

**Assembly Bill No. 1667**

CHAPTER 81

An act to add Section 31485.16 to the Government Code, relating to public employment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 2010. Filed with  
Secretary of State July 15, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1667, 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.

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 31485.16 is added to the Government Code, to read:

31485.16. (a) Notwithstanding any other provision of this chapter, in a county of the fourth class, as defined in Sections 28020 and 28025, as amended by Chapter 1204 of the Statutes of 1971, the board of supervisors may, by resolution adopted by majority vote, as part of any negotiated memorandum of understanding with a bargaining unit that represents safety employees, require a safety employee of that bargaining unit or unrepresented safety employee hired after approval of the resolution, to elect in writing, either the pension calculation stated in Section 31664 or the pension calculation stated in Section 31664.2. The election shall be made within 45 calendar days of beginning employment with the county. If a new safety employee does not elect the pension calculation stated in Section 31664.2 within 45 days of beginning employment, the new safety employee shall be deemed to have elected the pension calculation stated in Section 31664. Once made, a safety employee under this section shall not be permitted to rescind his or her election.

(b) The resolution described in subdivision (a) may 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, by making any section of this chapter applicable to those different safety bargaining units or unrepresented employees, within the safety member classification, pursuant to a negotiated memorandum of understanding as described in Section 3505.1.

(c) The resolution described in subdivision (a) may 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.

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

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

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

SEC. 2. 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 that the terms of a memorandum of understanding between the Deputy Sheriffs' Association and the County of Alameda regarding the implementation of optional tiers of retirement benefits for new safety employees take effect as soon as possible, it is necessary for this act to take effect immediately.

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