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NOVEMBER 21, 2022

AGENDA ITEM 5  
ACTION ITEM

CALSAVERS RETIREMENT SAVINGS BOARD

*Resolution No. 2022-07, Approval to Readopt Emergency Regulations Amendments to Sections 10000, 10001, 10002, and 10004 of Chapter 15 of Title 10 of the California Code of Regulations*

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***Summary***

The CalSavers Retirement Savings Board (“Board”) will consider readopting emergency regulations amendments to Sections 10000, 10001, 10002, and 10004 of Chapter 15 of Title 10 of the California Code of Regulations.

***Authority***

Title 21 (commencing with Section 100000) of the Government establishes the Board and the CalSavers Retirement Saving Program (“Program”). Section 100048 of the Government Code authorizes the Board to adopt regulations to implement the Program and deems the adoption, amendment, repeal, and re adoption of those regulation as addressing an emergency for the purposes of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

***Detail***

At the December 13, 2021, meeting, the Board approved emergency regulations amendments to Sections 10000, 10001, 10002, and 10004 of Chapter 15 of Title 10 of the California Code of Regulations.

The amendments are primarily related to employer eligibility and employer registration deadlines, with some additional amendments to improve clarity and correct a typographical error.

Specifically, these regulations:

- Adjust the registration deadline for newly mandated employers by establishing a deadline of December 31 of whichever year an employer becomes subject to the mandate (Section 10002(b));
- Improve employer access to the Program by allowing employers to participate if they have only one quarter of employment data available, instead of the prior requirement for four consecutive quarters of data (Section 10001(a));
- Correct multiple typographical errors (Sections 10000(q) and 10002(a)(3)); and
- Simplify the employer registration process (Section 10002(e)).

At the August 22, 2022, meeting, the Board approved the re adoption of those emergency regulations amendments. Staff are seeking Board approval to re adopt them a second time to

allow the regulations to remain in effect for another 90-day period. The second readoption will ensure the emergency amendments remain in effect until the regular rulemaking is completed.

Staff began the regular rulemaking process to make the emergency regulations amendments permanent on November 1, 2022. The public comment period on those regulations will begin November 12, 2022 and conclude December 27, 2022.

***Recommendation***

Staff recommend the Board approve Resolution 2022-07 to authorize the executive director to readopt emergency regulations amendments originally approved at the December 13, 2021, Board meeting.

***Attachments***

- Attachment 5A: Text of Regulations Amendments
- Attachment 5B: Resolution 2022-07: Authorization to Readopt Emergency Regulations
- Attachment 5C: Resolution 2021-11: Approval of Emergency Regulations Amendments to Sections 10000, 10001, 10002, and 10004 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking