



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

Thursday, December 19, 2019

Chair Henry Levy called the meeting to order at 2:00 p.m.

Trustees Present: Ophelia Basgal
Keith Carson
Tarrell Gamble
Liz Koppenhaver
Henry Levy
Elizabeth Rogers
Nancy Reilly (*Alternate*)
Darryl Walker (*Alternate*)

Trustees Excused: Dale Amaral
Jaime Godfrey
George Wood

Staff Present: Margo Allen, Fiscal Services Officer
Victoria Arruda, Human Resource Officer
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
Kathy Foster, Assistant Chief Executive Officer
Jessica Huffman, Benefits Manager
Harsh Jadhav, Chief of Internal Audit
Vijay Jagar, Retirement Chief Technology Officer, ACERA
Kathy Mount, Chief Counsel
David Nelsen, Chief Executive Officer
Betty Tse, Chief Investment Officer

PUBLIC INPUT

None.

**CONSENT CALENDAR
REPORTS AND ACTION ITEMS**

APPLICATION FOR SERVICE RETIREMENT

Appendix A

APPLICATION FOR RETIREMENT, DEFERRED

*Appendix B
Appendix B-1*

APPLICATION FOR DEFERRED TRANSFER

Appendix C

LIST OF DECEASED MEMBERS

Appendix D

**REQUESTS FOR 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT
CONTRIBUTIONS AND GAIN CREDIT**

Appendix E

APPLICATION FOR DISABILITY RETIREMENT – NON-CONTESTED ITEMS

Appendix F

**APPLICATION FOR DISABILITY RETIREMENT – HEARING OFFICER
RECOMMENDATIONS**

Appendix G

APPROVAL OF BOARD and COMMITTEE MINUTES

*November 21, 2019 Budget Committee Minutes
November 21, 2019 Governance Committee Minutes
November 21, 2019 Minutes of the Regular Board Meeting
December 4, 2019 Operations Committee Minutes
December 4, 2019 Retirees Committee Minutes
December 11, 2019 Investment Committee Minutes
December 11, 2019 Minutes of the Special Board Meeting*

MISCELLANEOUS MATTERS

None

19-85

It was moved by Liz Koppenhaver seconded by Tarrell Gamble, and approved by a vote of 4 yes (*Gamble, Koppenhaver, Levy, Reilly*), 0 no, and 1 abstention (*Darryl Walker*):

BE IT RESOLVED BY THIS BOARD that the Consent Calendar is approved.

**REGULAR CALENDAR
REPORTS AND ACTION ITEMS**

**DISABILITIES, CURRENT AND CONTINUING RECOMMENDATIONS AND
MOTIONS**

(Item(s) will be heard in Closed Executive Session)

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

This month's Committee reports were presented in the following order:

Operations:

Tarrell Gamble gave an oral report stating that the Operations Committee met on December 4, 2019 and that the Committee was presented with, reviewed information for and discussed the Segal Consulting Benefits Consultant annual agreement.

19-86

It was moved by Tarrell Gamble and seconded by Liz Koppenhaver that the Board approve the annual agreement for \$125,460 effective January 1, 2020, for ACERA's Benefits Consultant, Segal Consulting. The motion carried 6 yes (*Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Trustee Gamble reported that the Committee was presented with, reviewed information for and discussed the Segal Consulting Benefits Consultant annual agreement for work related to the dental and vision plans request for proposal project.

19-87

It was moved by Tarrell Gamble and seconded by Liz Koppenhaver that the Board approve the amendment to Segal Consulting's annual agreement, effective January 1, 2020, for work related to ACERA's dental and vision plans at a cost of \$20,000. The motion carried 6 yes (*Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Trustee Gamble reported that the Committee was presented with, reviewed information for and discussed the approximate costs for implementing the replacement of ACERA's Pension Administration System.

19-88

It was moved by Tarrell Gamble and seconded by Liz Koppenhaver that the Board approve the approximate costs for implementing the replacement of ACERA's Pension Administration System, subject to contract negotiation with selected vendors. The motion carried 6 yes (*Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Trustee Gamble reported that the Committee was presented with, reviewed information for and discussed ACERA's 2020 Proposed Budget.

