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**GOVERNMENT CODE - GOV**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]** ( Title 2 enacted by Stats. 1943, Ch. 134. )

**DIVISION 5. PERSONNEL [18000 - 22980]** ( Division 5 added by Stats. 1945, Ch. 123. )

**PART 6. STATE EMPLOYEES' DENTAL CARE ACT [22950 - 22959]** ( Part 6 repealed and added by Stats. 2004, Ch. 69, Sec. 25. )

**22950.** This part may be cited as the State Employees' Dental Care Act.  
(Repealed and added by Stats. 2004, Ch. 69, Sec. 25. Effective June 24, 2004.)

**22951.** It is the purpose of this part to do all of the following:

- (a) Promote increased economy and efficiency in the state service.
- (b) Enable the state to attract and retain qualified employees by providing dental care plans similar to those commonly provided in private industry.
- (c) Recognize and protect the state's investment in each permanent employee by promoting and preserving good health among state employees.

(Repealed and added by Stats. 2004, Ch. 69, Sec. 25. Effective June 24, 2004.)

**22952.** Unless otherwise indicated, the definition of terms in Part 5 (commencing with Section 22750) apply to this part.  
(Repealed and added by Stats. 2004, Ch. 69, Sec. 25. Effective June 24, 2004.)

**22953.** (a) The state, through the Department of Human Resources, the Trustees of the California State University, or the Regents of the University of California may contract, upon negotiations with employee organizations, with carriers for dental care plans for employees, annuitants, and eligible family members, provided the carriers have operated successfully in the area of dental care benefits for a reasonable period or have a contract to provide a health benefit plan pursuant to Section 22850. The dental care plans may include a portion of the monthly premium to be paid by the employee or annuitant. Dental care plans provided under this authority may be self-funded by the employer if it is determined to be cost effective.

(b) An employee or annuitant may enroll in a dental care plan provided by a carrier that also provides a health benefit plan pursuant to Section 22850 if the employee or annuitant is also enrolled in the health benefit plan provided by that carrier. However, nothing in this section may be construed to require an employee or annuitant to enroll in a dental care plan and a health benefit plan provided by the same carrier.

(c) No contract for a dental care plan may be entered into unless funds are appropriated by the Legislature in a subsequently enacted statute. If a dental care plan is self-funded, funds used for that plan shall be considered continuously appropriated, notwithstanding Section 13340.

(Amended by Stats. 2012, Ch. 665, Sec. 157. (SB 1308) Effective January 1, 2013.)

**22954.** Funds appropriated for self-funded dental care plans for state employees, other than employees of the California State University, shall be maintained in the State Employees' Dental Care Fund which is hereby created in the State Treasury. Moneys in this fund shall be used by the Department of Human Resources to pay dental claims and other administrative costs. Income earned on the moneys in the State Employees' Dental Care Fund shall be credited to the fund. Moneys in this fund are continuously appropriated in accordance with this section and Section 22953.

(Amended by Stats. 2012, Ch. 665, Sec. 158. (SB 1308) Effective January 1, 2013.)

**22955.** Funds appropriated for self-funded dental care plans for employees of the California State University shall be maintained in the California State University Employees' Dental Care Fund, which is hereby created in the State Treasury. Moneys in this fund shall be used by the Trustees of the California State University to pay dental claims and other administrative costs. Income earned on the moneys in the California State University Employees' Dental Care Fund shall be credited to the fund. Moneys in this fund are continuously appropriated in accordance with this section and Section 22953.

*(Repealed and added by Stats. 2004, Ch. 69, Sec. 25. Effective June 24, 2004.)*

**22956.** (a) An annuitant who retires from the state may enroll in a dental care plan offered under this part, provided either of the following apply:

(1) The annuitant is not enrolled in a health benefit plan or a dental care plan, but was eligible for enrollment as an employee at the time of separation for retirement, and who retired within 120 days of the date of separation.

(2) The annuitant is receiving an allowance pursuant to Article 6 (commencing with Section 9359) of Chapter 3.5 of Part 1 of Division 2.

(b) Except as provided in subdivision (c), the board has no duty to locate or notify any annuitant who may be eligible to enroll, or to provide names or addresses to any person, agency, or entity for the purpose of notifying annuitants.

(c) Notwithstanding any other law, the board shall assist the California State University upon request by providing retiree names and addresses to the California State University solely for the purpose of notifying retirees of eligibility for enrollment in a dental care plan offered by the California State University under this part. Any information provided to the California State University for this purpose shall be treated as confidential by the California State University.

