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**Introduced by Senator Beall**

December 1, 2014

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Senate Joint Resolution No. 1—Relative to social security.

LEGISLATIVE COUNSEL'S DIGEST

SJR 1, as introduced, Beall. Social security: retirement benefits: public employees.

This measure would request the President and the Congress of the United States to enact the Social Security Fairness Act of 2013, which would repeal the Government Pension Offset and the Windfall Elimination Provisions from the Social Security Act.

Fiscal committee: no.

- 1 WHEREAS, After 1965, California's educators were not allowed  
2 to participate in the federal social security system; and  
3 WHEREAS, Most peace officers and firefighters, and many  
4 other public employees, are not covered by social security; and  
5 WHEREAS, Due to higher contribution rates, the California  
6 State Teachers' Retirement System and the California Public  
7 Employees' Retirement System provide retirees with superior  
8 benefits compared to those provided by the federal social security  
9 system; and  
10 WHEREAS, The State Teachers' Retirement System is not  
11 coordinated with the federal social security system; and  
12 WHEREAS, The benefits of certain members of the Public  
13 Employees' Retirement System and retirement systems established  
14 pursuant to the County Employees Retirement Law of 1937 are  
15 not coordinated with the federal social security system; and

1 WHEREAS, The public safety officers' retirement plans are  
2 uniquely designed to address the special needs of their professions,  
3 including firefighters' unique employment characteristics, such as  
4 the physical demands of the job, which ultimately result in higher  
5 injury rates and permanent disabilities; and

6 WHEREAS, The Social Security Act includes two offsets, the  
7 Government Pension Offset and the Windfall Elimination  
8 Provisions, that reduce the social security benefits payable to  
9 persons who are entitled to benefits under other retirement systems,  
10 under certain conditions which directly controvert the designed  
11 intention of these California public retirement system plans; and

12 WHEREAS, These provisions penalize individuals who move  
13 from private sector employment into teaching, public safety, and  
14 other careers in public service; and

15 WHEREAS, These provisions penalize individuals who earned  
16 social security benefits through their own employment prior to or  
17 after public service by denying earned benefits; and

18 WHEREAS, California has a significant teacher shortage and  
19 requires more than 16,000 new teachers per year to meet enrollment  
20 growth and retirement replacement needs in targeted schools; and

21 WHEREAS, Every child should have the opportunity to have  
22 a highly qualified teacher in his or her classroom, but the Social  
23 Security Act offsets limit the number of fully credentialed teachers  
24 in the classroom by penalizing individuals who change from private  
25 to public employment; and

26 WHEREAS, The recruitment and retention of career firefighters,  
27 peace officers, and other public safety officers from other states,  
28 who are entitled to social security benefits upon retirement, are  
29 also limited and restricted by the existing offsets, thereby making  
30 non-social security covered employment less attractive to those  
31 professionals and, as a result, limiting the number of experienced,  
32 knowledgeable people who might otherwise seek out public safety  
33 careers in California; and

34 WHEREAS, The recruitment and retention of teachers and other  
35 public employees from other states, who are entitled to social  
36 security benefits upon retirement, are also limited and restricted  
37 by these offsets; and

38 WHEREAS, The Social Security Fairness Act of 2013, which  
39 would repeal the Government Pension Offset and the Windfall  
40 Elimination Provisions, is currently before Congress; and

1 WHEREAS, The elimination of the Government Pension Offset  
2 and the Windfall Elimination Provisions would greatly improve  
3 the opportunities for hiring and retaining teachers, peace officers,  
4 firefighters, and other public employees in California; and

5 WHEREAS, The elimination of the Government Pension Offset  
6 and the Windfall Elimination Provisions would provide economic  
7 stimulus across California by providing earned retirement benefits  
8 to public servants in every region of this great state during this  
9 time of economic distress; now, therefore, be it

10 *Resolved by the Senate and the Assembly of the State of*  
11 *California, jointly*, That the Legislature of the State of California  
12 requests the Congress of the United States to support the Social  
13 Security Fairness Act of 2013, which would repeal the Government  
14 Pension Offset and the Windfall Elimination Provisions from the  
15 Social Security Act, and the Legislature of the State of California  
16 further requests President Barack Obama to sign that legislation;  
17 and be it further

18 *Resolved*, That the Secretary of the Senate transmit copies of  
19 this resolution to the President and Vice President of the United  
20 States, to the Speaker of the House of Representatives, the Majority  
21 Leader of the Senate, to each Senator and Representative from  
22 California in the Congress of the United States, and to the author  
23 for appropriate distribution.