19-89

It was moved by Tarrell Gamble and seconded by Elizabeth Rogers that the Board approve ACERA's 2020 Proposed Budget. The motion carried 7 yes (*Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Trustee Gamble reported that the Committee was presented with, reviewed information for and discussed ACERA's *Pre-Payment Policy*.

19-90

It was moved by Tarrell Gamble and seconded by Liz Koppenhaver that the Board approve ACERA's *Pre-Payment Policy*. The motion carried 7 yes (*Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

The Committee was presented with updates on the following Information Items: 1) Operating Expenses as of October 31, 2019 and 2) Current and Future Technology Projects.

Minutes of the meeting were presented to the Board for adoption on the Consent Calendar at today's Board meeting.

Retirees:

Liz Koppenhaver gave an oral report stating that the Retirees Committee met on December 4, 2019 and that the Committee was presented with, reviewed information for and discussed the continuance of the Medicare Part B Reimbursement Plan (MBRP).

19-91

It was moved by Liz Koppenhaver and seconded by Elizabeth Rogers that the Board continue to provide the Medicare Part B Reimbursement Plan (MBRP) benefit to eligible retirees in 2020, and approve the reimbursement based on the lowest standard monthly Medicare Part B premium at the rate of \$144.60. The MBRP benefit is a non-vested benefit funded by contributions from ACERA Employers to the 401(h) account. After contributions are made, in accordance with the County Employees Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 8 yes (*Basgal, Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Trustee Koppenhaver reported that the Committee was presented with, reviewed information for and discussed the revised and updated Appendix A to Resolution No. 07-29.

19-92

It was moved by Liz Koppenhaver and seconded by Elizabeth Rogers that the Board adopt the revised and updated Appendix A to Resolution No. 07-29, which reflects the changes approved by the Board to the Monthly Medical Allowance amounts for Group and Individual Plans as well as the Retiree Health Benefit contribution amounts for Plan Year 2020. The motion carried 8 yes (*Basgal, Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

The Committee was presented with updates on the following Information Items: *1) Report on Overpayments of Monthly Medical Allowance Amounts Paid through Health Reimbursement Arrangements (HRA) by Via Benefits; 2) Annual Report on Retired Member (Lump Sum) Death Benefits Paid in 2019; 3) Dental and Vision Plans Request for Proposal Project for 2021 Plan Coverage; 4) Semi-Annual Report on ACERA’s Wellness Program; 5) Retiree Health and Wellness Fair Results and Open Enrollment Activity; and 6) Miscellaneous Updates.*

Minutes of the meeting were presented to the Board for adoption on the Consent Calendar at today’s Board meeting.

Investment:

Elizabeth Rogers gave an oral report stating that the Investment Committee met on December 11, 2019 and that the Committee adjourned into Closed Session to consider the purchase or sale of particular, specific pension fund investments. After discussion, the Committee reconvened into Open Session.

The Board made the following motion:

19-93

It was moved by Elizabeth Rogers and seconded by Liz Koppenhaver that the Board increase ACERA’s investment in its Two Sigma Advisers Fund by \$60 million and decrease ACERA’s investment in the CFM Institutional Systematic Diversified Fund by \$60 million, thus diversifying the Absolute Return Portfolio. The motion carried 8 yes (*Basgal, Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

The Committee was presented with updates on the following Information Items: *1) Review of State Street Bank and Trust Company (“SSB”) – Custodian Bank; 2) Semiannual Performance Review for the Period Ending September 30, 2019 – Equities and Fixed Income; 3) Semiannual Performance Review for the Period Ending September 30, 2019 – Absolute Return; 4) Semiannual Performance Review for the Period Ending June 30, 2019 – Private Equity; 5) Semiannual Performance Review for the Period Ending June 30, 2019 – Real Assets; 6) Semiannual Performance Review for the Period Ending September 30, 2019 – Real Estate; and 7) CA Gov. Code §7514.7 Alternative Investment Vehicles Information Report.*

Minutes of the meeting were presented to the Board for adoption on the Consent Calendar at today's Board meeting.

