

Introduced by Senator DeSaulnier

February 15, 2011

An act to amend Section 31484.9 of the Government Code, relating to county employee's retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as introduced, DeSaulnier. Retirement: Contra Costa County. Existing law, until January 1, 2012, authorizes the Contra Costa County Board of Supervisors to establish different retirement benefits for different bargaining units of safety employees represented by the Contra Costa County Deputy Sheriffs' Association, and the unrepresented groups of safety employees in similar job classifications and the supervisors and managers of those employees, as specified, pursuant to a resolution making those provisions applicable to that county.

This bill would delete the January 1, 2012, date thereby extending that authorization indefinitely.

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 31484.9 of the Government Code is
2 amended to read:
3 31484.9. (a) This section shall apply to the retirement system
4 of Contra Costa County and only if the board of supervisors of
5 that county adopts, by majority vote, a resolution making this
6 section applicable in the county. Notwithstanding any other
7 provision of law, the board of supervisors may make this section

1 applicable in the county on a date specified in the resolution, which
2 date may be different than the date of the resolution.

3 (b) (1) When the board of supervisors meets and confers
4 pursuant to the Meyers-Milias-Brown Act (Chapter 10
5 (commencing with Section 3500) of Division 4 of Title 1) with
6 the Contra Costa County Deputy Sheriffs' Association, the parties
7 may agree, pursuant to a memorandum of understanding as
8 described in Section 3505.1, that the provisions of this section
9 shall apply to safety employees represented by the Contra Costa
10 County Deputy Sheriffs' Association.

11 (2) The terms of any agreement reached with the Contra Costa
12 County Deputy Sheriffs' Association pursuant to this subdivision
13 shall be made applicable by the board of supervisors to
14 unrepresented county employees who are safety members in the
15 Contra Costa County Sheriff's Office and in similar job
16 classifications as employees within applicable bargaining units
17 and the supervisors and managers of those employees.

18 (3) An ordinance or resolution adopted pursuant to this section
19 may establish different retirement benefits for different bargaining
20 units of safety employees represented by the Contra Costa County
21 Deputy Sheriffs' Association and the unrepresented groups of
22 safety employees in similar job classifications and the supervisors
23 and managers of those employees. The ordinance or resolution
24 may also establish the time period during which employees may
25 make an election under this section and the date on which an
26 employee shall be employed to be subject to this section.

27 (c) (1) Notwithstanding any other provision of law, if the board
28 of supervisors makes a particular provision or provisions of this
29 chapter providing for increased benefits applicable to safety
30 employees of the county represented by the Contra Costa County
31 Deputy Sheriffs' Association through the adoption of an ordinance
32 or resolution, the board of supervisors may at any time thereafter
33 adopt another ordinance or resolution terminating the applicability
34 of that provision or provisions as to current employees of the
35 county who elect by written notice filed with the board to have the
36 applicability of the provision or provisions terminated as to those
37 employees. This section is intended only to authorize the
38 termination of those benefits that the board of supervisors elected
39 to increase over the basic benefits or to make applicable in addition
40 to the basic benefits pursuant to the provisions of this chapter. The

1 termination of benefits shall be consistent with the memorandum
2 of understanding described in subdivision (b). Nothing in this
3 section shall be construed as authorizing the board of supervisors
4 to terminate the basic benefits required under the provisions of
5 this chapter.

6 (2) The board of supervisors, prior to adopting an ordinance or
7 resolution allowing the termination of the applicability of any
8 increased benefit provisions shall provide a written explanation
9 of the effect and impact of the termination for each member
10 requesting termination of the applicability of any provisions.

11 (3) The board of supervisors shall require members requesting
12 termination of the applicability of any provisions to sign an
13 affidavit stating that the member has been fully informed regarding
14 the effect of the termination, and understands that the termination
15 of a provision or provisions is irrevocable. The affidavit shall also
16 state that the employee has chosen termination of the provision or
17 provisions of the employee's own free will and was not coerced
18 into termination of any provision by the employer or any other
19 person and shall waive and release any right to a benefit under the
20 terminated provision or provisions for the period of service
21 following the election.

22 (4) The board of supervisors shall, in the ordinance or resolution
23 granting current employees the option of electing to have the
24 applicability of the provision or provisions terminated, and
25 consistent with the memorandum of understanding described in
26 subdivision (b), specify the provision or provisions that shall be
27 applicable to current employees making the election. More than
28 one optional set of provisions may be made available for election,
29 including, but not limited to, the "3 Percent at 55" retirement
30 formula, a cost-of-living adjustment, and the definition of final
31 compensation pursuant to Section 31462 or 31462.1.

32 (5) Employees who elect to have the provision or provisions
33 terminated, shall have their retirement allowance for service
34 rendered after the effective date of election calculated on the basis
35 of the provision made applicable by the board of supervisors.
36 Except as otherwise provided in this section, the retirement
37 allowance for service rendered prior to the effective date of the
38 election shall be calculated on the basis of the provision or
39 provisions applicable during that period of service and the
40 retirement allowance for service rendered on or after the effective

1 date of the election shall be calculated on the basis of the provision
2 or provisions applicable during that period of service. The total
3 retirement allowance for an employee subject to this section shall
4 be the sum of the retirement allowance calculated for service
5 rendered prior to the effective date of the election and the
6 retirement allowance calculated for service rendered on or after
7 the effective date of the election. Any employee who has made an
8 election shall not be eligible for retirement unless the employee
9 meets the minimum requirements of the provision or provisions
10 applicable at the date of retirement.

11 (6) Any employee who has made an election that the definition
12 of “final compensation” in Section 31462.1 no longer applies, shall
13 have the definition of “final compensation” in Section 31462.1
14 applied to all service rendered prior to the effective date of the
15 election and the definition of “final compensation” in Section
16 31462 applied to all service rendered on or after the effective date
17 of the election. For purposes of applying Section 31835 to a
18 retirement system other than the retirement system in Contra Costa
19 County, the highest average compensation described in this
20 paragraph shall apply.

21 (7) Any employee who has made an election that a cost-of-living
22 adjustment provision of Article 16.5 (commencing with Section
23 31870) no longer applies shall have the cost-of-living adjustment
24 provision, if any, for service rendered prior to the effective date
25 of the election calculated on the basis of the cost-of-living
26 adjustment provision applicable during that period of service. Any
27 cost-of-living adjustment provision specified by the board of
28 supervisors for service rendered after the effective date of the
29 election shall apply solely to that service. A termination of benefits
30 shall be consistent with the memorandum of understanding
31 described in subdivision (b).

32 (8) A current employee who has elected to have the applicability
33 of the provision or provisions terminated may not rescind that
34 election, unless the board of supervisors again makes the particular
35 provision or provisions applicable to the employees who are
36 represented by the Contra Costa County Deputy Sheriffs’
37 Association, through the adoption of a subsequent ordinance or
38 resolution pursuant to a memorandum of understanding as
39 described in Section 3505.1.

1 (9) An election made by a current employee shall be binding
2 upon the employee's spouse and all others claiming benefits under
3 that employee's entitlement.

4 ~~(d) This section shall remain in effect only until January 1, 2012,~~
5 ~~and as of that date is repealed, unless a later enacted statute, that~~
6 ~~is enacted before January 1, 2012, deletes or extends that date. The~~
7 ~~repeal of this section shall have no effect on actions taken under~~
8 ~~this section prior to the repeal of this section.~~

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