

October 1980 Board Resolution - Transcription

Proposed Adoption of Article 4, Section 574 of Chapter 2 of Division 1 of Title 2 of the California Code of Regulations

Definition of Full-Time Employment

OCTOBER 15, 1980 BOARD AGENDA ITEM 10

October 10, 1980

AGENDA ITEM 10

To: MEMBERS OF THE BOARD OF ADMINISTRATION

SUBJECT: REVISED PROPOSED RESOLUTION 10-3

After the agenda item was mailed to the Board, Staff was informed that there was a discrepancy in Resolution 10-3 as it related to Department of Forestry employees. As presented, employees of work week groups 4D14, 4D15, 4D16, and 4D20 have "an average 72 hours per week as normal full time." It was pointed out this was true for only 4D14 employees but the other groups had different maximums allowed. This was verified with information supplied by the State Personnel Board.

A revised Resolution 10-3 is attached to replace the original version submitted for adoption by the Board. It has been reviewed and approved by the Department of Forestry and the Department of Forestry Employees Association.

CARL J. BLECHINGER, EXECUTIVE OFFICER

OCTOBER 15, 1980 BOARD RESOLUTION

Mr. Walton, Chief of the Accounting Division, presented the PROPOSED RESOLUTION - FULL TIME EMPLOYMENT, noting the proposal had been circulated to all public agencies, employer and employee organizations and other interested parties. Numerous inquiries were received, and after explanation by staff, no objections were raised.

Resolutions establishing a range of 34 to 60 hours for normal full time employment, 72 hours as full time for the appropriate work week groups involved in firefighting for certain state firefighters and a range of hours for Department of Forestry employees who are assigned to work week groups 4D14, 4D15, 4D16, 4D20 and 4D22, were before the Board for adoption.

On MOTION made by Mr. Petrosino, seconded by Mr. Reed and carried, the Board adopted RESOLUTIONS numbered 10-1, 10-2, 10-3 attached to these Minutes to define FULL TIME EMPLOYMENT for PERS purposes.

The Board recessed to meet in Executive Session.

The meeting was reconvened at 1:45 p.m. by President Carlson. Persons in the audience were provided an opportunity to make comments and ask questions.

Mr. Kuhl, Personnel Manager for Helix Water District, presented a legislative proposal for Board consideration. The District's proposal would allow the provision of a cost-of-living benefit above the standard 2% to be provided on a prospective basis to retirees, whereas the cost applied retroactively proved to be prohibitive.

Mr. Collins, California State Employees' Association representative, thanked the Board on behalf of State retirees, for help in passage of AB 2674. He also presented resolutions adopted by CSEA for legislative proposals concerning the retirement program. Sponsorship of a bill for an independent budget status for PERS was also noted.

Mr. Aust, California State Firemens Association representative, thanked the Staff for actively participating in the retirement workshop at their recent conference. He offered the Association's proposals for legislation which were taken under submission for study by the Staff legislative committee. He noted a resolution was passed by the members of the Association to support an independent status for PERS.

BOARD OF ADMINISTRATION PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PROPOSED RESOLUTION 10-1

WHEREAS, various provisions of the Public Employees' Retirement Law, California Government Code, Sections 20000 through 21500, require Board determination of what constitutes full time employment for purposes of determining member contributions and employer contributions, and also require the Board to determine the average monthly compensation earnable in computing certain retirement and death benefits; and

WHEREAS, the Board of Administration at a meeting held December 11, 1953, took action under which the average time put in by members was determined for the purpose of determining compensation earnable, said action being recorded on page 2152 of the Board Minutes; and

WHEREAS, conditions of employment have changed since that time and will continue to change in the future, making modification of said action taken on December 11, 1953 necessary;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the said action relating to the determination of the average time put in by members and compensation earnable, taken on December 11,

1953 and recorded on Minute page 2152, be, and it is hereby rescinded with respect to service rendered on or after July 1, 1980; and