NEW BUSINESS:

Board Election Results

Chief Executive Officer (CEO) Dave Nelsen announced the results of ACERA's 2019 Board Election reporting that George Wood was re-elected to serve on the third seat (General Member) and Dale Amaral (Safety Member) and Darryl Walker (Alternate Safety Member), were also re-elected to serve on the seventh seat on the Board of Retirement.

Mr. Nelsen reported that voter turnout for the General Election was approximately 8.71% and voter turnout for the Safety Election was approximately 18%.

David Nelsen, Chief Executive Officer's Report

Mr. Nelsen presented his December 19, 2019, written CEO Report which provided an update on the following items: **1)** Senior Manager Recruitment; **2)** Committee/Board Action Items; **3)** Conference/Event Schedule; **4)** Other Items, which included a Pension Administration System Update and the latest scores for ACERA's Key Performance Indicators.

Mr. Nelsen reported that interviews for the Chief Counsel position have begun and asked for the Board's feedback on whether or not the Board is interested in a "Meet and Greet" session with the candidates prior to Mr. Nelsen making a hiring decision. The "Meet and Greet" session will take place at a Special Board meeting on Wednesday, January 8, 2020.

Mr. Nelsen reported that even with a 30% increase in members' calls due to Open Enrollment, the number of calls answered and responded to this period was approximately 97%, which exceeded the Benefits Department's benchmark of 91%. It was noted that the Benefits Department provides the Board with a quarterly Call Center Report that reflects the type of calls received, percentages, etc.

CONFERENCE/ORAL REPORTS

None.

ANNOUNCEMENTS

None.

BOARD INPUT

Trustees and Staff exchanged good wishes for a happy and safe holiday season.

CLOSED SESSION

A. Pursuant to GC §54957(b)(1): Consider ACERA Chief Executive Officer’s Annual Performance.

REPORT ON ACTION TAKEN IN CLOSED SESSION

The Board reconvened into Open Session and the following motion was made:

19-94

It was moved by Ophelia Basgal and seconded by Darryl Walker to grant the Chief Executive Officer a 2.9% salary increase, resulting in a total salary of \$282,000.00. The motion carried 8 yes (*Basgal, Carson, Gamble, Koppenhaver, Levy, Reilly, Rogers, Walker*), 0 no, and 0 abstentions.

Mr. Nelsen will provide his 2020 performance goals to the Board for its review and consideration.

ADJOURNMENT

The meeting adjourned at approximately 2:59 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

