sustainability. As the largest defined-benefit public pension fund in the United States, CalPERS is committed to securing the financial future of more than two million members while promoting transparency, accountability, and innovation. The AGC plays a critical role in advancing this mission by overseeing the Employment and Litigation Unit, ensuring compliance with state and federal laws, managing complex employment-related and litigation matters, and providing strategic litigation planning and sound legal guidance to executive leadership, the CalPERS Board, and various divisions. By aligning legal strategies with CalPERS' mission and vision, the AGC helps safeguard the organization's operations and supports its commitment to serving members and stakeholders effectively.

Serves as a high-level managerial leader within CalPERS, providing strategic oversight in the development, implementation, and management of legal policies, litigation plans/case development, and operations. Through a subordinate Assistant Chief Counsel, the AGC oversees the Litigation and Employment Law Section, ensuring the delivery of timely, accurate, and high-quality legal services across various CalPERS branches and divisions. The AGC advises executive leadership and the CalPERS Board of Administration on complex and sensitive legal issues, offering innovative solutions to mitigate risks and support organizational objectives. The AGC represents the Legal Office at Board and Committee meetings, including the Finance and Administration Committee, Risk and Audit Committee, and Performance, Compensation, and Talent Management Committee, while preparing and reviewing agenda items to ensure alignment with organizational priorities.

Oversees litigation and employment law matters, providing direction to ensure compliance with statutory requirements and organizational policies. This includes supervising litigation strategies, court proceedings, and administrative hearings, as well as coordinating with the Attorney General's Office and outside counsel on high-profile cases. The AGC collaborates with the Human Resources Division to advise on personnel-related legal matters and ensures compliance with applicable laws and regulations. Additionally, the AGC handles the most complex and sensitive legal matters, including high-stakes litigation and regulatory compliance issues, making strategic decisions and providing substantive recommendations to executive leadership. The AGC represents CalPERS in administrative hearings, court proceedings, and before state and federal agencies, advocating effectively for the organization's interests.

Supervises, mentors, and develops an Assistant Chief Counsel and a team of Attorneys and Senior Attorneys, fostering a culture of accountability and professional growth. The AGC conducts performance evaluations, provides constructive feedback, and implements professional development plans to enhance team capabilities. This role ensures the timely completion of probation reports and annual appraisals, addressing performance issues with clear improvement plans when necessary. The AGC oversees the administration of policies and procedures established by CalHR, the State Personnel Board (SPB), and CalPERS management, maintaining accurate records and ensuring adherence to organizational standards.

Serves as CalPERS' representative at national and state-level forums, including the National Association of Public Pension Attorneys and the California Association of Public Retirement Systems. In these settings, the AGC represents CalPERS' interests and advocates for issues affecting public pension funds and employment law, while building and maintaining strong relationships with internal and external stakeholders. The AGC ensures organizational compliance with all applicable state and federal laws, regulations, and policies, reviewing and analyzing legislation and regulations impacting CalPERS to provide strategic guidance that mitigates risks and capitalizes on opportunities. In collaboration with the Chief Investigator and EEO Officer, the AGC oversees legal advice and investigation strategies, ensuring alignment with organizational policies and legal standards.

Responsible for the development and execution of strategic initiatives, promoting a culture of continuous learning and improvement within the Legal Office. The AGC stays abreast of legal developments affecting public pension fund litigation and employment law by attending continuing education and training programs, ensuring the team remains at the forefront of legal and regulatory advancements. The AGC assists the General Counsel and Deputy General Counsel with special projects and other high-priority matters, providing leadership and support on cross-functional initiatives to advance CalPERS' strategic goals. This role is integral to ensuring the effective operation of the Legal Office and the organization's overall success.

The Associate General Counsel is a critical leadership position within CalPERS, responsible for overseeing employment and litigation matters, providing expert legal guidance, and driving strategic initiatives that align with the organization's mission and vision. Through effective management, advocacy, and collaboration, the AGC ensures CalPERS operates efficiently, complies with all applicable laws, and continues to deliver on its commitment to members and stakeholders.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Employment and Litigation Section is directly related to CalPERS' primary mission of delivering retirement and health benefits to its members with excellence, integrity, and sustainability. This program ensures compliance with state and federal laws, mitigates legal risks, and provides high-quality legal representation and advice to CalPERS leadership, the CalPERS Board, and numerous divisions throughout CalPERS. By overseeing litigation matters and employment-related legal issues, this program safeguards the organization's operations, protects its financial stability, and supports its ability to serve over two million members effectively. The program's work is critical to maintaining transparency, accountability, and innovation, which are essential to achieving CalPERS' strategic goals and fulfilling its mission.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

CalPERS will be requesting the addition of two Associate General Counsel (AGC) positions to join the existing AGC, with all three reporting to the Deputy General Counsel, to enable the effective distribution of supervision of legal work and personnel by subject areas of law and expertise. The new AGC positions will directly participate in policy development within their respective areas of expertise, for this role the focus will be on litigation and human resources, while the Deputy General Counsel will retain overall responsibility for policies that impact CalPERS as a whole.

