

AMENDED IN SENATE JUNE 3, 1997  
AMENDED IN SENATE APRIL 23, 1997  
AMENDED IN SENATE MARCH 17, 1997

**SENATE BILL**

**No. 227**

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**Introduced by Senator Solis**

January 30, 1997

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An act to amend Section 22509 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Solis. Community colleges: officers and employees.

Existing law permits members of the Public Employees' Retirement System and the State Teachers' Retirement System who are subsequently employed in a position requiring membership in the other system to, upon an election made within 60 days in writing, remain in their initial retirement system.

This bill would permit certain State Teachers' Retirement System and Public Employees' Retirement System members subsequently employed by specified state agencies in positions that would require the individual to become a member of a different retirement system, to elect coverage in either system within 60 days, in writing.

The bill would also permit the Board of Governors of the California Community Colleges and a community college

district or publicly funded community college organization to enter into an agreement for the loan or assignment of an employee to or from the chancellor’s office, in accordance with specified conditions.

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 22508.5 is added to the  
 2 Education Code, to read:  
 3 ~~22508.5. (a) Any member employed by a community~~  
 4 ~~college district, school district, or county~~  
 5 ~~superintendent’s office, who subsequently is employed~~  
 6 ~~by any of the following state agencies involved with~~  
 7 ~~educational policy, to perform service that requires~~  
 8 ~~membership in the Public Employees’ Retirement~~  
 9 ~~System, may elect to have that service subject to coverage~~  
 10 ~~by this plan and excluded from coverage by the Public~~  
 11 ~~Employees’ Retirement System. The election shall be~~  
 12 ~~made in writing, on a form prescribed by this system,~~  
 13 ~~within 60 days from the date of hire in the position~~  
 14 ~~requiring membership in the Public Employees’~~  
 15 ~~Retirement System. If that election is made, service~~  
 16 ~~performed for any of the following agencies after the date~~  
 17 ~~of hire shall be considered creditable service for purposes~~  
 18 ~~of this part:~~  
 19 (1) The State Department of Education.  
 20 (2) The Community College Chancellor’s office.  
 21 (3) The California Postsecondary Education  
 22 Commission.  
 23 (4) The California Council on Private Postsecondary  
 24 Vocational Education.  
 25 (5) The Commission on Teacher Credentialing.  
 26 (6) The Student Aid Commission.  
 27 (b) Any member of the Public Employees’  
 28 Retirement System who is employed by the Board of  
 29 Governors of the California Community Colleges who  
 30 subsequently is employed by a community college district  
 31 to perform creditable service subject to coverage by this



1 ~~plan, may elect to have that service subject to coverage~~  
2 ~~by the Public Employees' Retirement System and~~  
3 ~~excluded from coverage by this plan. The election shall be~~  
4 ~~made in writing on a form prescribed by this system~~  
5 ~~within 60 days from the date of hire to perform creditable~~  
6 ~~service. If that election is made, creditable service~~  
7 ~~performed for the community college district after the~~  
8 ~~date of hire shall be subject to coverage by the Public~~  
9 ~~Employees' Retirement System.~~

10 ~~(e) This section shall apply to changes in employment~~  
11 ~~effective on or after January 1, 1998.~~

12 22508.5. (a) *A member employed by a community*  
13 *college district, school district, or county*  
14 *superintendent's office, who subsequently is employed*  
15 *by a state agency involved with educational policy, to*  
16 *perform service subject to coverage by the Public*  
17 *Employees' Retirement System, shall retain coverage by*  
18 *this plan for that service if all of the following conditions*  
19 *are met:*

20 (1) *The member becomes employed by any of the*  
21 *following entities:*

22 (A) *The State Department of Education.*

23 (B) *The Community College Chancellor's office.*

24 (C) *The California Postsecondary Education*  
25 *Commission.*

26 (D) *The California Council on Private Postsecondary*  
27 *Vocational Education.*

28 (E) *The Commission on Teacher Credentialing.*

29 (F) *The Student Aid Commission.*

30 (2) *The member has the minimum number of years of*  
31 *credited service required for eligibility to retire for*  
32 *service pursuant to paragraph (1) of subdivision (a) of*  
33 *Section 24201 or subdivision (a) of Section 24203.*

34 (3) *The time that will elapse between the date the*  
35 *member's change in employment is effective and the*  
36 *date the member reaches early retirement age is less than*  
37 *the time required to accrue the minimum number of*  
38 *years of service statutorily required for eligibility to retire*  
39 *for service under the Public Employees' Retirement*  
40 *System.*



1 (4) An election to retain coverage under the Defined  
2 Benefit Plan is submitted in writing by the member to the  
3 State Teachers' Retirement System on a form prescribed  
4 by the system, and a copy of the election is submitted to  
5 the Public Employees' Retirement System, within 60 days  
6 of the date the member's change in employment is  
7 effective.