1/16/20

Date Adopted

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

BARAAB, Restituto
Effective: 10/11/2019
Alameda Health System

GOLDSBY, Alma
Effective: 8/31/2019
Social Services Agency

BOSTIC, Tina
Effective: 10/5/2019
Social Services Agency

GUZMAN, Avel
Effective: 3/23/2019
Alameda Health System

BOXTON, David
Effective: 10/6/2019
Superior Court

HALLEY, Germanell
Effective: 11/6/2019
Social Services Agency

BRIDGES, Karen
Effective: 9/20/2019
Social Services Agency

HERMANN, Gayle
Effective: 9/28/2019
Social Services Agency

BROOKS, Darleen
Effective: 10/5/2019
Social Services Agency

HUMPHREY, Adrienne
Effective: 10/19/2019
County Administrator

BROWN, Merry
Effective: 10/12/2019
Social Services Agency

JORGENSEN, Nicole
Effective: 10/5/2019
Social Services Agency

DETTERTMAN, Mark
Effective: 9/28/2019
Health Care Services Agency

JUAREZ, Richard
Effective: 9/28/2019
General Services Agency

ESAU, James
Effective: 10/5/2019
Sheriff's Office

LEE, Willette
Effective: 10/18/2019
Registrar of Voters

FLORES, Gabriela
Effective: 9/20/2019
Alameda Health System

LEVY, Patricia
Effective: 10/5/2019
Information Technology

FRESKOS, Jonna
Effective: 9/19/2019
Alameda Health System

MOORE, Valerie
Effective: 10/1/2019
Social Services Agency

FREY, Melinda
Effective: 8/27/2019
County Counsel

NVEVO, Edgardo
Effective: 10/19/2019
Information Technology

GOLDNER, Karyn
Effective: 10/15/2019
Health Care Services Agency

PANESI-GUERRA, Maria
Effective: 9/21/2019
Social Services Agency

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

PHILLIPS, Morris
Effective: 9/21/2019
Social Services Agency

TAN, Zenaida
Effective: 10/19/2019
Social Services Agency

REECE, Gary
Effective: 10/7/2019
Non-Member

THOMAS, Jodi
Effective: 9/4/2019
Non-Member

SAENGER, Charles
Effective: 9/29/2019
Alameda Health System

TOBIAS, Daniel
Effective: 9/9/2019
Zone 7

SINGH, Janita
Effective: 9/28/2019
Alameda Health System

WANG, Julie
Effective: 9/5/2019
Alameda Health System

STREET, Valerie
Effective: 10/5/2019
Health Care Services Agency

WAYNE, Beverly
Effective: 9/25/2019
Health Care Services Agency

SYKES, Valerie
Effective: 10/4/2019
Probation

WON, Kendell
Effective: 10/19/2019
District Attorney

WORDEN, David
Effective: 10/5/2019
Health Care Services Agency

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

CHAPMAN, Lattice D.
Alameda Health System
Effective Date: 6/27/2019

PHILLIPS, Rhonda
Alameda Health System
Effective Date: 8/10/2019

HULL, Christopher M.
Sheriff's Office
Effective Date: 9/6/2019

SANDER, Paul L. III
Social Services Agency
Effective Date: 9/27/2019

PHAM, Peter A.
Sheriff's Office
Effective Date: 9/20/2019

TOM, Henry C.
Sheriff's Office
Effective Date: 9/19/2019

TORRES, Leticia N.
Alameda Health System
Effective Date: 9/7/2019

**APPENDIX B-1
APPLICATION FOR NON-VESTED DEFERRED**

BADAL, Daniel J.
Social Services Agency
Effective Date: 8/2/2019

NGUYEN, Michael L.
District Attorney
Effective: 10/4/2019

BARNES, Tia
Superior Court
Effective: 8/23/2019

PEREZ, Jillane P.
Alameda Health System
Effective: 9/18/2019

COFER, Craig A.
Sheriff's Office
Effective: 7/19/2019
Years of Service: 2.86

PHAN, Diemvy
Alameda Health System
Effective: 9/11/2019

DUNKLEY, Sherry R.
Alameda Health System
Effective: 8/1/2019

QUACH, Tony
Social Services Agency
Effective: 9/27/2019

EGWUATU, Nkechi V.
Alameda Health System
Effective: 9/20/2019

SHAFFER, Luke B.
Sheriff's Office
Effective: 10/2/2019

GILDER, Reinaldi M.
Social Services Agency
Effective: 9/25/2019

SHUTE, Geraldine M.
Alameda Health System
Effective: 9/15/2019

LARRY, Jamon A.
Alameda Health System
Effective: 10/16/2019

STONE, Melinda N.
Sheriff's Office
Effective: 9/13/2019

LEWIS, Nicholas
Superior Court
Effective: 9/6/2019

TAYLOR, Betty J.
Alameda Health System
Effective Date: 10/8/2019

MULLINS, Nicholas S.
Alameda Health System
Effective: 10/4/2019

WILLIAMS, Michelle Y.
Alameda Health System
Effective: 10/4/2019

WONG, Kenneth C.
General Services Agency
Effective: 10/4/2019

**APPENDIX D
LIST OF DECEASED MEMBERS**

CARNES, Roger
Sheriff's Office
11/11/2019

MOODIE, Robert
Probation
10/21/2019

CARR, James
Alameda Health System
11/1/2019

MOORE, Lolita
Superior Court
10/8/2019

COOPER, Lorraine
Non-Mbr Survivor of Robert Cooper
11/7/2019

MORGAN, Stephen
General Services Agency
10/12/2019

DAVIS, Patricia
Alameda Health System
10/22/2019

NOLAND, Howard
Public Works Agency
11/12/2019

FAIR, Patricia
Probation
11/18/2019

PEDERSEN, Shirley
Health Care Services Agency
10/17/2019

FARIS, Ann
Public Works Agency
10/28/2019

PERSONIUS, Robert
Non-Mbr Survivor of Mary Personius
11/17/2019

FULLER, Billie
Non-Mbr Survivor of Roy Fuller
11/8/2019

PURCELL-WIRTS, Louise
Public Works Agency
10/27/2019

HILLARD, Barney
Sheriff's Office
11/4/2019

ROWE, Betty
Health Care Services Agency
