

Introduced by Senator O’Connell

February 1, 2001

An act to amend Section 22508 of the Education Code and to amend Section 20309 of the Government Code, relating to retirement.

LEGISLATIVE COUNSEL’S DIGEST

SB 165, as introduced, O’Connell. Public employees’ retirement: membership election.

Under existing law, members of the Public Employees’ Retirement System employed by a school employer, the Board of Governors of the California Community Colleges, or the State Department of Education who are subsequently employed to perform service subject to coverage by the Defined Benefit Program of the State Teachers’ Retirement Plan may elect to be excluded from membership under that plan and retain coverage under the system for that service.

This bill would make that election available to all members of the Public Employees’ Retirement System who are subsequently employed to perform service subject to coverage by the Defined Benefit Program of the State Teachers’ Retirement Plan.

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 22508 of the Education Code is
- 2 amended to read:
- 3 22508. (a) A member who becomes employed by the same or
- 4 a different school district or community college district, or a
- 5 county superintendent, or who becomes employed by the state in

1 a position described in subdivision (b), to perform service that
 2 requires membership in a different public retirement system, and
 3 who is not excluded from membership in that public retirement
 4 system, may elect to have that service subject to coverage by the
 5 Defined Benefit Program of this plan and excluded from coverage
 6 by the other public retirement system. The election shall be made
 7 in writing on a form prescribed by this system within 60 days from
 8 the date of hire in the position requiring membership in the other
 9 public retirement system. If that election is made, the service
 10 performed for the employer after the date of hire shall be
 11 considered creditable service for purposes of this part.

12 (b) Subdivision (a) shall apply to a member who becomes
 13 employed by the state only if the member is also one of the
 14 following:

15 (1) Represented by a state bargaining unit that represents
 16 educational consultants, professional educators, or librarians
 17 employed by the state.

18 (2) Excluded from the definition of “state employee” in
 19 subdivision (c) of Section 3513 of the Government Code, but
 20 performing, supervising, or managing work similar to work
 21 performed by employees described in paragraph (1).

22 (3) In a position not covered by civil service and in the
 23 executive branch of government, but performing, supervising, or
 24 managing work similar to work performed by employees
 25 described in paragraph (1).

26 (c) A member of the Public Employees’ Retirement System
 27 ~~who is employed by a school district, community college district,~~
 28 ~~a county superintendent, or the State Department of Education and~~
 29 who is subsequently employed to perform creditable service
 30 subject to coverage by the Defined Benefit Program of this plan
 31 may elect to have that subsequent service subject to coverage by
 32 the Public Employees’ Retirement System and excluded from
 33 coverage by the Defined Benefit Program pursuant to Section
 34 20309 of the Government Code. If the election is made, creditable
 35 service performed for the employer after the date of hire shall be
 36 subject to coverage by the Public Employees’ Retirement System.

37 (d) An election made by a member pursuant to this section shall
 38 be irrevocable.

39 SEC. 2. Section 20309 of the Government Code is amended
 40 to read:



1 20309. (a) A member of the system ~~who is employed by a~~
2 ~~school employer, the Board of Governors of the California~~
3 ~~Community Colleges, or the State Department of Education and~~
4 who subsequently is employed to perform service subject to
5 coverage by the Defined Benefit Program of the State Teachers'
6 Retirement Plan, may elect to retain coverage by this system for
7 that subsequent service. An election to retain coverage under this
8 system shall be submitted in writing by the member to the system
9 on a form prescribed by the system, and a copy of the election shall
10 be submitted to the State Teachers' Retirement System, within 60
11 days after the member's date of hire to perform service that
12 requires membership in the Defined Benefit Program of the State
13 Teachers' Retirement Plan. A member who elects to retain
14 coverage under this system pursuant to this section shall be
15 deemed to be a school member while employed by a school
16 employer.

17 (b) Any election made pursuant to this section shall become
18 effective as of the first day of employment in the position that
19 qualified the member to make an election.