*(Amended by Stats. 2020, Ch. 25, Sec. 18. (SB 116) Effective June 29, 2020.)*

**22957.** A person who was enrolled in a dental care plan at the time he or she became an annuitant under state or federal provisions, may continue his or her enrollment, including eligible family members, without discrimination as to premium rates or benefit coverage. The dental care plans may require part of a monthly premium to be paid by the annuitant, not to exceed the premium paid by represented or excluded employees, whichever is less, for the state-sponsored indemnity dental plan. The premium to be paid by the annuitant shall be deducted from his or her monthly allowance.

*(Repealed and added by Stats. 2004, Ch. 69, Sec. 25. Effective June 24, 2004.)*

**22958.** (a) Notwithstanding Sections 22953 and 22957, the following employees may not receive any portion of the employer contribution payable for annuitants, unless the person is credited with 10 or more years of state service, as defined by this section, at the time of retirement:

(1) A state employee, as defined by subdivision (c) of Section 3513, in State Bargaining Unit 5, 6, 8, or 16 who becomes a state member of the system after January 1, 1999.

(2) A state employee, as defined by subdivision (c) of Section 3513, in State Bargaining Unit 19 who becomes a state member of the system after July 1, 1998.

(3) A state employee, as defined by subdivision (c) of Section 3513, who becomes a state member of the system after January 1, 2000, and is a member of a state bargaining unit that has agreed to this section.

(4) A state employee who becomes a state member of the system after January 1, 2000, and is either excluded from the definition of a state employee in subdivision (c) of Section 3513, or a nonelected officer or employee of the executive branch of government who is not a member of the civil service.

(b) The percentage of the employer contribution payable for postretirement dental care benefits for an employee subject to this section shall be based on the funding provision of the plan and the completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
10 ____	50 ____
11 ____	55 ____
12 ____	60 ____

13 _____	65 _____
14 _____	70 _____
15 _____	75 _____
16 _____	80 _____
17 _____	85 _____
18 _____	90 _____
19 _____	95 _____
20 or more _____	100 _____

(c) This section only applies to state employees who retire for service.

(d) Benefits provided to an employee subject to this section shall be applicable to all future state service.

(e) For purposes of this section, "state service" means service rendered as an employee or an appointed or elected officer of the state for compensation. Notwithstanding Section 22826, for purposes of this section, credited state service includes service to the state for which the employee, pursuant to Section 20281.5, did not receive credit.

(f) In those cases where the state has assumed from a public agency a function and the related personnel, service rendered by that personnel for compensation as employees or appointed or elected officers of that public agency may not be credited as state service for the purposes of this section, unless the former employer has paid or agreed to pay the state the amount actuarially determined to equal the cost for any employee dental benefits that were vested at the time that the function and the related personnel were assumed by the state, and the Department of Finance finds that the contract contains a benefit factor sufficient to reimburse the state for the amount necessary to fully compensate for the postretirement dental benefit costs of those personnel. For noncontracting public agencies, the state agency that has assumed the function shall certify the completed years of public agency service to be credited to the employee as state service credit under this section.

(g) This section does not apply to employees of the California State University or the Legislature.

*(Amended by Stats. 2005, Ch. 328, Sec. 37. Effective January 1, 2006.)*

**22958.1.** (a) Notwithstanding Sections 22953, 22957, and 22958, the following employees shall not receive any portion of the employer contribution payable for annuitants unless the person is credited with 15 or more years of state service, as defined by this section, at the time of retirement:

(1) A state employee, as defined by subdivision (c) of Section 3513, who is first employed by the state and becomes a state member of the system on or after January 1, 2017, and is represented by State Bargaining Unit 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, or 21.

(2) A state employee related to State Bargaining Unit 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, or 21 who is excepted from the definition of "state employee" in subdivision (c) of Section 3513 and is first employed by the state and becomes a state member of the system on or after January 1, 2017.

(b) The percentage of the employer contribution payable for postretirement dental care benefits for an employee subject to this section shall be based on the funding provision of the plan and the completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
15 .....	50
16 .....	55
17 .....	60
18 .....	65
19 .....	70

20 .....	75
21 .....	80
22 .....	85
23 .....	90
24 .....	95
25 or more .....	100

(c) This section applies only to state employees that retire for service. For purposes of this section, "state service" means service rendered as an employee of the state or an appointed or elected officer of the state for compensation.

(d) This section does not apply to:

- (1) Former state employees previously employed before January 1, 2017, who return to state employment on or after January 1, 2017.
- (2) State employees hired before January 1, 2017, who become subject to representation by State Bargaining Unit 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, or 21 on or after January 1, 2017.
- (3) State employees on an approved leave of absence employed before January 1, 2017, who return to active employment on or after January 1, 2017.
- (4) State employees hired after January 1, 2017, who are first represented by a state bargaining unit other than Bargaining Unit 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, or 21, who later become represented by State Bargaining Unit 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, or 21.

