

AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 816**

**Introduced by Committee on Public Employees, Retirement and Social Security (Correa (Chair), Firebaugh, Honda, Knox, and Pescetti)**

February 24, 1999

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~~An act relating to state employees, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 22138.5 and 24410.5 of the Education Code, relating to state teachers' retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 816, as amended, Committee on Public Employees, Retirement and Social Security. State employees: ~~memoranda of understanding~~ *Teachers' Retirement System.*

*The State Teachers' Retirement Law defines "full time" for purposes of calculating creditable service for service retirement benefits. Existing law also prescribes minimum annual allowances payable to a retired member; an option beneficiary, or a surviving spouse receiving specified death benefits.*

*This bill would make technical changes to those provisions.*

~~Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of~~

~~understanding shall not become effective unless approved by the Legislature in the annual Budget Act.~~

~~This bill would approve provisions that require the expenditure of funds of unspecified memoranda of understanding entered into between the state employer and specified employee organizations, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.~~

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

Vote: <sup>2</sup>/<sub>3</sub> 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.—The Legislature finds and declares that~~  
2     SECTION 1. *Section 22138.5 of the Education Code is*  
3     *amended to read:*  
4     22138.5. (a) “Full time” means the days or hours of  
5     creditable service the employer requires to be performed  
6     by a class of employees in a school year in order to earn  
7     the compensation earnable as defined in Section 22115  
8     and specified under the terms of a collective bargaining  
9     agreement or employment agreement. For the purpose  
10    of crediting service under this part, “full time” shall not  
11    be less than the minimum standards specified in this  
12    section.  
13    (b) The minimum standard for full time in  
14    kindergarten through grade 12 shall be:  
15    (1) One hundred seventy-five days per year or 1,050  
16    hours per year, except as provided in paragraphs (2) and  
17    (3).  
18    (2) (A) One hundred ninety days per year or 1,520  
19    hours per year for all principals and program managers,  
20    including advisers, coordinators, consultants, and  
21    developers or planners of curricula, instructional



1 materials, or programs, and for administrators, except as  
2 provided in subparagraph (B).

3 (B) Two hundred fifteen days per year or 1,720 hours  
4 per year including school and legal holidays pursuant to  
5 the policy adopted by the employer's governing board for  
6 administrators at a county office of education.

7 (3) One thousand fifty hours per year for teachers in  
8 adult education programs.

9 (c) The minimum standard for full time in community  
10 colleges shall be:

11 (1) One hundred seventy-five days per year or 1,050  
12 hours per year, except as provided in paragraphs (2), (3),  
13 (4), (5), and (6). Full time shall include time for duties  
14 the employer requires to be performed as part of the  
15 full-time assignment for a particular class of employees.

16 (2) One hundred ninety days per year or 1,520 hours  
17 per year for all program managers and for administrators,  
18 except as provided in paragraph (3).

19 (3) Two hundred fifteen days per year or 1,720 hours  
20 per year including school and legal holidays pursuant to  
21 the policy adopted by the employer's governing board for  
22 administrators at a district office.

23 (4) One hundred seventy-five days per year or 1,050  
24 hours per year for all counselors and librarians.

25 (5) Five hundred twenty-five instructional hours per  
26 *school* year for all instructors employed on a part-time  
27 basis, *except instructors specified in paragraph (6)*. If an  
28 instructor receives compensation for office hours  
29 pursuant to Article 10 (commencing with Section 87880)  
30 of Chapter 3 of Part 51, then the minimum standard  
31 established herein shall be increased appropriately by the  
32 number of office hours required annually for the class of  
33 employees.

34 (6) Eight hundred seventy-five instructional hours per  
35 *school* year for all ~~adult-education~~ instructors *employed*  
36 *in adult education programs*. If an instructor receives  
37 compensation for office hours pursuant to Article 10  
38 (commencing with Section 87880) of Chapter 3 of Part 51,  
39 then the minimum standard established herein shall be



1 increased appropriately by the number of office hours  
2 required annually for the class of employees.

3 (d) The board shall have final authority to determine  
4 full time for purposes of crediting service under this part  
5 if full time is not otherwise specified herein.

6 *SEC. 2. Section 24410.5 of the Education Code is*  
7 *amended to read:*

8 24410.5. (a) Notwithstanding any provision of this  
9 part, including, but not limited to, subdivision (e) of  
10 Section 22664, the annual allowance payable on the  
11 effective date of this section to a retired member, an  
12 option beneficiary, or a surviving spouse receiving an  
13 allowance pursuant to either Section 23805 or 23855 shall  
14 not be less than the amount identified in the following  
15 schedule for the number of years of the member's  
16 credited service under the Defined Benefit Program at  
17 the time of the member's retirement, disability, or death,  
18 excluding service credited pursuant to Sections 22714,  
19 22715, 22717 and 22826, after the application of all  
20 allowances and allowance increases authorized by this  
21 part, including those specified in Sections 24412 and  
22 24415, as those sections read on December 31, 1999,  
23 excluding annuities payable from the accumulated  
24 annuity deposit contributions or the accumulated  
25 tax-sheltered annuity contributions, ~~and excluding those~~  
26 ~~provided pursuant to Section 24410.7:~~

27		
28	20 years of credited service .....	\$15,000
29	21 years of credited service .....	\$15,500
30	22 years of credited service .....	\$16,000
31	23 years of credited service .....	\$16,500
32	24 years of credited service .....	\$17,000
33	25 years of credited service .....	\$17,500
34	26 years of credited service .....	\$18,000
35	27 years of credited service .....	\$18,500
36	28 years of credited service .....	\$19,000
37	29 years of credited service .....	\$19,500
38	30 years or more of credited service .....	\$20,000

39



1 (b) Notwithstanding subdivision (a), the amount  
2 identified in the schedule in subdivision (a) shall be  
3 reduced:

4 (1) By 50 percent for a beneficiary receiving an  
5 allowance under Option 3 or Option 7.