This request for two additional AGC positions is driven by the increasing workload and complexity of employment law and litigation matters, as well as evolving organizational demands that require dedicated leadership to ensure compliance with state and federal laws. Recent changes, such as new legislative mandates, regulatory updates, and a rise in litigation cases, have significantly strained CalPERS' ability to manage these critical legal functions effectively within its current structure. The growing complexity of employment-related legal issues—including personnel actions, workplace investigations, and labor law compliance—has created a need for specialized oversight to mitigate risks and safeguard the organization's operations.

CalPERS has also experienced an expansion in its legal responsibilities due to heightened scrutiny of public pension systems and increased stakeholder engagement. For example, new mandates related to transparency, accountability, and cybersecurity have added complexity to litigation strategies and legal operations. In addition, there has been an increase in complex litigation, including class action lawsuits, that CalPERS is a party to, e.g., *Wedding, et al. v. CalPERS*, *Huasha Liu, et al. v. CalPERS*, *Stoker et al. v. CalPERS*, *Cari McCormick v. CalPERS et al.*, and *Gilliard v. CalPERS et al.* These cases have increased the risk exposure to CalPERS and added another layer of complexity to the litigation workload. Additionally, CalPERS' commitment to fostering a fair and equitable workplace has increased the demand for legal support in Equal Employment Opportunity (EEO) investigations and personnel-related court proceedings.

The creation of these AGC positions will provide the leadership necessary to oversee the Employment and Litigation Section, ensuring the efficient and accurate delivery of legal services in alignment with CalPERS' mission and strategic goals. These roles will enhance coordination of litigation strategies, improve compliance with employment laws, and strengthen legal representation in administrative hearings and court proceedings. Furthermore, the AGCs will play a critical role in advising executive leadership and the CalPERS Board on complex legal matters, supporting informed decision-making and effective risk mitigation.

This request reflects the need to address the increasing workload and complexity of legal matters, ensure compliance with evolving laws and regulations, and provide high-quality legal services to support CalPERS' mission. By aligning with CalPERS' strategic priorities, the AGC positions will equip the organization to effectively manage its growing legal responsibilities and maintain its commitment to excellence, integrity, and sustainability.

## C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The AGC will play a critical role in advising on and developing policies in several key legal and operational areas that directly impact CalPERS' ability to fulfill its mission of delivering retirement and health benefits to over two million members. The AGC will oversee the Employment and Litigation Section, ensuring compliance with state and federal laws, mitigating legal risks, and providing strategic legal advice to executive leadership and senior management. The AGC will work collaboratively with Human Resources and other Divisions to design and implement policies that address these areas effectively, with significant statewide impacts that influence the operations of the largest defined-benefit public pension fund in the United States and set standards for public agencies across California.

### Key Policy Areas:

#### Employment Law Compliance and Personnel Policies

The AGC will collaborate with Human Resources to develop and oversee policies related to employment law compliance, including personnel actions, workplace investigations, and Equal Employment Opportunity (EEO) matters. These policies ensure CalPERS adheres to state and federal labor laws, such as the Fair Employment and Housing Act (FEHA) and Title VII of the Civil Rights Act, while fostering a fair and equitable workplace. Examples of such policies include the Pre-Employment Screening Policy, Hiring Policy, Reasonable Accommodation Policy, Telework Policy, Workplace Violence and Prevention Policy, and the internal Investigations Policy. These policies are instrumental in protecting CalPERS' workforce and ensuring compliance with labor laws while promoting accountability and operational efficiency.

#### Litigation Strategy and Risk Mitigation Policies

The AGC will establish policies governing litigation strategy, including decisions on when to bring offensive litigation, defending litigation filed against CalPERS, and when to consider settlement. These policies will focus on managing and mitigating legal risks, reducing costs, ensuring stability of the retirement system and obtaining effective representation in high-stakes litigation. For example, litigation policies will protect the pension trust fund against fraud, pension spiking, and other threats, while carrying out CalPERS' fiduciary duty to its members. The AGC will also oversee administrative hearings and court proceedings, working closely with the Attorney General's Office and outside counsel to ensure effective legal representation and strategies.

