

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 2, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1667**

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**Introduced by Assembly Member Swanson**

January 20, 2010

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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: 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~~ 31664 or the pension calculation stated in  
13 Section 31664.2. The election shall be made within 45 calendar  
14 days of beginning employment with the county. If a new safety  
15 employee does not elect the pension calculation stated in Section  
16 31664.2 within 45 days of beginning employment, the new safety  
17 employee shall be deemed to have elected the pension calculation  
18 stated in Section ~~31639.5~~ 31664. Once made, a safety employee  
19 under this section shall not be permitted to rescind his or her  
20 election.  
21 (b) The resolution described in subdivision (a) may provide a  
22 different formula or calculation of retirement benefits for new  
23 members of other safety bargaining units or other unrepresented  
24 safety employees hired after approval of the resolution, by making

1 any section of this chapter applicable to those different safety  
2 bargaining units or unrepresented employees, within the safety  
3 member classification, pursuant to a negotiated memorandum of  
4 understanding as described in Section 3505.1.

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

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

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

26 (f) Notwithstanding any other provision of law, the effective  
27 date of a resolution described in subdivision (a) may be different  
28 than the date of the resolution.

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