8 (b) A member of the Public Employees' Retirement  
9 System who is employed by the Board of Governors of the  
10 California Community Colleges who subsequently is  
11 employed by a community college district to perform  
12 creditable service subject to coverage by this plan, may  
13 elect to have that service subject to coverage by the  
14 Public Employees' Retirement System and excluded  
15 from coverage by this plan pursuant to Section 20309 of  
16 the Government Code.

17 (c) This section shall apply to changes in employment  
18 effective on or after January 1, 1998.

19 SEC. 2. Section 22509 of the Education Code is  
20 amended to read:

21 22509. (a) Within 10 working days of the date of hire  
22 of an employee who has the right to make an election  
23 pursuant to Section 22508 or 22508.5, the employer shall  
24 inform the employee of the right to make an election and  
25 shall make available to the employee written information  
26 provided by each retirement system concerning the  
27 benefits provided under that retirement system to assist  
28 the employee in making an election.

29 (b) Any election made pursuant to subdivision (a) of  
30 Section 22508 or subdivision (a) of Section 22508.5 shall be  
31 filed with the office of the State Teachers' Retirement  
32 System and a copy of the election shall be filed with the  
33 other public retirement system. Any election made  
34 pursuant to subdivision (b) of Section 22508 or  
35 subdivision (b) of Section 22508.5 shall be filed with the  
36 office of the Public Employees' Retirement System and  
37 a copy of the election shall be filed with the office of this  
38 system.

39 (c) Any election made pursuant to Section 22508 or  
40 Section 22508.5 shall become effective as of the first day



1 of employment in the position that qualified the  
2 employee to make an election.

3 SEC. 3. Section 70905 is added to the Education Code,  
4 to read:

5 70905. (a) The Board of Governors of the California  
6 Community Colleges may enter into an agreement with  
7 any district or publicly funded organization within the  
8 California Community Colleges for the loan or temporary  
9 assignment to the board of governors of a person  
10 employed by any district or publicly funded community  
11 college organization within the system. The temporary  
12 assignment or loan of that employee shall not exceed two  
13 years, except that an extension of two years shall be  
14 authorized when the board of governors finds it necessary  
15 to meet a compelling program or management need. Any  
16 temporary loan or assignment shall be made only with the  
17 consent of the employee, under the terms and conditions  
18 agreeable to the employee.

19 (b) The board of governors may enter into an  
20 agreement within any community college district for the  
21 loan or temporary assignment of an employee of the  
22 chancellor's office to any district within the system. The  
23 temporary assignment or loan of that employee shall not  
24 exceed two years, except that an extension of two years  
25 shall be authorized when the district and the board of  
26 governors find it necessary to meet a compelling program  
27 or management need of the district, or a compelling  
28 training need for the board of governors. Any temporary  
29 loan or assignment shall be made only with the consent  
30 of the employee, under the terms and conditions  
31 agreeable to the employee.

32 SEC. 4. Section 20309 is added to the Government  
33 Code, to read:

34 ~~20309. Any person who is a member of the Public  
35 Employees' Retirement System employed by the Board  
36 of Governors of the California Community Colleges who  
37 subsequently is employed by a community college district  
38 to perform service subject to coverage by a different  
39 public retirement system, may elect in writing to have  
40 that service subject to coverage by the other public~~



~~1 retirement system and excluded from coverage by the  
2 Public Employees' Retirement System. The election shall  
3 be filed in the office of the Public Employees' Retirement  
4 System, and a copy of the election shall be filed in the  
5 office of the other public retirement system, within 60  
6 days after the person's entry into the new position, to  
7 have that service subject to coverage by the Public  
8 Employees' Retirement System and excluded from  
9 coverage by the other public retirement system.~~

~~10 This section shall apply to changes in employment  
11 effected on or after January 1, 1998.~~

*12 20309. (a) A member of the Public Employees'  
13 Retirement System who is employed by the Board of  
14 Governors of the California Community Colleges and  
15 who subsequently is employed by a community college  
16 district to perform service subject to coverage by the  
17 State Teachers' Retirement System, shall retain coverage  
18 by the Public Employees' Retirement System for that  
19 service if all of the following conditions are met:*

*20 (1) The member is credited with the minimum years  
21 of service required for retirement pursuant to Sections  
22 21060 or 21074, whichever is applicable.*

*23 (2) The time that will elapse between the date the  
24 member's change in employment is effective and the  
25 date the member will attain the minimum age required  
26 for retirement pursuant to Sections 21060 or 21074,  
27 whichever is applicable, is less than the time required to  
28 accrue the minimum number of years of service required  
29 for retirement under the State Teachers' Retirement  
30 System.*

*31 (3) An election to retain coverage under the Public  
32 Employees' Retirement System is submitted in writing by  
33 the member to the Public Employees' Retirement  
34 System on a form prescribed by the system, and a copy of  
35 the election is submitted to the State Teachers'  
36 Retirement System, within 60 days of the date the  
37 member's change in employment is effective.*



1     *(b) This section shall apply to changes in employment*  
2     *effective on or after January 1, 1998.*

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