

ASSEMBLY BILL

No. 264

Introduced by Assembly Member Mullin

February 4, 2003

An act to amend Sections 31496.3 and 31625.2 of, and to add Section 31497.1 to, the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 264, as introduced, Mullin. County employees' retirement: San Mateo County.

(1) The County Employees Retirement Law of 1937 establishes an alternative retirement plan, known as Retirement Plan 3, for employees of the retirement system in San Mateo County and provides that a member of that plan, whose employment is terminated and who is subsequently reemployed, may receive service credit for that prior service only if he or she is reemployed within 2 years.

Under this bill, a member of that plan would receive service credit for that prior service irrespective of the time of reemployment.

(2) Under the County Employees Retirement Law of 1937, members of the retirement system in San Bernardino County with 30 years' of continuous service are exempt from salary deductions for contributions to the retirement system.

This bill would also exempt members of the retirement system in San Mateo County with 30 years' of continuous service from those deductions.

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 31496.3 of the Government Code is
2 amended to read:

3 31496.3. Unless the context otherwise requires, the
4 definitions contained in this section govern the construction of this
5 article.

6 (a) "Board" means the board of retirement.

7 (b) "Employer" means the county or district or agency whose
8 employees are members of the retirement system of the county.

9 (c) "Federal system" means the Old Age and Survivors
10 Insurance provisions of the Social Security Act.

11 (d) "Final compensation" means the average annual
12 compensation earnable by a general member during any three
13 years, whether or not consecutive, elected by the member at or
14 before the time an application for retirement is filed or, if no
15 election is made, during the three years in which the member or
16 former member last earned compensation preceding retirement. If
17 a member or former member has less than three years of service,
18 final compensation shall be determined by dividing total
19 compensation by the number of months of service credited to the
20 member or former member and multiplying by 12. ~~In no event~~
21 ~~shall final~~ *Final compensation does not* include any disability
22 benefits received by the member or former member under a
23 disability plan provided by the employer.

24 (e) "Member" or "general member" means an employee
25 hired on a permanent basis, as defined by the employer, except an
26 employee eligible for safety membership.

27 (f) "Primary insurance amount" means the monthly retirement
28 benefit payable under the federal system at the age of 65 years.

29 (g) "Service" means the period of uninterrupted employment
30 of a member and the time in which a member or former member
31 (1) is totally disabled, and (2) is receiving disability benefits or is
32 eligible to receive disability benefits either during or after any
33 elimination or qualifying period, under a disability plan provided
34 by the employer.

35 Except as otherwise herein provided, a member ~~shall~~ *may* not
36 be credited with service for any period of time in which the
37 member is absent from work without pay.



1 Unless otherwise provided, service ~~shall~~ *does* not include
2 military service or public service other than service with the
3 employer.

4 ~~Notwithstanding any other provision of this chapter, a member~~
5 ~~who has elected or transferred to the plan created by this article and~~
6 ~~who is terminated for any reason and is later reemployed shall~~
7 ~~receive credit at retirement for his or her service rendered prior to~~
8 ~~termination if the reemployment occurs within two years of~~
9 ~~termination.~~

10 SEC. 2. Section 31497.1 is added to the Government Code, to
11 read:

12 31497.1. A member who has elected or transferred to the plan
13 created by this article and whose employment is terminated for any
14 reason and who is later reemployed shall receive credit at
15 retirement for his or her service rendered prior to the first
16 termination of employment.

17 SEC. 3. Section 31625.2 of the Government Code is amended
18 to read:

19 31625.2. ~~(a)~~ Notwithstanding any other provisions of this
20 chapter, ~~contributions shall~~:

21 (a) *Contributions may* not be deducted from the salary of any
22 member having credit for 30 years' service ~~providing if~~ the
23 member was a member on March 7, 1973, and remained in
24 membership continuously until credited with 30 years' service.

25 (b) ~~Notwithstanding subdivision (a), contributions shall~~
26 *Contributions may* not be deducted from the salary of any member
27 having credit for 30 years' of continuous service in the retirement
28 association of a county of the seventh class as established by
29 Sections 28020 and 28028 *or a county of the 10th class as*
30 *established by Sections 28020 and 28031.*

