

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2023**

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**Introduced by Assembly Member Houston**

February 15, 2008

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An act to amend Section 21156 of the Government Code, relating to public employee disability benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 2023, as amended, Houston. Public employee disability benefits.

The Public Employees' Retirement System, ~~the State Teachers' Retirement System, and various local retirement systems provide~~ provides for the granting of disability benefits to members in state service. Existing law generally provides that if a medical examination and other available information show to the satisfaction of the Board of Administration of the Public Employees' Retirement System that a member in state service is incapacitated physically or mentally for the performance of his or her duties and is eligible to retire for disability, the board shall immediately retire him or her for disability.

This bill would ~~state the intent of the Legislature to require that the granting of~~ provide that in determining whether a member in state service is eligible for disability retirement benefits to a public employee ~~be based solely on medical issues and shall not be based upon personnel, disciplinary, or other issues not related to the medical condition of the public employee, the board shall consider only medical information and shall not consider personnel, disciplinary, or other nonmedical issues.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21156 of the Government Code is  
2 amended to read:

3     21156. (a) (1) If the medical examination and other available  
4 information show to the satisfaction of the board, or in case of a  
5 local safety member, other than a school safety member, the  
6 governing body of the contracting agency employing the member,  
7 that the member in the state service is incapacitated physically or  
8 mentally for the performance of his or her duties and is eligible to  
9 retire for disability, the board shall immediately retire him or her  
10 for disability, unless the member is qualified to be retired for  
11 service and applies therefor prior to the effective date of his or her  
12 retirement for disability or within 30 days after the member is  
13 notified of his or her eligibility for retirement on account of  
14 disability, in which event the board shall retire the member for  
15 service. ~~The~~

16     (2) *In determining whether a member is eligible to retire for*  
17 *disability, the board shall consider only medical information and*  
18 *shall not consider personnel, disciplinary, or other nonmedical*  
19 *issues.*

20     (b) (1) *The governing body of a contracting agency upon receipt*  
21 *of the request of the board pursuant to Section 21154 shall certify*  
22 *to the board its determination under this section that the member*  
23 *is or is not incapacitated. ~~The~~*

24     (2) *The local safety member may appeal the determination of*  
25 *the governing body. Appeal hearings shall be conducted by an*  
26 *administrative law judge of the Office of Administrative Hearings*  
27 *pursuant to Chapter 5 (commencing with Section 11500) of Part*  
28 *1 of Division 3 of this title.*

29     ~~SECTION 1. It is the intent of the Legislature to enact~~  
30 ~~legislation requiring that the granting of disability retirement~~  
31 ~~benefits to a public employee be based solely on medical issues~~  
32 ~~and shall not be based upon personnel, disciplinary, or other issues~~  
33 ~~not related to the medical condition of the public employee.~~