

ASSEMBLY BILL

No. 2854

Introduced by Assembly Member Wiggins

February 25, 2002

An act to add Sections 20422.5 and 20441.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2854, as introduced, Wiggins. Public employees' retirement: welfare fraud investigators.

Under the Public Employees' Retirement Law, employees of contracting agencies classified as local safety members are entitled to generally higher benefits, and subject to higher contribution rates, than those employees classified as local miscellaneous members. County peace officers, as defined, are included within the local safety member classification. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would authorize contracting agencies to include specified welfare fraud investigators within the local safety member classification or to designate those investigators as county peace officers. The bill would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

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

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

1 SECTION 1. Section 20422.5 is added to the Government
2 Code, to read:

3 20422.5. (a) “Local safety member” also includes any
4 welfare fraud investigator employed by a contracting agency who
5 is a peace officer, as defined in subdivision (a) of Section 830.35
6 of the Penal Code, whose primary responsibility is maintaining the
7 peace, and whose principal duties include active law enforcement;
8 but excluding clerical personnel or those whose principal duties
9 are that of communications officer, identification officer,
10 machinist, mechanic, security officer, or are otherwise clearly
11 within the scope of active law enforcement, even though the
12 person is subject to occasional call, or is occasionally called upon,
13 to perform duties within the scope of active law enforcement.

14 (b) This section does not apply to any contracting agency nor
15 to the employees of a contracting agency until the agency elects to
16 be subject to this section by amendment to its contract with the
17 board pursuant to Section 20474, or by express provision in its
18 contract with the board.

19 SEC. 2. Section 20441.5 is added to the Government Code, to
20 read:

21 20441.5. (a) “County peace officer” shall also include any
22 welfare fraud investigator employed by a county department of
23 social services who is a peace officer, as defined in subdivision (a)
24 of Section 830.35 of the Penal Code, whose primary responsibility
25 is maintaining the peace, whose duties include active law
26 enforcement; but excluding clerical personnel or those whose
27 principal duties are that of communications officer, identification
28 officer, machinist, mechanic, security officer, or are otherwise
29 clearly within the scope of active law enforcement, even though
30 the person is subject to occasional call, or is occasionally called
31 upon to perform duties within the scope of active law enforcement.

32 (b) This section does not apply to any contracting agency nor
33 to the employees of a contracting agency until the agency elects to
34 be subject to this section by amendment to its contract with the
35 board pursuant to Section 20474, or by express provision in its
36 contract with the board.

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