

Introduced by Senator Hancock

(Coauthors: Senators Correa, De León, Dutton, Evans, and Pavley)

(Coauthors: Assembly Members Ammiano, Blumenfield, Buchanan, Huffman, Ma, Perea, John A. Pérez, Silva, and Wieckowski)

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Senate Joint Resolution No. 30—Relative to social security.

LEGISLATIVE COUNSEL'S DIGEST

SJR 30, as introduced, Hancock. 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 2011, which would repeal the Government Pension Offset and the Windfall Elimination Provision 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

1 pursuant to the County Employees Retirement Law of 1937 are
2 not coordinated with the federal social security system; and

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

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

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

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

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

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

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

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

1 WHEREAS, The Social Security Fairness Act of 2011, which
2 would repeal the Government Pension Offset and the Windfall
3 Elimination Provision, is currently before Congress; and

4 WHEREAS, The elimination of the Government Pension Offset
5 and the Windfall Elimination Provision would greatly improve the
6 opportunities for hiring and retaining teachers, peace officers,
7 firefighters, and other public employees in California; and

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

13 *Resolved by the Senate and the Assembly of the State of*
14 *California, jointly,* That the Legislature of the State of California
15 requests the Congress of the United States to support the Social
16 Security Fairness Act of 2011, which would repeal the Government
17 Pension Offset and the Windfall Elimination Provision from the
18 Social Security Act, and the Legislature of the State of California
19 further requests President Barack Obama to sign that legislation;
20 and be it further

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