

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2250

Introduced by Assembly Member Harkey

February 18, 2010

An act to ~~amend Section 20391 of~~ *add Sections 20037.14 and 20037.15* to the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2250, as amended, Harkey. Public employees' retirement: safety members.

The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System (PERS), which provides a defined benefit to its members based on age at retirement, service, credit, and final compensation. ~~That law defines a "state peace officer/firefighter" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state peace officer/firefighter members than for other members. PERL defines final compensation variously based on different member classifications, bargaining units, and dates of hire. PERL generally provides for a definition of final compensation based on the highest annual average compensation earnable by the member during a designated 12-month or 36-month period.~~

~~This bill would make technical, nonsubstantive changes to the definition of "state peace officer/firefighter."~~

This bill would provide that final compensation for a person who becomes a state member of the system on or after January 1, 2011, and

who is represented by State Bargaining Unit 5, 6, 8, 9, or is a peace officer/firefighter member of State Bargaining Unit 7, means the highest annual average compensation earnable by the member during a designated 36-month period. The bill would also apply this definition of final compensation to a state employee who is excepted from the definition of state employee for purposes of state labor relations, as specified, or an officer or employee of the executive branch of state government who is not a member of the civil service, who is employed by the state for the first time and becomes a state member of the system on or after January 1, 2011.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20037.14 is added to the Government
2 Code, to read:
3 20037.14. (a) Notwithstanding Sections 20035 and 20037,
4 final compensation for service credit accrued while a state
5 employee who is excepted from the definition of state employee in
6 subdivision (c) of Section 3513, or an officer or employee of the
7 executive branch of state government who is not a member of the
8 civil service, who is employed by the state for the first time and
9 becomes a state member of the system on or after January 1, 2011,
10 means the highest average annual compensation earnable by the
11 member during the consecutive 36-month period immediately
12 preceding the effective date of his or her retirement, or the date
13 of his or her last separation from state service if earlier, or during
14 any other period of 36 consecutive months during his or her state
15 membership that the member designates on the application for
16 retirement.
17 (b) Except as provided in subdivision (c), this section does not
18 apply to:
19 (1) Former state employees who return to state employment on
20 or after January 1, 2011.
21 (2) State employees hired prior to January 1, 2011, who were
22 subject to Section 20281.5 during the first 24 months of state
23 employment.
24 (3) State employees hired prior to January 1, 2011, who become
25 excluded or exempt employees on or after that date.

1 (4) State employees on an approved leave of absence employed
2 before January 1, 2011, who return to active employment on or
3 after that date.

4 (c) Notwithstanding subdivision (b), this section shall apply to
5 an employee who was subject to Section 20037.6, 20037.7,
6 20037.8, 20037.9, 20037.10, 20037.11, 20037.12, or 20037.13
7 from the date of first employment until January 1, 2011.

8 SEC. 2. Section 20037.15 is added to the Government Code,
9 to read:

10 20037.15. (a) Notwithstanding Sections 20035 and 20037,
11 final compensation for a person who becomes a state member of
12 the system on or after January 1, 2011, and is represented by State
13 Bargaining Unit 5, 6, 8, or 9, or is a peace officer/firefighter
14 member of State Bargaining Unit 7, means the highest average
15 annual compensation earnable by the member during the
16 consecutive 36-month period immediately preceding the effective
17 date of his or her retirement, or the date of his or her last
18 separation from state service if earlier, or during any other period
19 of 36 consecutive months during his or her state membership that
20 the member designates on the application for retirement.

21 (b) This section applies to service credit accrued while a member
22 of State Bargaining Unit 5, 6, 8, or 9, or as a peace
23 officer/firefighter member of State Bargaining Unit 7.

24 (c) Except as provided in subdivision (d), this section does not
25 apply to:

26 (1) Former state employees who return to state employment on
27 or after January 1, 2011.

28 (2) State employees hired prior to January 1, 2011, who were
29 subject to Section 20281.5 during the first 24 months of state
30 employment.

31 (3) State employees hired prior to January 1, 2011, who become
32 excluded or exempt employees on or after that date.

33 (4) State employees on an approved leave of absence employed
34 before January 1, 2011, who return to active employment on or
35 after that date.

36 (d) Notwithstanding subdivision (b), this section shall apply to
37 an employee who was subject to Section 20037.6, 20037.7,
38 20037.8, 20037.9, 20037.10, 20037.11, 20037.12, or 20037.13
39 from the date of first employment until January 1, 2011.

1 SECTION 1. ~~Section 20391 of the Government Code is~~
2 ~~amended to read:~~

3 20391. “State peace officer/firefighter member” means:

4 (a) ~~All persons in the Board of Prison Terms, the Department~~
5 ~~of Consumer Affairs, the Department of Developmental Services,~~
6 ~~the Department of Health Services, the Department of Toxic~~
7 ~~Substances Control, the Horse Racing Board, the Department of~~
8 ~~Industrial Relations, the Department of Insurance, the Department~~
9 ~~of Mental Health, the Department of Motor Vehicles, the~~
10 ~~Department of Social Services employed with the class title of~~
11 ~~Special Investigator (Class Code 8553), Senior Special Investigator~~
12 ~~(Class Code 8550), and Investigator Assistant (Class Code 8554)~~
13 ~~who have been designated as peace officers as defined in Sections~~
14 ~~830.2 and 830.3 of the Penal Code.~~

15 (b) ~~All persons in the Department of Alcoholic Beverage Control~~
16 ~~employed with the class title Investigator Trainee, Alcoholic~~
17 ~~Beverage Control (Class Code 7553), Investigator I, Alcoholic~~
18 ~~Beverage Control, Range A and B (Class Code 7554), and~~
19 ~~Investigator II, Alcoholic Beverage Control (Class Code 7555)~~
20 ~~who have been designated as peace officers as defined in Sections~~
21 ~~830.2 and 830.3 of the Penal Code.~~

22 (c) ~~All persons within the Department of Justice who are state~~
23 ~~employees, as defined in subdivision (c) of Section 3513, and who~~
24 ~~have been designated as peace officers and performing investigative~~
25 ~~duties.~~

26 (d) ~~All persons in the Department of Parks and Recreation~~
27 ~~employed with the class title of Park Ranger (Intermittent) (Class~~
28 ~~Code 0984) who have been designated as peace officers as defined~~
29 ~~in Sections 830.2 and 830.3 of the Penal Code.~~

30 (e) ~~All persons in the Franchise Tax Board who have been~~
31 ~~designated as peace officers in subdivision (s) of Section 830.3 of~~
32 ~~the Penal Code.~~

33 (f) ~~A member who is employed in a position that is reclassified~~
34 ~~to state peace officer/firefighter pursuant to this section may make~~
35 ~~an irrevocable election in writing to remain subject to the service~~
36 ~~retirement benefit and the normal rate of contribution applicable~~
37 ~~prior to reclassification by filing a notice of election with the board~~
38 ~~within 90 days of notification by the board. A member who so~~
39 ~~elects shall be subject to the reduced benefit factors specified in~~

- 1 ~~Section 21353 or 21354.1, as applicable, only for service included~~
- 2 ~~in the federal system.~~

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