



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

January 16, 2018

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Distribution: XII, XVI

To: County Superintendent of Schools, Individual School Districts
Subject: Misreported Service: Senate Bill 525, Chapter 241, Statutes of 2017

Purpose

The purpose of this Circular Letter is to inform you of the addition of Government Code section 20309.7 (Chapter 241, Statutes of 2017).

Scope

This circular letter contains information for county superintendents of schools, school districts, charter schools, community college districts and any agency that employs persons who performed creditable service under the California State Teacher's Retirement System (CalSTRS) that was misreported to the California Public Employees' Retirement System (CalPERS).

Discussion

Chapter 241, Statutes of 2017, added Government Code section 20309.7, which allows a person who was employed by a school employer on or before December 31, 2017, in a position that meets the definition of creditable service as defined under Section 22119.5 of the Education Code, and whose service in that position was misreported to CalPERS, to continue to retain membership in CalPERS and have his or her past and future service in that position to remain in CalPERS, if the person was not enrolled into CalSTRS for that same service and is not otherwise excluded from CalPERS membership.

Election

A school member who was misreported to CalPERS and who has not yet retired from CalPERS may make an irrevocable election to have all their service, and subsequent service, in that position reported to CalSTRS. In order for a member to have their service reported to CalSTRS, the member must complete the **Retirement System Election for Misreported Service** form. This form can be downloaded from the CalPERS website, www.calpers.ca.gov under **Forms & Publications**. The **Retirement System Election for Misreported Service** form must be filed with CalPERS, with a copy to the school district and CalSTRS, on or before June 30, 2018. Any **Retirement System Election for Misreported Service** forms filed after June 30, 2018, will not be approved.

If your employee elects to have their misreported service reported to CalSTRS, it will be the employer's responsibility to make the necessary adjustments to the member's CalPERS account and report the service and contributions to CalSTRS.

No election or action is necessary if an employee who was misreported to CalPERS wishes to continue to have that service in that position remain in CalPERS.

CalPERS is not obligated to identify, locate, or notify persons who are eligible to make an election. Employers who are aware of employees who have been misreported to CalPERS for their creditable service under CalSTRS should inform those employees of their right to elect to have that service covered in CalSTRS.

Additional Information

A member who becomes employed by the same or a different employer in a new position performing creditable service in CalSTRS on or after January 1, 2018, shall not have his or her service in that new position reported to CalPERS, unless that service is otherwise eligible for membership by CalPERS under Government Codes sections 20309 or 20309.5.

Additional Resources

To view Chapter 241, Statutes of 2017, in its entirety, please go to <http://leginfo.legislature.ca.gov>.

Questions

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

Attachments: Retirement System Election for Misreported Service – Instructions
Retirement System Election for Misreported Service