

ASSEMBLY BILL

No. 373

Introduced by Assembly Member Morrissey

February 19, 1997

An act to amend Section 24216 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 373, as introduced, Morrissey. School employees retirement.

The State Teachers' Retirement Law authorizes school governing boards to encourage retirements by providing additional service credit and provides that those retired members are subject to post-retirement school employment limitations.

This bill would exempt certain types of post-retirement school employment from that restriction after the person has been retired for one year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24216 of the Education Code is
2 amended to read:
3 24216. (a) (1) A member retired for service who is
4 appointed as a trustee or administrator by the
5 Superintendent of Public Instruction pursuant to Section
6 41320.1, or a member retired for service who is assigned

1 by a county superintendent of schools pursuant to Article
2 2 (commencing with Section 42120) of Chapter 6 of Part
3 24, shall be exempt from subdivisions (d), (e) and (f) of
4 Section 24214 for a maximum period of two years.

5 (2) The period of exemption shall commence on the
6 date the member retired for service is appointed or
7 assigned and shall end no more than two calendar years
8 from that date, after which the limitation specified in
9 subdivisions (d), (e) and (f) of Section 24214 shall apply.

10 (3) An exemption under this subdivision shall be
11 granted by the system providing that the Superintendent
12 of Public Instruction or the county superintendent of
13 schools submits documentation required by the system to
14 substantiate the eligibility of the member retired for
15 service for an exemption under this subdivision.

16 (b) (1) A member retired for service who is
17 employed by an employer to perform creditable service
18 in an emergency situation to fill a vacant administrative
19 position requiring highly specialized skills shall be
20 exempt from the provisions of subdivisions (d), (e) and
21 (f) of Section 24214 for creditable service performed up
22 to one-half of the full-time equivalent for that position, if
23 the vacancy occurred due to circumstances beyond the
24 control of the employer. The limitation specified in
25 subdivisions (d), (e) and (f) of Section 24214 shall apply
26 to creditable service performed beyond the specified
27 exemption.

28 (2) An exemption under this subdivision shall be
29 granted by the system subject to the following conditions:

30 (A) The recruitment process to fill the vacancy on a
31 permanent basis is expected to extend over several
32 months.

33 (B) The employment is reported in a public meeting
34 of the governing body.

35 (C) The employer submits documentation required
36 by the system to substantiate the eligibility of the
37 member retired for service for an exemption under this
38 subdivision.



1 (c) This section shall not apply to any person who has
2 received additional service credit pursuant to Section
3 ~~22714~~, 22715, or 22716.

4 (d) *A person who has received additional service*
5 *credit pursuant to Section 22714 shall be ineligible for one*
6 *year from the effective date of retirement for the*
7 *exemption provided in this section for work performed in*
8 *the district from which he or she retired.*

9 (e) This section shall become operative on July 1, 1995,
10 and shall remain in effect only until July 1, 2000, and as of
11 that date is repealed, unless a later enacted statute, which
12 is enacted before July 1, 2000, deletes or extends that date.

