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AB-992 County Employees Retirement Law of 1937: disability retirement: modification of allowance.
(2015-2016)

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Assembly Bill No. 992

CHAPTER 40

An act to amend Section 31760 of the Government Code, relating to county employees' retirement.

[Approved by Governor July 02, 2015. Filed with Secretary of State July 02, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 992, Committee on Public Employees, Retirement, and Social Security. County Employees Retirement Law of 1937: disability retirement: modification of allowance.

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county and district employees. CERL permits a member or retired member to modify his or her election of a specific retirement allowance until the first payment of any retirement allowance is made. CERL permits a member who is eligible to retire for service to do so when an application for disability retirement is pending and provides that the type of retirement allowance selected at the time of retirement for service is not binding if the member is awarded a disability retirement.

This bill would specify that a member who applies for disability and is granted a service retirement pending a determination of disability may change the type of allowance that he or she elected at the time of the service retirement, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 31760 of the Government Code is amended to read:

31760. (a) Except as provided in subdivision (b), until the first payment of any retirement allowance is made, a member or retired member, in lieu of the retirement allowance for the member's life alone, may elect to have the actuarial equivalent of his or her retirement allowance as of the date of retirement applied to a lesser retirement allowance payable throughout life in accordance with one of the optional settlements specified in this article.

(b) Notwithstanding subdivision (a), a member who applies for disability and is subsequently granted a service retirement pending a determination of entitlement to disability may change the type of optional or unmodified allowance that he or she elected at the time the service retirement was granted, subject to the provisions of Section 31725.7.