
Introduced by Senator Ortiz

February 25, 1999

An act to amend Section 24216.5 of, and to add Section 24209.5 to, the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, Ortiz. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law prescribes the method of determining the retirement benefits of members who reinstate and are eligible to receive multiple service or disability allowances. Existing law exempts retired members who are reemployed by districts to meet the objectives of the Class Size Reduction Program from compensation limitation provisions.

This bill would prescribe the method of determining the benefits of those members with service after January 1, 1999, whose credited service equals or exceeds 30 years. The bill would require employers who employ retired members who are reemployed to reduce class sizes to give preference to hiring persons with specified credentials.

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

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

1 SECTION 1. Section 24209.5 is added to the
2 Education Code, to read:

1 24209.5. (a) Notwithstanding Section 24209, a
2 member who retires for service on or after January 1,
3 1999, or had retired for service prior to January 1, 1999,
4 and subsequently reinstated to active status and earned
5 at least 1,000 hours of credited service after reinstating to
6 active status, and had earned a total amount of credited
7 service, other than pursuant to Sections 22714, 22715,
8 22717, and 22826, equal to or greater than 30 years, shall
9 receive a service retirement allowance equal to the sum
10 of both of the following:

11 (1) An amount equal to the monthly allowance the
12 member would have been receiving immediately
13 preceding the most recent termination of the retirement
14 allowance if Section 24203.5 had been in effect on the
15 effective date of the retirement and, for purposes of
16 Section 24203.5 only, the member had 30 or more years of
17 credited service on the effective date of the retirement,
18 and inclusive of any amounts payable pursuant to Section
19 22714 or 22715, increased by the improvement factor that
20 would have been applied to the allowance if the member
21 had not terminated the retirement allowance.

22 (2) An amount calculated pursuant to Sections
23 24202.5, 24203, 24203.5, and 24206 on service credited
24 subsequent to the most recent termination of the
25 retirement allowance, the member's age at retirement,
26 and final compensation.

27 (b) The total amount of credited service accrued
28 while a member, other than that accrued pursuant to
29 Sections 22714, 22715, 22717, and 22826, shall be used to
30 determine whether the member meets the credited
31 service requirements of Section 24203.5 for purposes of
32 this section.

33 SEC. 2. Section 24216.5 of the Education Code is
34 amended to read:

35 24216.5. (a) The compensation earned by a member
36 who retired for service under this part shall be exempt
37 from subdivisions (d), (f), and (g) of Section 24214, if all
38 of the following conditions are met:

39 (1) The member retired for service with an effective
40 date on or before July 1, 1998.



1 (2) The member retired for service is employed by a
2 school district to provide:

3 (A) Direct classroom instruction to students in ~~newly~~
4 ~~created~~ ~~grades kindergarten through 3~~ *classrooms that*
5 *were created to meet the objectives of a program*
6 *authorized in Part 28 (commencing with Section 51000)*
7 *to reduce class sizes; or*

8 (B) Is temporarily filling a position ~~in grades 4 through~~
9 ~~12~~ that was vacated due to a teacher transferring to a
10 classroom ~~in grades kindergarten through 3~~ within the
11 same district that was created to meet the objectives of
12 ~~the Class Size Reduction Program~~ *a program to reduce*
13 *class sizes, as set forth in Chapter 6.10 (commencing with*
14 *Section 52120) of Part 28 (commencing with Section*
15 *51000).*

16 (3) All members retired for service whose
17 employment with a school district meets the conditions
18 specified in this section shall be treated as a distinct class
19 of temporary employees within the existing bargaining
20 unit whose service shall not be included in computing the
21 service required as a prerequisite to attainment of or
22 eligibility for classification as a permanent employee of a
23 school district. The compensation for service performed
24 by this class of employees shall be established in
25 accordance with subdivision (b) of Section 24214 and
26 agreed to in the collective bargaining agreement
27 between the employing school district and the exclusive
28 representative for the existing bargaining unit within
29 which these temporary employees of the school district
30 are treated as a distinct class.

31 (4) The employing school district submits
32 documentation required by the system to substantiate
33 the eligibility of the temporary employment of a member
34 retired for service for the exemption under this
35 subdivision.

36 (b) A school district that employs a member retired
37 for service pursuant to this section shall maintain
38 accurate records of the retired member's compensation
39 earned and shall report that compensation monthly to the



1 system regardless of the method of payment or the source
2 of funds from which the compensation is paid.

3 ~~(c) Upon written request to the system, a member
4 who retired for service under this part with an effective
5 date on or before July 1, 1996, and who, between July 1,
6 1996, and 60 days following the effective date of this
7 section, terminated his or her service retirement
8 allowance and returned to employment that qualifies for
9 the exemption specified in subdivision (a) may cancel his
10 or her reinstatement and return to status as a member
11 retired for service as if the service retirement allowance
12 had not been terminated.~~

13 ~~(d) This section shall not apply to the compensation
14 earned for creditable service performed by a member
15 retired for service for a county office of education or a
16 community college district.~~

17 *(d) An employer shall give preference to hiring
18 persons who have credentials issued by the Commission
19 on Teacher Credentialing.*

20 *(e) The amendments to this section enacted during
21 the 1999 calendar year of the 1999–2000 Regular Session
22 shall apply to the 1999–2000 school year.*

23 ~~(e) This section shall become operative on July 1, 1996,
24 and shall remain in effect only until July 1, 2002, and as of
25 that date is repealed unless a later enacted statute which
26 is enacted before July 1, 2002, deletes or extends that date.~~

