

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 2, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1667**

---

---

**Introduced by Assembly Member Swanson**

January 20, 2010

---

---

An act to add Section 31485.16 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1667, as amended, Swanson. Public employment: County of Alameda.

The County Employees Retirement Law of 1937 authorizes, until January 1, 2011, the board of supervisors of the Counties of Solano and Santa Barbara to, by resolution, ordinance, contract, or contract amendment, provide different retirement benefits for some safety member bargaining units within the safety member classification of a county retirement system, as specified.

This bill would authorize the Board of Supervisors of the County of Alameda, by resolution adopted by majority vote as part of any negotiated memorandum of understanding with a bargaining unit that represents safety employees, to require a safety employee of that bargaining unit or unrepresented safety employee hired after approval of the resolution, to elect in writing a permanent choice between 2 specified pension calculations, as specified. The bill would also authorize the board to adopt a resolution by majority vote to provide a different formula or calculation of retirement benefits for new members of other safety bargaining units or other unrepresented safety employees

hired after approval of the resolution, as specified, or to provide a different formula or calculation of safety retirement benefits for new safety members in one bargaining unit than that which is provided for new safety members of other bargaining units or new unrepresented safety members.

The bill would also specify that the board shall not require that a bargaining unit be divided solely for the purpose of providing different retirement benefits. The bill would authorize the board to separately negotiate retirement benefits with a bargaining unit if the members of that bargaining unit so elect.

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

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

1 SECTION 1. Section 31485.16 is added to the Government  
2 Code, to read:  
3 31485.16. (a) Notwithstanding any other provision of this  
4 chapter, in a county of the fourth class, as defined in Sections  
5 28020 and 28025, as amended by Chapter 1204 of the Statutes of  
6 1971, the board of supervisors may, by resolution adopted by  
7 majority vote, as part of any negotiated memorandum of  
8 understanding with a bargaining unit that represents safety  
9 employees, require a safety employee of that bargaining unit or  
10 unrepresented safety employee hired after approval of the  
11 resolution, to elect in writing, either the pension calculation stated  
12 in Section 31639.5 or the pension calculation stated in Section  
13 31664.2. The election shall be made within 45 calendar days of  
14 beginning employment with the county. If a new safety employee  
15 does not elect the pension calculation stated in Section 31664.2  
16 within 45 days of beginning employment, the new safety employee  
17 shall be deemed to have elected the pension calculation stated in  
18 Section 31639.5. Once made, a safety employee under this section  
19 shall not be permitted to rescind his or her election.  
20 (b) The resolution described in subdivision (a) may provide a  
21 different formula or calculation of retirement benefits for new  
22 members of other safety bargaining units or other unrepresented  
23 safety employees hired after approval of the resolution, by making  
24 any section of this chapter applicable to those different safety  
25 bargaining units or unrepresented employees, within the safety

1 member classification, pursuant to a negotiated memorandum of  
2 understanding as described in Section 3505.1.

3 (c) The resolution described in subdivision (a) may provide a  
4 different formula or calculation of safety retirement benefits for  
5 new safety members in one bargaining unit than that which is  
6 provided for new safety members of other bargaining units or new  
7 unrepresented safety members.

8 (d) A resolution adopted pursuant to this section or previously  
9 adopted resolutions of the board may require members to pay all  
10 or part of the contributions by a member or employer, or both, that  
11 would have been required if the section or sections specified within  
12 this chapter were or have been adopted by resolution. The payment  
13 by a member shall become part of the accumulated contributions  
14 of the member. For those members who are represented by a  
15 bargaining unit, the payment requirement shall be approved in a  
16 memorandum of understanding executed by the board of  
17 supervisors and the employee representatives.

18 (e) The board of supervisors, in a resolution described in  
19 subdivision (a), shall not require that a bargaining unit be divided  
20 solely for the purpose of providing different retirement benefits.  
21 However, if the members of a bargaining unit within the same or  
22 similar membership classification so elect, retirement benefits may  
23 be separately negotiated with that bargaining unit.

24 (f) Notwithstanding any other provision of law, the effective  
25 date of a resolution ~~specified~~ *described* in subdivision (a) may be  
26 different than the date of the resolution.