

## Assembly Joint Resolution No. 5

### RESOLUTION CHAPTER 116

Assembly Joint Resolution No. 5—Relative to Social Security.

[Filed with Secretary of State September 10, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

AJR 5, Hernandez. Social Security: retirement benefits: public employees.

This measure would request the President and the Congress of the United States to enact the Social Security Fairness Act, which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

WHEREAS, After 1965, California's educators were not allowed to participate in the federal social security system; and

WHEREAS, Most peace officers and firefighters, and many other public employees are not covered by Social Security; and

WHEREAS, Due to higher contribution rates and superior investment returns, the California State Teachers' Retirement System provides retirees with superior benefits compared to those provided by the federal social security system; and

WHEREAS, The State Teachers' Retirement System is not coordinated with the federal social security system; and

WHEREAS, The benefits of certain members of the Public Employees' Retirement System and retirement systems established pursuant to the County Employees Retirement Law of 1937 are not coordinated with the federal social security system; and

WHEREAS, The Social Security Act includes two offsets, the Government Pension Offset and the Windfall Elimination Provision, that reduce the social security benefits payable to persons who are entitled to benefits under other retirement systems, under certain conditions; and

WHEREAS, These provisions penalize individuals who move from private sector employment to teaching and vice versa; and

WHEREAS, These provisions penalize individuals who earned social security benefits through their own employment prior to teaching; and

WHEREAS, California has a significant teacher shortage and requires more than 16,000 new teachers per year to meet enrollment growth needs, retirement replacement, as well as class size reduction in targeted schools; and

WHEREAS, Every child should have the opportunity to have a highly qualified teacher in his or her classroom, but the Social Security Act offsets limit the number of fully credentialed teachers in the classroom by penalizing individuals who change from private to public employment; and

WHEREAS, The recruitment and retention of teachers, peace officers, firefighters, and other public employees from other states who are entitled to social security benefits upon retirement is also limited and restricted by these offsets; and

WHEREAS, The Social Security Fairness Act, which would repeal the Government Pension Offset and the Windfall Elimination Provision, is currently before Congress; and

WHEREAS, The elimination of the Government Pension Offset and the Windfall Elimination Provision would greatly improve the opportunities for hiring and retaining teachers, peace officers, firefighters, and other public employees in California; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California requests the Congress of the United States to support the Social Security Fairness Act which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act, and further, the Legislature of the State of California requests President George W. Bush to sign that legislation; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.