

DEPARTMENT OF INDUSTRIAL RELATIONS

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Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

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ENDORSED FILED
IN THE OFFICE OF

May 26, 2010

Susan Lapsley
Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Re: CTU2010-0323-01

Dear Ms. Lapsley:

I have received your letter of May 18, 2010 concerning the above-referenced matter. While the Department believes that the language in question was taken from letters to specifically named persons and thus may well be exempted from the rulemaking requirements by Government Code section 11340.9, subdivision (i), it was not intended to apply generally.

I am writing to certify that the Department of Industrial Relatonis will not issue, use, enforce, or attempt to enforce the alleged underground regulation "Contributions to a defined contribution pension plan with immediate vesting need not be annualized." We understand this will suspend further action by your agency.

Thank you for your attention to this matter. Please let me know if you require any additional information.

Sincerely,

John C. Duncan
Director

cc: James Reed