
MAY 22, 2023

AGENDA ITEM 9
ACTION ITEM

CALSAVERS RETIREMENT SAVINGS BOARD

Resolution No. 2023-03, Approval of Emergency Regulations Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking

Summary

The CalSavers Retirement Savings Board (“Board”) will consider approving an amendment to Section 10002 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 readoption 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

On December 13, 2021, the Board approved a variety of regulations amendments. Those amendments included establishing the annual registration deadline for newly-mandated employers, allowing for mandated employers to register sooner than they had been allowed previously, and a variety of other amendments that improved the clarity of the regulations.

The amendments also included a change to the employer registration process designed to simplify the process for mandated employers by removing the employer payroll tax account number as a field required for an employer to register. Staff are proposing to amend regulations to once again require employers to provide the employer payroll tax account number in order to register with the program, as it will improve the program’s ability to protect confidential employer data and should have minimal impacts on an employer’s ease of registration.

If approved by the Board, staff will initiate an emergency rulemaking to amend the regulations and, soon after, begin the regular rulemaking process to make the amendments permanent.

Recommendation

Staff recommend the Board approve resolution 2023-03 to approve regulations amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations, authorize the executive director to conduct the emergency rulemaking process to enact the amendments, and provide authority to conduct the regular rulemaking process to make the amendments permanent.

Attachments

- Attachment 9A: Text of Regulations Amendments
- Attachment 9B: Resolution 2023-03: Approval of Emergency Regulations Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking