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AB-672 Public employees' retirement: disability retirement: reinstatement. (2019-2020)

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Assembly Bill No. 672

CHAPTER 98

An act to add Section 21233 to the Government Code, relating to public employees' retirement.

[Approved by Governor July 12, 2019. Filed with Secretary of State July 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 672, Cervantes. Public employees' retirement: disability retirement: reinstatement.

The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System, which provides pension and other benefits to members of the system and prescribes conditions for service after retirement. PERL and the California Public Employees' Pension Reform Act of 2013 establish various limits on retirement benefits generally applicable to a public employee retirement system, and prescribes, among other things, limits on service after retirement without reinstatement into the applicable retirement system.

PERL authorizes a person retired for disability to be employed by any employer without reinstatement in the system if specified conditions are met, including, among others, that the person is below the mandatory age for retirement for persons in the job in which the person will be employed, the person is found by the board to not be disabled for that employment, and the position is not the position from which the person retired or a position in the same member classification from which the person retired.

This bill would prohibit a person who has retired for disability from being employed by any employer without reinstatement from retirement if the position is the position from which the person retired or if the position includes duties or activities that the person was previously restricted from performing at the time of retirement, unless an exception applies. The bill would require, if a person retired for disability is employed by an employer without reinstatement, an employer to provide to the board the nature of the employment and the duties and activities the person will perform.

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

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

SECTION 1. Section 21233 is added to the Government Code, to read:

21233. (a) A person who has retired for disability shall not be employed, pursuant to this article or Section 7522.56, by any employer without reinstatement from retirement if the position is either of the following:

(1) The position from which the person retired.

(2) A position that includes duties or activities that the person was previously restricted from performing at the time of their retirement.

(b) If a person who has retired for disability is employed by an employer without reinstatement pursuant to this article or Section 7522.56, the employer shall provide the board, in a form and manner determined by the board, the nature of the employment and the duties and activities of the position for which the person retired for disability will be employed.

(c) This section shall not apply to a person employed by an employer pursuant to Section 21232.