11/9/2019

HOARD, Georgia
Probation
10/14/2019

SIMONSON, M.
Health Care Services Agency
6/21/2019

HUTCHINS, Elizabeth
Probation
10/30/2019

SMITH, Edna
Alameda Health System
9/3/2019

LUEY, Rose
Health Care Services Agency
11/6/2019

SOM, Jason
Public Health Services
10/30/2019

**APPENDIX D
LIST OF DECEASED MEMBERS**

VOGEL, William
Public Health Care Services
10/16/2019

WEBBE, Rudolph
Probation
7/22/2019

WINTHERS, Pamela
Social Services Agency
9/5/2019

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Adams, Eric
Type of Claim: Annual Review for SCD (Granted on 1/18/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Adam's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Alvarez, Elena
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Alvarez's application for a service-connected disability. Since Ms. Alvarez is over 55 years old, future annual medical examinations and questionnaires will not be required.

Based on the Medical Advisor's and Staff's review and determination of Ms. Alvarez's ability to determine the permanency of her incapacity, to deny Ms. Alvarez's request for an earlier effective date.

Name: Bostic, Tina
Type of Claim: Non-Service Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Bostic's application for a non-service connected disability. Since Ms. Bostic is over 55 years old, future annual medical examinations and questionnaires will not be required.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: **Buggy, Kevin**
Type of Claim: Annual Review for SCD (Granted on 7/19/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Buggy's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Chambers, Carmen**
Type of Claim: Non-Service Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Chambers' application for a non-service connected disability. Since Ms. Chambers is over 55 years old, future annual medical examinations and questionnaires will not be required.

Name: **Collins, Kimberly**
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Collins's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Based on the Medical Advisor's and Staff's review and determination of Ms. Collins's ability to determine the permanency of her incapacity, to deny Ms. Collins's request for an earlier effective date.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Feeny, Christopher
Type of Claim: Annual Review for SCD (Granted on 4/20/17)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Feeny's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Gonzalez, Esdras
Type of Claim: Annual Review for SCD (Granted on 6/21/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Gonzalez's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Hudson, Leslie
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Hudson's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: Kozicki, David
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Kozicki's application for a service-connected disability. Since Mr. Kozicki is over 55 years old, future annual medical examinations and questionnaires will not be required.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Kvikstad, Lynn
Type of Claim: Annual Review for SCD (Granted on 6/21/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Kvikstad's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: May, Sue
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. May's application for a service-connected disability. Since Ms. May is over 55 years old, future annual medical examinations and questionnaires will not be required.

Based on the Medical Advisor's and Staff's review and determination of Ms. May's ability to determine the permanency of her incapacity, to deny Ms. May's request for an earlier effective date.

Name: McKinney, Kimberly
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. McKinney's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Based on the Medical Advisor's and Staff's review and determination of Ms. McKinney's ability to determine the permanency of her incapacity, to deny Ms. McKinney's request for an earlier effective date.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Nelson, Tina
Type of Claim: Non-Service Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Nelson's application for a non-service connected disability. Since Ms. Nelson is over 55 years old, future annual medical examinations and questionnaires will not be required.

Name: Smith, Louis
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Smith's application for a service-connected disability. Since Mr. Smith is over 55 years old, future annual medical examinations and questionnaires will not be required.

Based on the Medical Advisor's and Staff's review and determination of Mr. Smith's ability to determine the permanency of his incapacity, to grant Mr. Smith's request for an earlier effective date.