#### Public Records Act (PRA) Compliance Policies

The AGC will collaborate with other Divisions to oversee policies related to compliance with the California Public Records Act (PRA). These policies ensure timely and accurate responses to PRA requests while balancing transparency with the protection of sensitive information. The AGC will address employment-related PRA requests, including those involving personnel records and sensitive legal matters, ensuring compliance with legal standards and safeguarding confidential information, e.g., member data.

### Statewide Impact:

The policies developed and implemented by the AGC will have significant statewide impacts, influencing CalPERS operations, protecting public funds, and ensuring the sustainability of retirement and health benefits for millions of Californians. For example, litigation policies that protect the pension trust against fraud and abuse serve as a model for other public agencies; those policies also ensure that the correct benefits are paid and/or provided only to those eligible to receive them under the Public Employees' Retirement Law (PERL) and the Public Employees' Medical and Hospital Care Act (PEMHCA), which helps the sustainability of the funds, ensuring that health and retirement benefits are available to the state and contracting agency employees who serve California. While employment policies that foster fairness and compliance set standards for workplace practices across California.

The AGC will serve as a principal policy maker, working collaboratively with Human Resources and other Divisions to design and implement policies that address employment law compliance, litigation strategy, compliance with PERL and PEMHCA, and PRA compliance. These policies are critical to protecting CalPERS' workforce, mitigating legal risks, and ensuring that the organization fulfills its fiduciary duty to its members. By influencing CalPERS operations and setting statewide standards, the AGC will help safeguard the sustainability of retirement and health benefits for millions of Californians.

### C. ROLE IN POLICY INFLUENCE (continued)

#### 13. What is the CEA position's scope and nature of decision-making authority?

The AGC oversees the Employment and Litigation Section and is responsible for making critical decisions in areas such as litigation strategy, employment law compliance, compliance with PERL and PEMHCA, and risk mitigation. The AGC has the authority to develop and implement policies, assist in interpreting provisions of the PERL and PEMHCA that will impact program policies related to the provision of retirement and health benefits, provide legal advice to executive leadership and the CalPERS Board, and make strategic decisions on complex and sensitive legal matters that have significant organizational and statewide implications.

The AGC's decision-making authority includes:

**Litigation Oversight:** The AGC determines litigation strategies, evaluates legal risks, and directs the handling of administrative hearings, court proceedings, and settlements. This includes decisions on whether to pursue or settle cases, how to allocate resources, and how to coordinate with the Attorney General's Office and outside counsel.

**Employment Law Compliance:** The AGC makes decisions on personnel-related legal matters, including workplace investigations, disciplinary actions, and Equal Employment Opportunity (EEO) investigations and compliance. The AGC collaborates with Human Resources to ensure decisions align with state and federal labor laws and organizational policies.

**Policy Development:** The AGC has the authority to direct, develop and implement policies related to employment law, litigation strategy, and compliance with legislative and regulatory requirements, including defending and/or enforcing CalPERS interpretation of the PERL and PEMHCA. These policies directly influence CalPERS' operations and potentially set standards for other public agencies.

**Advisory Role:** The AGC provides legal advice and recommendations to the CalPERS Board, executive leadership, and senior management on complex legal issues. This includes advising on the legal implications of proposed policies, organizational decisions, regulatory changes as well as interpretations of the PERL and PEMHCA.

The AGC's decisions have a significant impact on CalPERS' operations and reputation. By ensuring compliance with laws, mitigating legal risks, and providing sound legal guidance, the AGC supports CalPERS' mission and safeguards its ability to deliver sustainable retirement and health benefits. The AGC's authority extends across multiple divisions and directly influences the organization's strategic direction and operational success.

#### 14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The AGC position will be responsible for both developing and implementing new policies as well as interpreting and implementing existing policies. This dual role is essential to ensuring CalPERS' compliance with state and federal laws, managing and mitigating legal risks, and advancing the organization's mission of delivering retirement and health benefits to its members with excellence, integrity, and sustainability.

Existing policy will be maintained through going to court and defending/interpreting/enforcing it, or by settlement when appropriate to mitigate risk to existing policy. Existing policy will also be maintained by advising and collaborating with the divisions who make determinations based on the particular policies that they oversee.

New policy will be developed and implemented as a result of changes in the law, circumstances, technological advances (i.e., telework, use of Artificial Intelligence in Program calculations, electronic application process, etc.).