(e) In those cases in which the state has assumed from a public agency a function and the related personnel, service rendered by that personnel for compensation as employees or appointed or elected officers of that public agency shall not be credited as state service for the purposes of this section unless the former employer has paid or agreed to pay the state the amount actuarially determined to equal the cost for any employee dental benefits that were vested at the time that the function and the related personnel were assumed by the state, and the Department of Finance finds that the contract contains a benefit factor sufficient to reimburse the state for the amount necessary to fully compensate for the postretirement dental benefit costs of those personnel. For noncontracting public agencies, the state agency that has assumed the function shall certify the completed years of public agency service to be credited to the employee as state service credit under this section.

*(Amended by Stats. 2018, Ch. 92, Sec. 111. (SB 1289) Effective January 1, 2019.)*

**22958.1.5.** (a) Notwithstanding Sections 22953, 22957, and 22958, the following employees shall not receive any portion of the employer contribution payable for annuitants unless the person is credited with 15 or more years of state service, as defined by this section, at the time of retirement:

- (1) A state employee, as defined by subdivision (c) of Section 3513, who is first employed by the state and becomes a state member of the system on or after April 1, 2017, and is represented by State Bargaining Unit 16.
- (2) A state employee related to State Bargaining Unit 16 who is excepted from the definition of "state employee" in subdivision (c) of Section 3513 and is first employed by the state and becomes a state member of the system on or after April 1, 2017.

(b) The percentage of the employer contribution payable for postretirement dental care benefits for an employee subject to this section shall be based on the funding provision of the plan and the completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
15 .....	50
16. ....	55
17 .....	60
18 .....	65
19 .....	70
20 .....	75

21 .....	80
22 .....	85
23 .....	90
24 .....	95
25 or more .....	100

(c) This section shall apply only to state employees who retire from service. For purposes of this section, "state service" means service rendered as an employee of the state or an appointed or elected officer of the state for compensation.

(d) This section does not apply to:

- (1) Former state employees previously employed prior to April 1, 2017, who return to state employment on or after April 1, 2017.
- (2) State employees hired prior to April 1, 2017, who become subject to representation by State Bargaining Unit 16 on or after April 1, 2017.
- (3) State employees on an approved leave of absence employed before January 1, 2017, who return to active employment on or after April 1, 2017.
- (4) State employees hired after April 1, 2017, who are first represented by a state bargaining unit other than Bargaining Unit 16, who later become represented by State Bargaining Unit 16.

(e) In those cases where the state has assumed from a public agency a function and the related personnel, service rendered by that personnel for compensation as employees or appointed or elected officers of that public agency may not be credited as state service for the purposes of this section unless the former employer has paid or agreed to pay the state the amount actuarially determined to equal the cost for any employee dental benefits that were vested at the time that the function and the related personnel were assumed by the state, and the Department of Finance finds that the contract contains a benefit factor sufficient to reimburse the state for the amount necessary to fully compensate for the postretirement dental benefit costs of those personnel. For noncontracting public agencies, the state agency that has assumed the function shall certify the completed years of public agency service to be credited to the employee as state service credit under this section.

*(Added by Stats. 2017, Ch. 6, Sec. 14. (SB 131) Effective April 28, 2017. Became operative on June 27, 2017, pursuant to Stats. 2017, Ch. 19, Sec. 26, which repealed Stats. 2017, Ch. 6, Sec. 15.)*

**22958.1.7.** (a) Notwithstanding Sections 22953, 22957, and 22958, the following employees shall not receive any portion of the employer contribution payable for annuitants unless the person is credited with 15 or more years of state service, as defined by this section, at the time of retirement:

- (1) A state employee, as defined by subdivision (c) of Section 3513, who is first employed by the state and becomes a state member of the system on or after January 1, 2019, and is represented by State Bargaining Unit 9 or 10.
- (2) A state employee related to State Bargaining Unit 9 or 10 who is excepted from the definition of "state employee" in subdivision (c) of Section 3513 and is first employed by the state and becomes a state member of the system on or after January 1, 2019.

(b) The percentage of the employer contribution payable for postretirement dental care benefits for an employee subject to this section shall be based on the funding provision of the plan and the completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
15 .....	50
16 .....	55
17 .....	60
18 .....	65
19 .....	70
20 .....	75
21 .....	80
22 .....	85

23 .....	90
24 .....	95
25 or more .....	100

(c) This section shall apply only to state employees that retire for service. For purposes of this section, "state service" means service rendered as an employee of the state or an appointed or elected officer of the state for compensation.

(d) This section does not apply to:

- (1) Former state employees previously employed prior to January 1, 2019, who return to state employment on or after January 1, 2019.
- (2) State employees hired prior to January 1, 2019, who become subject to representation by State Bargaining Unit 9 or 10 on or after January 1, 2019.
- (3) State employees on an approved leave of absence employed before January 1, 2019, who return to active employment on or after January 1, 2019.
- (4) State employees hired after January 1, 2019, who are first represented by a State Bargaining Unit other than Bargaining Unit 9 or 10, who later become represented by State Bargaining Unit 9 or 10.

