

ASSEMBLY BILL

No. 2232

Introduced by Committee on Public Employees, Retirement and Social Security (Negrete McLeod (Chair), Levine (Vice Chair), Chan, Correa, and Kehoe)

February 18, 2004

An act to amend Section 22717 of the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2232, as introduced, Committee on Public Employees, Retirement and Social Security. State teachers' retirement: service credit.

Existing law authorizes members of the Defined Benefit Program of the State Teachers' Retirement Plan to receive service credit for accumulated and unused sick leave, which service credit is calculated by dividing the number of accumulated leave days by the greatest of (1) the number of days of service required for that member's class of employees in a school year, (2) the minimum number of days comprising full time for that member, or (3) 175 days.

Under this bill, that service credit would be calculated by dividing the number of accumulated leave days by the greater of (1) the number of days of service required for that member's class of employees in a school year or (2) the minimum number of days that comprise full-time service for that member.

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 22717 of the Education Code is
2 amended to read:

3 22717. (a) A member shall be granted credit at service
4 retirement for each day of accumulated and unused leave of
5 absence for illness or injury for which full salary is allowed to
6 which the member was entitled on the member’s final day of
7 employment with the employer by which the member was last
8 employed to perform creditable service subject to coverage by the
9 Defined Benefit Program.

10 (b) The amount of service credit to be granted shall be
11 determined by dividing the number of days of accumulated and
12 unused leave of absence for illness or injury by the number of days
13 of service the employer requires the member’s class of employees
14 to perform in a school year during the member’s final year of
15 creditable service subject to coverage by the Defined Benefit
16 Program, which ~~shall~~ may not be less than the minimum standard
17 specified in Section 22138.5. The number of days ~~shall~~ may not
18 include school and legal holidays. ~~In no event shall the divisor be~~
19 ~~less than 175.~~ For members employed less than full time, the
20 standards identified in Section 22138.5 shall be considered as the
21 minimum full-time equivalent. For those standards identified in
22 Section 22138.5 that are applicable to teachers or instructors and
23 that are expressed only in terms of hours or instructional hours, the
24 number of hours or instructional hours shall be divided by six to
25 determine the number of days.

26 (c) When the member has made application for service
27 retirement under this part, the employer shall certify to the board,
28 within 30 days following the effective date of the member’s
29 service retirement, the number of days of accumulated and unused
30 leave of absence for illness or injury that the member was entitled
31 to on the final day of employment. The board may assess a penalty
32 on delinquent reports.

33 (d) This section shall be applicable to any person who retires on
34 or after January 1, 1999.

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