

RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD

SUBJECT: Adoption of CalSTRS 2% at 62 Compensation Paid Each Pay Period Regulation

RESOLUTION NO. XX-XX

WHEREAS, Section 22207 of the California Education Code authorizes the board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law; and

WHEREAS, Section 22305 of the Education Code provides that any rules and regulations adopted by the board have the force and effect of law; and

WHEREAS, Section 22119.3 of the Education Code requires that creditable compensation be paid "each pay period the creditable service is performed" in order for it to be creditable to CalSTRS for 2% at 62 Defined Benefit Program members; and

WHEREAS, Section 26139.5 of the Education Code requires that salary be paid "each pay period in cash by an employer to a participant for creditable service performed" in order for it to be creditable to CalSTRS for Cash Balance Benefit Program participants subject to the Public Employees' Pension Reform Act of 2013; and

WHEREAS, on March 1, 2023, the board approved the initially proposed regulation adding Section 27650 to Article 1 of Chapter 2.5, Division 3, Title 5, in the California Code of Regulations and directed CalSTRS staff to give public notice and schedule a public hearing to be conducted by the board; and

WHEREAS, the board held a public hearing on September 14, 2023; and

WHEREAS, the board has provided an opportunity for public comment regarding the proposed regulation and duly considered all comments, objections or recommendations received; therefore, be it

RESOLVED, that the Teachers' Retirement Board adopts Section 27650 of Article 1 of Chapter 2.5, Division 3, Title 5, in the California Code of Regulations; and therefore, be it further

RESOLVED, that CalSTRS staff is instructed to submit the adopted regulation to the Office of Administrative Law (OAL) for final approval; and therefore, be it further

RESOLVED, that if, during the approval process, CalSTRS staff or the OAL determines that nonsubstantive corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the Chief Executive Officer or their designee may make such changes.

Adopted by:
Teachers' Retirement Board
On November 2, 2023

Cassandra Lichnock
Chief Executive Officer

Reviewed by:

Brian J. Bartow
General Counsel