

AMENDED IN ASSEMBLY APRIL 15, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1102**

---

---

**Introduced by Assembly Member Knox**

February 27, 1997

---

---

An act to amend Sections 22717 and 22719 of the Education Code, and to amend Section 20963 of, and to add Section 20837 to, the Government Code, relating to public employers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Knox. Public employees retirement.

(1) The State Teachers' Retirement Law provides for service credit at retirement for unused sick leave for persons who were members prior to July 1, 1980.

This bill would make that benefit applicable to any member who retires on or after January 1, 1998.

(2) The Public Employees' Retirement Law provides that state, school, and school safety members receive, at retirement, service credit for unused sick leave. The benefit is inapplicable to persons who became school or school safety members on or after July 1, 1980.

This bill would make that benefit applicable to school members who retire on or after January 1, 1998. The bill would require their employers to make additional contributions fixed and determined by the board of administration.

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 22717 of the Education Code is  
2 amended to read:

3 22717. (a) A member shall be granted credit at  
4 service retirement for each day of accumulated and  
5 unused leave of absence for illness or injury for which full  
6 salary is allowed to which the member was entitled on the  
7 member’s final day of employment with the employer by  
8 which the member was last employed to perform  
9 creditable service subject to coverage by the plan.

10 (b) The amount of service credit to be granted shall be  
11 determined by dividing the number of days of  
12 accumulated and unused leave of absence for illness or  
13 injury by the number of days of service the employer  
14 requires the member’s class of employees to perform in  
15 a school year during the member’s final year of creditable  
16 service subject to coverage by the plan, which shall not  
17 be less than the minimum standard specified in Section  
18 22138.5. In no event shall the divisor be less than 175.

19 (c) When the member has made application for  
20 service retirement under this part, the employer shall  
21 certify to the board, within 30 days following the effective  
22 date of the member’s service retirement, the number of  
23 days of accumulated and unused leave of absence for  
24 illness or injury that the member was entitled to on the  
25 final day of employment. The board may assess a penalty  
26 on delinquent reports.

27 (d) This section shall be applicable to any member  
28 who retires on or after January 1, 1998.

29 SEC. 2. Section 22719 of the Education Code is  
30 amended to read:

31 22719. If the allowance of a retired member is  
32 terminated, the employer shall not restore sick leave days  
33 for which service credit was granted at retirement.

34 SEC. 3. Section 20837 is added to the Government  
35 Code, to read:

36 20837. Each school employer and each contracting  
37 agency that is a school district, on account of liability for  
38 the benefits provided by Section 20963, as amended



1 January 1, 1998, shall make contributions in addition to  
2 those otherwise specified in this chapter in amounts to be  
3 fixed and determined by the board.

4 ~~SEC. 4. Section 20963 of the Government Code is~~  
5 ~~amended to read:~~

6 ~~20963. A state, school, or school safety member, whose~~  
7 ~~effective date of retirement is within four months of~~  
8 ~~separation from employment with the employer subject~~  
9 ~~to this section that granted the sick leave credit, shall be~~  
10 ~~credited at his or her retirement with 0.004 year of service~~  
11 ~~credit for each unused day of sick leave certified to the~~  
12 ~~board by the employer. The certification shall report only~~  
13 ~~those days of unused sick leave that were accrued by the~~  
14 ~~member during the normal course of his or her~~  
15 ~~employment and shall not include any additional days of~~  
16 ~~sick leave reported for the purpose of increasing the~~  
17 ~~member's retirement benefit. Reports of unused days of~~  
18 ~~sick leave shall be subject to audit and retirement benefits~~  
19 ~~may be adjusted where improper reporting is found.~~

20 ~~Until receipt of certification from an employer~~  
21 ~~concerning unused sick leave, the board may pay an~~  
22 ~~estimated allowance pursuant to this section. At the time~~  
23 ~~of receipt of the certification, the allowance shall be~~  
24 ~~adjusted to reflect any necessary changes.~~

25 ~~For the purposes of this section, sick leave benefits~~  
26 ~~provided to state employees pursuant to the state sick~~  
27 ~~leave system shall be construed to mean compensation~~  
28 ~~paid to employees on approved leaves of absence on~~  
29 ~~account of sickness.~~

30 ~~This section shall not apply to school safety members~~  
31 ~~who were employed on or after July 1, 1980.~~

32 ~~This section shall be applicable to school members who~~  
33 ~~retire on or after January 1, 1998.~~

34 ~~SEC. 4. Section 20963 of the Government Code is~~  
35 ~~amended to read:~~

36 ~~20963. A state, school, or school safety member, whose~~  
37 ~~effective date of retirement is within four months of~~  
38 ~~separation from employment with the employer subject~~  
39 ~~to this section that granted the sick leave credit, shall be~~  
40 ~~credited at his or her retirement with 0.004 year of service~~



1 credit for each unused day of sick leave certified to the  
 2 board by the employer. The certification shall report only  
 3 those days of unused sick leave that were accrued by the  
 4 member during the normal course of his or her  
 5 employment and shall not include any additional days of  
 6 sick leave reported for the purpose of increasing the  
 7 member's retirement benefit. Reports of unused days of  
 8 sick leave shall be subject to audit and retirement benefits  
 9 may be adjusted where improper reporting is found.

10 Until receipt of certification from an employer  
 11 concerning unused sick leave, the board may pay an  
 12 estimated allowance pursuant to this section. At the time  
 13 of receipt of the certification, the allowance shall be  
 14 adjusted to reflect any necessary changes.

15 Notwithstanding any other provisions of this part, this  
 16 section shall not apply to local members other than local  
 17 miscellaneous members employed before July 1, 1980, by  
 18 a school district that is a contracting agency or those  
 19 school safety members employed before July 1, 1980, by  
 20 a contracting agency that is a school district or  
 21 community college district, as defined in subdivision (i)  
 22 of Section 20057.

23 This section shall not be applicable to any person who  
 24 becomes a school member on and after July 1, 1980, and  
 25 any person who becomes a local member employed, on  
 26 and after July 1, 1980, by a school district that is a  
 27 contracting agency whether or not the person was ever  
 28 a school member or local member prior to that date.

29 For the purposes of this section, sick leave benefits  
 30 provided to state employees pursuant to the state sick  
 31 leave system shall be construed to mean compensation  
 32 paid to employees on approved leaves of absence on  
 33 account of sickness.

34 *This section shall not apply to school safety members*  
 35 *who were employed on or after July 1, 1980, and who*  
 36 *retired prior to January 1, 1998.*

37 *This section shall be applicable to school members who*  
 38 *retire on or after January 1, 1998.*

O

