

AMENDED IN ASSEMBLY MAY 31, 2011

AMENDED IN ASSEMBLY MAY 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1212

Introduced by Assembly Member Mansoor

February 18, 2011

An act to add Section 31485.95 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1212, as amended, Mansoor. County employees' retirement.

Under existing law, counties and districts, as defined, may provide retirement benefits to their employees pursuant to the County Employees Retirement Law of 1937. Existing law prohibits any resolution, ordinance, contract, or contract amendment under that law adopted on or after January 1, 2004, from providing different retirement benefits for any subgroup of general members within a membership classification, including, but not limited to, bargaining units or unrepresented groups, unless benefits provided by statute for members hired on or after the date specified in the resolution are adopted by the county or district governing board, by resolution adopted by majority vote, pursuant to a memorandum of understanding made under the Meyers-Milias-Brown Act. Existing law prohibits any retirement contract amendment from being imposed by the employer in absence of a memorandum of understanding made under the Meyers-Milias-Brown Act.

~~This bill would, in the South Coast Air Quality Management District, allow those benefits to be specified in an ordinance, contract, or contract~~

~~amendment adopted by the district governing board. The bill would also, in the South Coast Air Quality Management District, prohibit the employer from imposing a retirement ordinance or contract in the absence of a memorandum of understanding prepared pursuant to the Meyers-Milias-Brown Act. The bill would also make related technical, nonsubstantive changes.~~

This bill would authorize the South Coast Air Quality Management District (SCAQMD) by its governing board, by resolution, contract, or contract amendment, to adopt and provide retirement benefits for its employees, including unrepresented employees, hired on, or after, the date specified in the resolution, contract, or contract amendment pursuant to the specified benefit formula. The bill would also prohibit a resolution, contract, or contract amendment from providing retirement benefits for the employees of the SCAQMD, unless those retirement benefits are adopted by the governing board of the SCAQMD pursuant to a memorandum of understanding made under the Meyers-Milias-Brown Act. The provisions of this bill would not apply to employees who were hired before the effective date of the bill.

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 31485.95 is added to the Government
- 2 Code, immediately following Section 31485.9, to read:
- 3 31485.95. (a) Notwithstanding any other provision of the law,
- 4 including, but not limited to, Section 31485.9, the South Coast Air
- 5 Quality Management District, as defined in subdivision (h) of
- 6 Section 31468, by its governing board, may, by resolution, contract,
- 7 or contract amendment under this chapter, adopt and provide
- 8 retirement benefits for its employees hired on, or after, the date
- 9 specified in the resolution, contract, or contract amendment
- 10 pursuant to the benefit formula in Section 31676.1.
- 11 (b) No resolution, contract, or contract amendment made under
- 12 this chapter may provide retirement benefits for the employees of
- 13 the South Coast Air Quality Management District, unless those
- 14 retirement benefits are adopted by the governing board of the
- 15 South Coast Air Quality Management District pursuant to a
- 16 memorandum of understanding made under the
- 17 Meyers-Milias-Brown Act (Chapter 10 (commencing with Section

1 3500) of Division 4 of Title 2). Retirement benefits authorized
2 under this section shall also be made applicable to all
3 unrepresented employees of the South Coast Air Quality
4 Management District hired on or after the date that any employee
5 is provided retirement benefits pursuant to the formula in Section
6 31676.1.

7 (c) This section shall not apply to South Coast Air Quality
8 Management District employees who were hired before the effective
9 date of this section.

10 SECTION 1. Section 31485.95 is added to the Government
11 Code, immediately following Section 31485.9, to read:

12 31485.95. (a) Notwithstanding any other law, including, but
13 not limited to, Chapter 10 (commencing with Section 3500) of
14 Division 4 of Title 1, no resolution, ordinance, contract, or contract
15 amendment under this chapter adopted on or after January 1, 2004,
16 may provide any retirement benefits for some, but not all, general
17 members of the district.

18 (b) (1) No resolution, ordinance, contract, or contract
19 amendment under this chapter adopted on or after January 1, 2004,
20 may provide different retirement benefits for any subgroup of
21 general members within a membership classification, including,
22 but not limited to, bargaining units or unrepresented groups, unless
23 benefits provided by statute for members hired on or after the date
24 specified in the resolution are adopted by the district governing
25 board, by resolution, ordinance, contract, or contract amendment
26 adopted by majority vote, pursuant to a memorandum of
27 understanding made under the Meyers-Milias-Brown Act (Chapter
28 10 (commencing with Section 3500) of Division 4 of Title 2).

29 (2) All nonrepresented employees within similar job
30 classifications as employees in a bargaining unit subject to a
31 memorandum of understanding, or supervisors and managers
32 thereof, shall be subject to the same formula for the calculation of
33 retirement benefits applicable to the employees in the bargaining
34 unit.

35 (3) A retirement ordinance, contract, or contract amendment
36 shall not be imposed by the employer in the absence of a
37 memorandum of understanding prepared pursuant to the
38 Meyers-Milias-Brown Act.

39 (e) This section does not preclude changing membership
40 classification from one to another membership classification.

1 ~~(d) This section shall not apply to retirement benefits for a~~
2 ~~member described in paragraph (2) of subdivision (d) of Section~~
3 ~~31676.15.~~

4 ~~(e) This section shall apply only to the South Coast Air Quality~~
5 ~~Management District.~~