

AMENDED IN SENATE APRIL 4, 2000
AMENDED IN SENATE MARCH 27, 2000
AMENDED IN SENATE AUGUST 16, 1999
AMENDED IN SENATE JUNE 22, 1999
AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 141

Introduced by Assembly Member Knox
(Coauthor: Assembly Member Kuehl)

January 11, 1999

An act to amend, *repeal, add, and repeal* Section 24216 of the Education Code, relating to state teachers' retirement, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 141, as amended, Knox. State teachers' retirement: postretirement earnings.

Under the State Teachers' Retirement Law, the service retirement allowance of a retired member shall be reduced if the member's postretirement compensation from specified activities exceeds a certain dollar amount; however, creditable service performed by a retired member in an emergency situation to fill a vacant administrative position is exempt from the calculation of that earnings limitation in specified circumstances.

This bill would expand that exemption, as specified, operative as ~~specified~~ of July 1, 1999, until January 1, 2001.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~—²/₃. 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 under
4 this part who is appointed as a trustee or administrator by
5 the Superintendent of Public Instruction pursuant to
6 Section 41320.1, or a member retired for service who is
7 assigned by a county superintendent of schools pursuant
8 to Article 2 (commencing with Section 42120) of Chapter
9 6 of Part 24, shall be exempt from subdivisions (d), (e),
10 and (f) of Section 24214 for a maximum period of two
11 years.

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

17 (3) An exemption under this subdivision shall be
18 granted by the system providing that the Superintendent
19 of Public Instruction or the county superintendent of
20 schools submits documentation required by the system to
21 substantiate the eligibility of the member retired for
22 service for an exemption under this subdivision.

23 (b) (1) A member retired for service under this part
24 who is employed by an employer to perform creditable
25 service in an emergency situation to fill a vacant
26 administrative position requiring highly specialized skills
27 shall be exempt from the provisions of subdivisions (d),
28 (e) and (f) of Section 24214 for creditable service
29 performed up to one-half of the full-time equivalent for
30 that position, if the vacancy occurred due to
31 circumstances beyond the control of the employer. The



1 limitation specified in subdivisions (d), (e), and (f) of
2 Section 24214 shall apply to creditable service performed
3 beyond the specified exemption.

4 (2) A member described in paragraph (1) may be
5 exempt from the provisions of subdivisions (d), (e), and
6 (f) of Section 24214 for up to an additional one-half of the
7 full-time equivalent for the same position, provided
8 neither the member or any other member has ever
9 received an exemption pursuant to this paragraph for the
10 same position and the employer has satisfied the
11 requirements of subparagraph (D) of paragraph (3).

12 (3) An exemption under this subdivision shall be
13 granted by the system subject to the following conditions:

14 (A) The recruitment process to fill the vacancy on a
15 permanent basis is expected to extend over several
16 months.

17 (B) The employment is reported in a public meeting
18 of the governing body of the employer.

19 (C) The employer submits documentation required
20 by the system to substantiate the eligibility of the
21 member retired for service for an exemption under this
22 subdivision.

23 (D) For exemption requests under paragraph (2), the
24 employer shall submit documentation to substantiate the
25 unsuccessful attempts to permanently fill the position
26 while the position was occupied by a retired member
27 under paragraph (1) and that the vacancy continues to
28 exist due to circumstances beyond the control of the
29 employer.

30 (c) This section shall not apply to any person who has
31 received additional service credit pursuant to Section
32 22715 or 22716.

33 (d) A person who has received additional service
34 credit pursuant to Section 22714 shall be ineligible for one
35 year from the effective date of retirement for the
36 exemption provided in this section for service performed
37 in the district from which he or she retired.

38 (e) The amendments to this section enacted during
39 the 1999–2000 Regular Session shall be deemed to



1 authorize exemptions pursuant to paragraph (2) of
2 subdivision (b) on and after July 1, 1999.

3 (f) This section shall become operative on July 1, 1995,
4 and shall remain in effect only until ~~July 1, 2003~~ *January*
5 *1, 2001*, and as of that date is repealed, unless a later
6 enacted statute, which is enacted before ~~July 1, 2003~~
7 *January 1, 2001*, deletes or extends that date.

8 *SEC. 2. Section 24216 is added to the Education Code,*
9 *to read:*

10 *24216. (a) (1) A member retired for service under*
11 *this part who is appointed as a trustee or administrator by*
12 *the Superintendent of Public Instruction pursuant to*
13 *Section 41320.1, or a member retired for service who is*
14 *assigned by a county superintendent of schools pursuant*
15 *to Article 2 (commencing with Section 42120) of Chapter*
16 *6 of Part 24, shall be exempt from subdivisions (d), (e),*
17 *and (f) of Section 24214 for a maximum period of two*
18 *years.*

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

24 *(3) An exemption under this subdivision shall be*
25 *granted by the system providing that the Superintendent*
26 *of Public Instruction or the county superintendent of*
27 *schools submits documentation required by the system to*
28 *substantiate the eligibility of the member retired for*
29 *service for an exemption under this subdivision.*

30 *(b) (1) A member retired for service under this part*
31 *who is employed by an employer to perform creditable*
32 *service in an emergency situation to fill a vacant*
33 *administrative position requiring highly specialized skills*
34 *shall be exempt from the provisions of subdivisions (d),*
35 *(e) and (f) of Section 24214 for creditable service*
36 *performed up to one-half of the full-time equivalent for*
37 *that position, if the vacancy occurred due to*
38 *circumstances beyond the control of the employer. The*
39 *limitation specified in subdivisions (d), (e), and (f) of*



1 Section 24214 shall apply to creditable service performed
2 beyond the specified exemption.

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

5 (A) The recruitment process to fill the vacancy on a
6 permanent basis is expected to extend over several
7 months.

8 (B) The employment is reported in a public meeting
9 of the governing body of the employer.

10 (C) The employer submits documentation required
11 by the system to substantiate the eligibility of the
12 member retired for service for an exemption under this
13 subdivision.

14 (c) This section shall not apply to any person who has
15 received additional service credit pursuant to Section
16 22715 or 22716.

17 (d) A person who has received additional service
18 credit pursuant to Section 22714 shall be ineligible for one
19 year from the effective date of retirement for the
20 exemption provided in this section for service performed
21 in the district from which he or she retired.

22 (e) This section shall become operative on January 1,
23 2001, and shall remain in effect only until July 1, 2003, and
24 as of that date is repealed, unless a later enacted statute,
25 which is enacted before July 1, 2003, deletes or extends
26 that date.

27 SEC. 3. This act is an urgency statute necessary for
28 the immediate preservation of the public peace, health,
29 or safety within the meaning of Article IV of the
30 Constitution and shall go into immediate effect. The facts
31 constituting the necessity are:

32 In order to enhance the ability of school districts to fill
33 vacant administrative positions requiring highly
34 specialized skills in emergency situations, it is necessary
35 that this act take effect immediately.

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