

Senate Bill No. 579

CHAPTER 21

An act to amend Section 31663.15 of, and to repeal Sections 31663.2 and 31680.9 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 2008. Filed with Secretary
of State June 2, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 579, Wiggins. County Employees Retirement Law of 1937.

The County Employees Retirement Law of 1937 provides a comprehensive set of rights and benefits for county and district employees who are members of a retirement system subject to that law. Certain members, who come within the definition of a safety member, qualify for greater benefits than other members upon retirement calculated on the basis of years of service. The law authorizes the mandatory retirement of certain safety members, including firefighters, on the basis of age. However, in the County of Los Angeles a safety member may be permitted to continue to serve, or may be reinstated after retiring, if a physician certifies that the member is capable of performing his or her assigned duties, as specified, pursuant to a provision operative upon the adoption of a resolution by the board of supervisors. The law also provides that the resolution adopted by the board of supervisors may designate a date, which may be prior to the date of the resolution or the effective date of these provisions, upon which date the resolution shall be operative in Los Angeles County.

This bill would also provide that the resolution may additionally provide that a firefighter member who retired on the basis of age prior to April 1, 2007, is not eligible to reinstate from retirement, as specified.

Existing law specifically requires the Fire Chief of Los Angeles who was employed as fire chief on May 1, 2005, to retire on April 1, 2009. Existing law prohibits that person and specified other safety members, including other county firefighters, from applying for reinstatement pursuant to the provisions described above.

This bill would repeal those provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 31663.15 of the Government Code is amended to read:

31663.15. (a) Sections 31662.4, 31662.6, 31662.8, and 31663 shall not apply to a person who is an active safety member described in Section 31469.3 or 31470.4 if a physician employed or approved by the county certifies that the safety member is capable of performing his or her assigned duties pursuant to standards set forth by the member's employer.

(b) This section shall also apply to a member who reinstates from retirement pursuant to Section 31680.8.

(c) This section applies only to a county of the first class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

(d) This section shall not be operative in any county until the board of supervisors shall, by resolution adopted by a majority vote, make this section and Section 31680.8 applicable in the county. The resolution of the board of supervisors may designate a date, which may be prior to the date of the resolution or the effective date of this section, upon which the resolution and this section shall be operative in the county, and may further provide that a member, described in Section 31470.4, who retired pursuant to Section 31662.4 or 31662.6, prior to April 1, 2007, is not eligible to reinstate from retirement pursuant to Section 31680.8.

SEC. 2. Section 31663.2 of the Government Code is repealed.

SEC. 3. Section 31680.9 of the Government Code is repealed.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that those safety members of the County of Los Angeles who are currently prohibited from applying for reinstatement after being required to retire on the basis of age may apply for reinstatement as soon as possible, it is necessary that this act take effect immediately.