



California Public Employees' Retirement System
P.O. Box 942715 | Sacramento, CA 94229-2715
(888) CalPERS (or 888-225-7377) | TTY: (877) 249-7442
www.calpers.ca.gov

Membership

Circular Letter

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To: County Superintendent of Schools, Individual School Districts, State
Department of Education, Board of Governors California Community Colleges

Subject: Membership Eligibility-Government Code Section 20309

Purpose

The purpose of this Circular Letter is to inform you Government Code section 20309 concerning eligibility for the Retirement System Election (ES372) was amended with the passage of Assembly Bill 590.

Scope

Government Code section 20309(b) (1), was amended to the following:

“(b) This section shall apply to a member of the system who either (1) was employed by a school employer, the Board of Governors of the California Community College, or the State Department of Education within 120 days before the member’s date of hire to perform service that requires membership in the Defined Benefit Program of the State Teacher’s Retirement Plan.”

Emphasis

Prior to the passage of Assembly Bill 590, members with less than 5 years of service credit could not have a break in employment of any length between positions to qualify for an election to remain a member in CalPERS. With the passage of Assembly Bill 590, members can now have up to a 120-day break in service to qualify to make this election. This time frame applies to members electing to remain in CalPERS within 60 days after their date of hire to perform

service that requires membership in the Defined Benefit Program of the State Teachers' Retirement Plan.

A member with less than five years of service credit will continue to be required to have separated from a school employer, the Board of Governors of the California Community College, or the State Department of Education within 120 days of being hired to perform service that requires membership in the Defined Benefit Program of the State Teachers' Retirement Plan to remain a member of CalPERS. The 120-day break in service does not apply to members with 5 or more years of service credit and their previous service can be with any CalPERS covered employer.

Additional Resources

If you have any questions, please contact the CalPERS Customer Contact Center at **888-CalPERS** (or **888-225-7377**).

Renee Ostrander, Chief
Employer Account Management Division