

AMENDED IN ASSEMBLY APRIL 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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 amended, 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, *as of January 1, 2006*, 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; *however, if the member, during his or her final year of service, reduces his or her service to less than a full-time basis, the service credit for his or her accumulated leave days would be based on the number of days required*

for that member’s class of employees in the school year prior to his or her reduction in service.

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 may not be less than the minimum standard
17 specified in Section 22138.5. The number of days may not include
18 school and legal holidays. For members employed less than full
19 time, the standards identified in Section 22138.5 shall be
20 considered as the minimum full-time equivalent. For those
21 standards identified in Section 22138.5 that are applicable to
22 teachers or instructors and that are expressed only in terms of hours
23 or instructional hours, the number of hours or instructional hours
24 shall be divided by six to determine the number of days.

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

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



1 (d) A member who reduces his or her basis of employment from
2 full-time to less than full-time during the member's final year of
3 creditable service subject to coverage by the Defined Benefit
4 Program shall receive an amount of service credit from
5 accumulated unused leave that is based on the number of days of
6 service the employer required the member's class of employees to
7 perform in the school year prior to the reduction in the member's
8 basis of employment.
9 SEC. 2. This act shall be operative on January 1, 2006.

