

AMENDED IN ASSEMBLY SEPTEMBER 12, 2001

AMENDED IN ASSEMBLY JUNE 29, 2001

**SENATE BILL**

**No. 695**

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**Introduced by Senator Karnette**

February 23, 2001

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An act to amend Sections 20420 and 31469.3 of, and to add Sections 20423.7 and 31470.14 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 695, as amended, Karnette. Local public employees' retirement: safety membership status.

Under existing law, employees of contracting agencies of the Public Employees' Retirement System classified as local safety members and employees of counties and districts classified as safety members under the County Employees Retirement Law of 1937 are entitled to generally higher benefits, and subject to higher contribution rates, than employees classified as miscellaneous or general members. Contributions by members of the Public Employees' Retirement System are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would authorize contracting agencies of the Public Employees' Retirement System and counties and districts under the County Employees Retirement Law of 1937 to include officers and employees who are peace officers, as defined in specified provisions of existing law, within the safety member classification, subject to specified conditions and findings. 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 20420 of the Government Code is  
2 amended to read:

3 20420. “Local safety member” includes all local police  
4 officers, local sheriffs, local firefighters, local safety officers, local  
5 peace officers, county peace officers, and school safety members,  
6 employed by a contracting agency who have by contract been  
7 included within this system.

8 SEC. 2. Section 20423.7 is added to the Government Code, to  
9 read:

10 20423.7. (a) Notwithstanding any other provision of this  
11 article, “local peace officer” ~~shall~~ *officer*” shall also include  
12 officers or employees whose classifications or positions would  
13 otherwise be subject to local miscellaneous membership and are  
14 found to meet the definition of peace officer, as defined in ~~Chapter~~  
15 ~~4.5 (commencing with Section 830) of Title 3 of Part 2 of Sections~~  
16 ~~830.35 to 830.37, inclusive, and Sections 830.5 to 830.61,~~  
17 ~~inclusive, of the Penal Code, provided the employer agrees to their~~  
18 ~~inclusion.~~

19 (b) The employer shall designate which local miscellaneous  
20 classes or positions meet the criteria for local peace officer  
21 membership and shall specify both of the following in its contract  
22 with the board:

23 (1) The new classes or positions that shall be eligible for local  
24 peace officer membership.

25 (2) The effective date of local peace officer membership.

26 (c) The employer shall not approve local peace officer  
27 membership for any class or position that has not been determined  
28 to meet all of the following criteria:

29 (1) The ongoing responsibilities of the class or position include  
30 the protection and safeguarding of the public and property.

31 (2) The job duties of the class or position require that the  
32 member be capable of responding to emergency situations and



1 providing a level of service to the public such that the safety of the  
2 public and property is not jeopardized.

3 (3) The job duties of the class or position require that the  
4 member satisfactorily complete an introductory course of training  
5 prescribed by the Commission on Peace ~~Officers~~ *Officer*  
6 Standards and Training.

7 (d) “Local peace officer” shall not include persons employed  
8 to perform identification or communication duties or any one  
9 whose principal duties are those of a telephone operator, clerk,  
10 stenographer, machinist, mechanic, or otherwise whose functions  
11 do not clearly fall within the scope of ~~active law enforcement or~~  
12 ~~firefighting and public protection or fire~~ prevention service, even  
13 though the employee is subject to occasional call, or is  
14 occasionally called upon, to perform duties within the scope of  
15 ~~active law enforcement or firefighting and public protection or fire~~  
16 prevention service.

17 (e) The reclassification of local miscellaneous employees as  
18 local peace officers under this section shall not apply to any  
19 contracting agency nor to the employees of a contracting agency  
20 until the agency elects that designation by amendment to its  
21 contract with the board made pursuant to Section 20474 or by  
22 express provision in its contract with the board. A contracting  
23 agency may only amend its contract once per fiscal year to  
24 reclassify local miscellaneous employees as local peace officers  
25 under this section.

26 SEC. 3. Section 31469.3 of the Government Code is amended  
27 to read:

28 31469.3. “Safety member” means any person who is any of  
29 the following:

30 (a) A member of a pension system established pursuant to  
31 either Chapter 4 or Chapter 5, who elects by written notice filed  
32 with the board, to become a safety member.

33 (b) Any person employed by a county, subject to Section  
34 31676.1 or 31695.1 or by a district or court organized or existing  
35 within the county, whose principal duties consist of active law  
36 enforcement or active fire suppression as described in Section  
37 31470.2 and 31470.4, or active lifeguard service as limited by  
38 Section 31470.6 or juvenile hall group counseling and group  
39 supervision if adopted by the board of supervisors as provided in  
40 Section 31469.4.



1 (c) Any employee who has been designated as a safety member  
2 pursuant to Section 31470.14.

3 SEC. 4. Section 31470.14 is added to the Government Code,  
4 to read:

5 31470.14. (a) “Safety member” shall also include officers or  
6 employees whose classifications or positions are found to meet the  
7 definition of peace officer as defined in ~~Chapter 4.5 (commencing~~  
8 ~~with Section 830) of Title 3 of Part 2 of the Penal Code, provided~~  
9 *Sections 830.35 to 830.37, inclusive, and Sections 830.5 to 830.61,*  
10 *inclusive, of the Penal Code, provided the county board of*  
11 *supervisors agrees to their inclusion.*

12 (b) The county board of supervisors shall designate which  
13 classes or positions meet the criteria for safety membership and  
14 shall specify all of the following in its resolution:

15 (1) The new classes or positions that become eligible for safety  
16 membership.

17 (2) The effective date of safety membership.

18 (3) How service prior to the effective date shall be credited.

19 (c) The county board of supervisors shall not approve safety  
20 membership for any class or position that has not been determined  
21 to meet all of the following criteria:

22 (1) In addition to the defined scope of duties assigned to the  
23 class or position, the member’s ongoing responsibilities include  
24 the protection and safeguarding of the public and property.

25 (2) The conditions of employment require that the member be  
26 capable of responding to emergency situations and provide a level  
27 of service to the public such that the safety of the public and  
28 property is not jeopardized.

29 (3) The conditions of employment require that the member  
30 satisfactorily complete an introductory course of training  
31 prescribed by the Commission on Peace ~~Officers~~ *Officer*  
32 Standards and Training prior to the exercise of the powers as a  
33 safety member.

34 (d) “Safety member” shall not include persons employed to  
35 perform identification or communication duties or any one whose  
36 principal duties are those of a telephone operator, clerk,  
37 stenographer, machinist, mechanic, or otherwise whose functions  
38 do not clearly fall within the scope of ~~active law enforcement or~~  
39 ~~firefighting and~~ *public protection or fire* prevention service, even  
40 though the employee is subject to occasional call, or is



1 occasionally called upon, to perform duties within the scope of  
2 ~~active law enforcement or firefighting and~~ *public protections and*  
3 *fire* prevention service.

4 (e) This section shall not be operative in a county unless and  
5 until the board of supervisors shall, by resolution adopted by a  
6 majority vote, make this section operative in that county.

