



San Bernardino County Employees'
Retirement Association

SACRS Legislative Committee Proposals

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Legislative Committee Proposals

SACRS Sponsored Bill to be introduced in January 2022

May be part of a retirement omnibus bill covering CERL,
PERL, and Education Code

31452.7 Beneficiary Definition

- Only applies to last payment – earned and not yet paid
- Defines “beneficiary” as including:
 - Corporation
 - Trust
 - Estate
- + Provides clarity to staff and flexibility to members

31525 – Board of Retirement Regulations

- Removes requirement that BOS must approve Board of Retirement regulations
- Consistent with Prop. 162 – BOR has plenary authority over assets and management
- May be controversial
- + **More efficient, Consistent w/ district status**

31641.4 Military Reserve Service Purchases

- Brings CERL into conformity with federal court of appeal ruling
- 9th Circuit ruled that member can purchase service even though covered by military pension
- + Clarity for staff, consistency

31646 – Service Purchase for Leave Due to Family Illness

- New subsection – member can purchase up to one year for absence due to caring for ill family member when leave covered by FMLA or CFRA
- Member pays EE and ER contributions
- Optional – BOS approval
- + Flexibility for members, consistent w/ parental leave addition, members pay full contributions

31 646.XX - Furloughs

- BOR may grant service and FAC for furloughs
- Service may be contingent on receipt of contributions
- Limited to 25% of hours up to two years
- + Helps resolve difficult issue faced during great recession

31680.20 – Postretirement Service

- Retirees may serve part-time on state, county, city, or district board and receive compensation without reinstatement to employment
- Consistent with CalPERS rule in PEPRA
- + Flexibility for retirees, clarifies rule for staff, benefit to boards

31725.7 & 31760 – Disability Retirement / Optional Allowances

- Removes issue re. filing order for service retirement and disability retirement
- Consistent with PERL and practice at some CERL systems
- + Removes needless order of filing requirement for members and staff

31726 & 31726.5 – Disability Retirement

- Adds numbering to section to clarify
 - Consistent with other sections in CERL
- + Minor change that adds clarity to CERL

31730 – Disability Retirement

- Reclassifies disability retirement to service retirement when the Board determines the member is not incapacitated but employer does not offer to reinstate
 - Removes 100% continuance for SCDR
- + Clarifies procedure but this is rare for SBCERA

31761, 31762, 31763, and 31764 – Optional Allowances

- Clarifies that optional continuance allowances can only be paid to natural persons – not a trust, corporation, estate, charity, or other
- Consistent with current practice
- + Clarifies issue for staff

31781 – Active Death Benefit

- Provides direction on how to calculate final salary when the member is absent during the 12 months immediately preceding death
 - Conforms to current practice
- + Provides clarity for staff and members

31838.5 – Reciprocal Disability Offset

- Allows a CERL system to reduce a disability retirement allowance when a reciprocal system does not reduce
 - Member receives what they would have if all service was in one system
 - Current practice in some systems
- + More clarity on a big issue**