6 (2) By one-third for an option beneficiary receiving an  
7 allowance under Option 4 after the death of the member  
8 or for a member receiving an allowance under Option 4  
9 after the death of the option beneficiary.

10 (3) By 50 percent for an option beneficiary receiving  
11 an allowance under Option 5 after the death of the  
12 member or for a member receiving an allowance under  
13 Option 5 after the death of the option beneficiary.

14 (4) By a percentage equal to 100 percent minus the  
15 percentage of the member's modified allowance  
16 received by the option beneficiary for each option  
17 beneficiary receiving an allowance under Option 8.

18 (5) By 60 percent for a surviving spouse receiving an  
19 allowance pursuant to subdivision (a) of Section 23805.

20 (6) By 50 percent for a surviving spouse receiving an  
21 allowance pursuant to subdivision (c) of Section 23805 or  
22 Section 23855.

23 (c) A member to whom a disability allowance is  
24 payable on January 1, 2000, who subsequently receives a  
25 service retirement allowance pursuant to Section 24213  
26 shall, upon the retirement for service, receive an increase  
27 in the service retirement allowance pursuant to this  
28 section.

29 (d) A member, beneficiary, or surviving spouse may  
30 receive an allowance pursuant to this section only if the  
31 member was an active member at the time of the  
32 member's retirement, or death and, for those members  
33 who retired for service, the member retired on or after  
34 age 55, unless the member's allowance was not subject to  
35 a reduction due to retirement prior to an age specified in  
36 this part.

37 (e) A retired member, option beneficiary, or surviving  
38 spouse subject to this section shall receive the annual  
39 minimum allowance pursuant to this section unless the  
40 system receives in writing, on a form prescribed by the



1 system, notification from the member, option  
2 beneficiary, or surviving spouse before May 1, 2000, of his  
3 or her election not to receive the increase provided under  
4 this section.

5 (f) Benefits payable under this section shall be initially  
6 paid by the system on July 1, 2000.

7 *SEC. 3. Any section of any act enacted by the*  
8 *Legislature during the 2000 calendar year that takes*  
9 *effect on or before January 1, 2001, and that amends,*  
10 *amends and renumbers, adds, repeals and adds, or repeals*  
11 *a section that is amended, amended and renumbered,*  
12 *repealed and added, or repealed by this act, shall prevail*  
13 *over this act, whether that act is enacted prior to, or*  
14 *subsequent to, the enactment of this act. The repeal, or*  
15 *repeal and addition, of any article, chapter, part, title, or*  
16 *division of any code by this act shall not become operative*  
17 *if any section of any other act that is enacted by the*  
18 *Legislature during the 2000 calendar year and takes effect*  
19 *on or before January 1, 2001, amends, amends and*  
20 *renumbers, adds, repeals and adds, or repeals any section*  
21 *contained in that article, chapter, part, title, or division.*

22 ~~the purpose of this bill is to adopt agreements pursuant~~  
23 ~~to Section 3517 of the Government Code entered into by~~  
24 ~~the state employer and recognized employee~~  
25 ~~organizations to make any necessary statutory changes in~~  
26 ~~health, retirement, salary, or other benefits.~~

27 ~~SEC. 2. The provisions of the following memoranda of~~  
28 ~~understanding prepared pursuant to Section 3517.5 of the~~  
29 ~~Government Code and entered into by the state~~  
30 ~~employer and the following employee organizations, and~~  
31 ~~requiring the expenditure of funds, are hereby approved~~  
32 ~~for the purposes of Section 3517.6 of the Government~~  
33 ~~Code:~~

34 ~~(a) Unit 2--Association of California State Attorneys~~  
35 ~~and Administrative Law Judges, dated \_\_\_\_\_.~~

36 ~~(b) Unit 5--California Association of Highway~~  
37 ~~Patrolmen, dated \_\_\_\_\_.~~

38 ~~(c) Unit 8--California Department of Forestry~~  
39 ~~Employees Association, dated \_\_\_\_\_.~~



1 ~~(d) Unit 9--Professional Engineers in California~~  
2 ~~Government, dated \_\_\_\_\_.~~

3 ~~(e) Unit 10--California Association of Professional~~  
4 ~~Scientists, dated \_\_\_\_\_.~~

5 ~~SEC. 3. Notwithstanding Section 3517.6 of the~~  
6 ~~Government Code, the provisions of any memorandum~~  
7 ~~of understanding that require the expenditure of funds~~  
8 ~~shall become effective even if the provisions of the~~  
9 ~~memorandum of understanding are approved by the~~  
10 ~~Legislature in legislation other than the annual Budget~~  
11 ~~Act.~~

12 ~~SEC. 4. This act is an urgency statute necessary for the~~  
13 ~~immediate preservation of the public peace, health, or~~  
14 ~~safety within the meaning of Article IV of the~~  
15 ~~Constitution and shall go into immediate effect. The facts~~  
16 ~~constituting the necessity are:~~

17 ~~In order for the provisions of this act to be applicable~~  
18 ~~as soon as possible in the 1998-99 fiscal year, and so~~  
19 ~~facilitate the orderly administration of state government~~  
20 ~~at the earliest possible time, it is necessary that this act~~  
21 ~~take effect immediately.~~