2. That the Board determine, and it does hereby determine, that only the individual employer can determine what constitutes the normal work week for full time employment for its employees, provided however, that the Board may establish both minimum and maximum work week periods which it will consider as full time employment for System purposes. Each employer shall inform the Board of the normal work week periods which are considered full time and that such periods are to be established for all employees in the same group such as by department or duties and not by individual employees, and

3. That the Board establish, and it does hereby establish, thirty-four hours per calendar week, four working days per calendar week and nine months per fiscal year as the minimum periods which will be considered full time employment for System purposes and sixty hours per calendar week and six working days per calendar week as the maximum periods which will be considered full time employment for System purposes. Questions regarding full time employment for purposes of determining compensation earnable shall be referred to the System for special consideration if the periods established by an employer as full time employment are not within the minimum and maximum ranges herein specified; and,

4. That the Board establish, and it does hereby establish, fifty-two weeks and twelve months as the average time per year for use in the determination of average monthly or average annual compensation earnable.

RESOLUTION 10-2

WHEREAS, the provisions of the Public Employees' Retirement Law require that retirement allowances, survivor allowances, and death benefits shall be based on the compensation earnable by members for full time employment; and

WHEREAS, the Board of Administration, at a meeting held October 15, 1980, established minimum and maximum time ranges that would be considered full time employment for System purposes; and

WHEREAS, such action further: directed that the question of average time put in by members employed on a basis that requires full time service outside the ranges established by the Board be referred to the Board of Administration for special consideration; and

WHEREAS, employees of the State of California State University and Colleges who are employed as firefighters for the protection of State property or structures and who are assigned to work week group 4D21 (State Personnel Board designation) or 4D14 (California State University and Colleges designation) regularly work an average of 72 hours per week, and

WHEREAS, the normal full time compensation earnable is based on a normal 72 hour duty week;

NOW, THEREFORE, BE IT RESOLVED that the Board fix, and it does hereby fix, an average of 72 hours per week as the normal work week for System purposes for State firefighters assigned to work week group 4D21 (State Personnel Board designation) and 4D14 (California State University and Colleges designation).

RESOLUTION 10-3 (Revised)

WHEREAS, the provisions of the Public Employees' Retirement Law require that retirement allowances, survivor allowances, and death benefits shall be based on the compensation earnable by members for full time employment; and

WHEREAS, the Board of Administration, at a meeting held October 15, 1980, established minimum and maximum time ranges that would be considered full time employment for System purposes, and

WHEREAS, such action further directed that the question of average time put in by members employed on a basis that requires full time service outside the ranges established by the Board be referred to the Board of Administration for special consideration; and

WHEREAS, because employees in certain job classes within the Department of Forestry are subject to fire mission assignment and while on such assignment the compensation earnable for normal, full time employment is based on an average duty week of 72 hours for work week group 4D14 (State Personnel Board designation); a minimum average of 40 hours over a five day normal work week but with no maximum number of hours during the normal work week for work week groups 4D15 and 4D16 (State Personnel Board designations); an average of 120 hours over a five day work week for work week group 4D20 (State Personnel Board designation)¹ and an average of 96 hours over a five day work week for work week group 4D22 (State Personnel Board designation); and

WHEREAS, the compensation earnable is adjusted to a base of a regular 40 hour duty week whenever the employees are assigned to nonfire mission duties; and

WHEREAS, fire mission duty assignment is a part of the normal duty assignment of Department of Forestry employees who are assigned to work week groups 4D14, 4D15, 4D16, 4D20, and 4D22;

NOW THEREFORE BE IT RESOLVED that the Board fix, and it does hereby fix, an average duty week of 72 hours for work week group 4D14 (State Personnel Board designation); a minimum average of 40 hours over a five day normal work week but with no maximum number of hours during the normal work week for work week groups 4D15 and 4D16 (State Personnel Board designations); an average of 120 hours over a five day work week for work week group 4D20 (State Personnel Board designation); and an average of 96 hours over a five day work week for work week group 4D22 (State Personnel Board designation) as the normal full time work week for System purposes for Department of Forestry employees while assigned to fire mission duty and an average of 40 hours per week as the normal work week for such employees during nonfire mission assignment.