



California Public Employees' Retirement System
Employer Management Account Division

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ELECTION OF OPTIONAL MEMBERSHIP - ELECTIVE OFFICER

The California Public Employees' Retirement Law (PERL) provides "optional" membership rights for certain public officers and employees. Government (Gov.) Code section 20322 states an "elective officer" is excluded from membership in CalPERS unless they file an election in writing with the CalPERS Board of Administration to become a member.

Elective officer includes any officer of the Senate or Assembly who is elected by vote of the members of either or both houses of the Legislature and an appointive officer of a city or county occupying a fixed term of office, as well as officers of the state or contracting agencies elected by the people. Exceptions include:

1. Effective July 1, 1994, elected or appointed officers of a county superintendent of schools, school district, or community college district, or of a contracting agency that is not a city or county, who serve on public commissions, boards, councils, or similar legislative or administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless continuously holding the office since June 30, 1994.
2. Effective July 1, 1994, any person holding the office of city attorney was removed from the elective officer definition and became subject to non-elective, non-optional CalPERS membership qualifications unless continuously holding the office since June 30, 1994.
3. Effective January 1, 1997, city and county elected or appointed officers who serve on public commissions, boards, councils, or similar legislative or administrative bodies, other than city councils or county boards of supervisors, are excluded from membership with no right to elect optional membership unless they have continuously held the office since December 31, 1996.

Gov. Code section 20039 states that final compensation of a local elective or appointed officer on a city council or board of supervisors accrued while in membership pursuant to Gov. Code section 20322, shall be based on the highest average annual compensation earnable by the member during the period of employment in each elective or appointed office. This will apply to elected or appointed city council or board of supervisors who have been elected or appointed on or after July 1, 1994.

Refer to the PERL and the CalPERS Public Agency and Schools Reference Guide for further information on elective officers.

Elective officers subject to this section should consider the following:

- You may elect CalPERS membership at any time while you are an elective officer holding the office as long as the office is not otherwise excluded by law or excluded by your agency's contract.
- Your membership may be terminated only upon permanent separation from employment covered by CalPERS and subsequent withdrawal of retirement contributions.
- If your election for optional membership in CalPERS will result in concurrent service with employment credited in a private benefit plan or another public retirement system, please contact that organization for information regarding the impact of such concurrent service.
- If your election will result in concurrent employment under CalPERS, please contact the Employer Account Management Division before completing this election form.
- While you are a CalPERS member, you may request costing information to purchase any previous eligible service in your elected position at any time prior to retirement.
- The form ***Request for Service Credit Cost Information – Layoff, Prior Service, and Optional Member Service*** (PERS-MSD-372) (PDF) to request costing information for optional member service is available on our website.

We are here to assist you. If you have any questions, visit our website at www.calpers.ca.gov, or call us toll free at **888 CalPERS** (or **888-225-7377**).

Employer Account Management Division

Complete and return this form to your Human Resources Office to establish membership with CalPERS.

I am an **Elective Employee** as defined in Gov. Code section 20322, being a(n)

(position title) _____ with the

(agency) _____, represented by

(agency contact) _____, at

(agency telephone) _____.

I was first elected to this position on _____ (MM/DD/YYYY). My present term will expire on _____ (MM/DD/YYYY). In accordance with the provisions of Gov. Code section 20322, **I elect to become a member of CalPERS.** I request this election be filed with the CalPERS Board of Administration as my election to become a member.

I understand this election is **irrevocable** as long as I remain in this position.

Print Full Name

Signature

Date

CalPERS ID or Social Security Number

Daytime Telephone Number

Address, City, State Zip

Your enrollment eligibility date is determined based upon the provisions set forth by law.

- If we receive the completed election within 90 days from the date you became eligible for membership for the term/appointment, this eligibility date will be used as your CalPERS enrollment date.
- If we receive the completed election after 90 days from the date you became eligible for membership for the term/appointment, your enrollment eligibility date will be the first day of the month the election was received by CalPERS.