(e) In those cases where the state has assumed from a public agency a function and the related personnel, service rendered by that personnel for compensation as employees or appointed or elected officers of that public agency may not be credited as state service for the purposes of this section unless the former employer has paid or agreed to pay the state the amount actuarially determined to equal the cost for any employee dental benefits that were vested at the time that the function and the related personnel were assumed by the state, and the Department of Finance finds that the contract contains a benefit factor sufficient to reimburse the state for the amount necessary to fully compensate for the postretirement dental benefit costs of those personnel. For noncontracting public agencies, the state agency that has assumed the function shall certify the completed years of public agency service to be credited to the employee as state service credit under this section.

*(Added by Stats. 2018, Ch. 452, Sec. 14. (SB 873) Effective September 17, 2018.)*

**22958.2.** (a) Notwithstanding Sections 22953, 22957, and 22958, a judicial branch employee who is first employed by the state and becomes a state member of the system on or after January 1, 2017, shall not receive any portion of the employer contribution payable for annuitants unless the person is credited with 15 years of state service at the time of retirement.

(b) The percentage of the employer contribution payable for postretirement dental care benefits for an employee subject to this section shall be based on the funding provision of the plan and the completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
15 .....	50
16 .....	55
17 .....	60
18 .....	65
19 .....	70
20 .....	75
21 .....	80
22 .....	85
23 .....	90
24 .....	95
25 or more .....	100

(c) This section shall apply only to judicial branch employees who retire for service. For purposes of this section, "state service" means service rendered as an employee of the state or an appointed or elected officer of the state for compensation.

(d) This section does not apply to any of the following:

(1) Former state employees previously employed prior to January 1, 2017, who return to state employment on or after January 1, 2017.

(2) State employees on an approved leave of absence employed before January 1, 2017, who return to active employment on or after January 1, 2017.

(3) A judge who retires pursuant to Chapter 11 (commencing with Section 75000) or Chapter 11.5 (commencing with Section 75500) of Title 8.

*(Added by Stats. 2016, Ch. 35, Sec. 21. (SB 848) Effective June 27, 2016.)*

**22958.3.** (a) Notwithstanding Sections 22953 and 22957, the following employees of the California State University shall not receive any portion of the employer contribution payable for annuitants unless the person has 10 years of credited state service at the time of retirement:

(1) An employee who is first employed by the California State University and becomes a member of the system on or after July 1, 2017, and is represented by California State University Bargaining Unit 3.

(2) An employee in a nonrepresented employee group under Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 who is first employed by the California State University and becomes a member of the system on or after July 1, 2017.

(b) This section shall apply only to employees of the California State University who retire for service.

(c) This section shall become operative only if it is specifically adopted by action of the Trustees of the California State University or, if required, provided for in a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1.

*(Added by Stats. 2017, Ch. 23, Sec. 22. (SB 85) Effective June 27, 2017. Section conditionally operative as prescribed by its own provisions.)*

**22958.4.** (a) Notwithstanding Sections 22953 and 22957, an employee who is first employed by the California State University and becomes a member of the system on or after July 1, 2018, and is represented by California State University Bargaining Unit 1, 2, 4, 5, 6, 7, 9, or 10 shall not receive any portion of the employer contribution payable for annuitants unless the person has 10 years of credited state service at the time of retirement.

(b) This section shall apply only to employees of the California State University who retire for service.

(c) This section shall become operative only if it is specifically adopted by regulation of the Trustees of the California State University or, if required, provided for in a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1.

*(Added by Stats. 2018, Ch. 33, Sec. 59. (AB 1809) Effective June 27, 2018. Section conditionally operative as prescribed by its own provisions.)*

**22958.5.** (a) Notwithstanding Sections 22953 and 22957, an employee who is first employed by the California State University and becomes a member of the system on or after July 1, 2019, and is represented by California State University Bargaining Unit 11, shall not receive any portion of the employer contribution payable for annuitants unless the person has 10 years of credited state service at the time of retirement.

(b) This section shall apply only to employees of the California State University who retire for service.

(c) This section shall become operative only if it is specifically adopted by regulation of the Trustees of the California State University or, if required, provided for in a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1.

*(Added by Stats. 2019, Ch. 53, Sec. 30. (SB 77) Effective July 1, 2019. Section conditionally operative as prescribed by its own provisions.)*

**22959.** The Department of Human Resources shall administer the benefits provided by this part for civil service employees and annuitants. The Trustees of the California State University shall administer the benefits provided by this part for employees and annuitants of the California State University.

*(Amended by Stats. 2012, Ch. 665, Sec. 159. (SB 1308) Effective January 1, 2013.)*