

RESOLUTION NO. 2020-03

**RESOLUTION OF THE CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS
INVESTMENT BOARD TO APPROVE A STATUTORY AMENDMENT REGARDING
ENFORCEMENT**

WHEREAS, the California Secure Choice Retirement Savings Investment Board (the "Board") is established under Senate Bill 1234 (Chapter 734, 2012; codified under Government Code section 100000 et seq.) and was mandated to conduct a market analysis to determine whether the necessary conditions for implementation of the California Secure Choice Retirement Savings Trust Act (the "Act") can be met;

WHEREAS, Senate Bill 1234 (Chapter 804, 2016) expresses legislative approval of the CalSavers Retirement Savings Program ("CalSavers" or "the Program"), requiring the Board to design and implement the Program;

WHEREAS, Government Code Sections 100032(b)-(d) establish deadlines by which eligible employers are required to participate in CalSavers if they do not already sponsor a qualified retirement plan;

WHEREAS, Unemployment Insurance Code Section 1088.9 establishes penalties for eligible employers that fail to allow its employees to participate in CalSavers and establishes the Employment Development Department ("EDD") as the agency responsible for enforcement of employer compliance with Title 21 of the Government Code;

WHEREAS, EDD is reallocating resources to respond to unemployment insurance needs due to the COVID-19 emergency; and

WHEREAS, the Franchise Tax Board is well-positioned to assume duties for enforcement of employer compliance;

NOW, THEREFORE, BE IT RESOLVED that the California Secure Choice Retirement Savings Investment Board hereby endorses transitioning duties to enforce employer compliance with Title 21 of the Government Code from EDD to FTB and authorizes the Executive Director to engage with legislators in to amend statute accordingly.

Attest: _____

Chairperson

Date of Adoption: _____

4/15/2020