

903



**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Superior Court of California, County of Riverside

**SUBMITTAL DATE:**  
September 3, 2004

**SUBJECT:** Early Retirement Service Credit, under the California Public Employees' Retirement System (PERS) for Superior Court, County of Riverside

**RECOMMENDED MOTION:**

Authorize Superior Court of California to offer two years additional service credit to eligible employees in duplicated positions (as described in Attachment 1) and certify compliance with Government Code Sections 7507 and 20903 (Attachments 2 and 3). On October 5, 2004 adopt Resolution #2004-416 to establish the window period in accordance with PERS requirements.

**BACKGROUND:** Effective January 1, 2000, Government Code Section 20903 renews the option to grant additional service credit under certain circumstances to agencies contracting with PERS. It is requested that the County Board of Supervisors authorize this retirement option for Superior Court of California, County of Riverside to extend the early retirement program to one of the court's current classifications, Court Human Resources Manager.

Departmental Concurrence

*Douglas P. Miller*

*Inga McElyea*

Judge Douglas P. Miller, Presiding Judge

Inga McElyea, Executive Officer

**FINANCIAL DATA**

|                               |            |                         |       |
|-------------------------------|------------|-------------------------|-------|
| Current F.Y. Total Cost:      | \$ 101,732 | In Current Year Budget: | YES   |
| Current F.Y. Net County Cost: | \$ -0-     | Budget Adjustment:      | NO    |
| Annual Net County Cost:       | \$ -0-     | For Fiscal Year:        | 04/05 |

**SOURCE OF FUNDS:** TRIAL COURT FUNDING FROM THE STATE

|                                  |                          |
|----------------------------------|--------------------------|
| Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| Requires 4/5 Vote                | <input type="checkbox"/> |

**C.E.O. RECOMMENDATION:**  
**APPROVE**

**County Executive Office Signature**

*Gerard Summers*

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Venable, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley  
 Noes: None  
 Absent: None  
 Date: September 14, 2004  
 xc: Superior Court, HR, PERS, Co.Co., COB

Nancy Romero  
 Clerk of the Board  
 By *[Signature]*  
 Deputy

**Prev. Agn. Ref.:** | **District:** | **Agenda Number:** 3.21

Dept's Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

Approved by Ronald W. Komers  
 Asst. County Executive Officer/  
 Human Resources Director

FORM 11 – PERS RETIREMENT CONTRACT

DATE: SEPTEMBER 3, 2004

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It is recommended that the Board designate the position of Court Human Resources Manager (class code #81016) within the Superior Court as eligible for a two-year service credit from October 6, 2004 through January 5, 2005. Detailed information regarding the eligibility for early retirement option and associated costs is included in Attachment 1. Any employee in this classification would be able to elect the early retirement credit so long as both the County and the individual meet the early retirement option eligibility requirements established by PERS, as listed in Attachment 2.

A recent analysis of the staffing levels in the Court Human Resources Division, coupled with reductions in State Trial Court Funding, have required the court to eliminate at least one of the Court Human Resources Manager positions.

To implement this change, it is necessary to provide two certifications to PERS, as provided in Attachments 3 and 5. Then three weeks after this public notice on September 14, 2004, this item shall be returned to the Board's agenda for final adoption of the formal Resolution #2004-416 on October 5, 2004. The first certification confirms that the cost of this benefit is being made public today, and the second certification confirms the Superior Court's need to take this action, that payment will be made for the purchase of this benefit from the court's budget, and that the resulting vacancy will remain permanently unfilled.

## Optional Early Retirement Credit

|  |   |                     |
|--|---|---------------------|
| <u>Eligible Departments/Classifications:</u>             | Superior Court of California, County of Riverside |                     |
| <u>Class Title:</u>                                      | Court Human Resources Manager – Class Code 81086  |                     |
| <u>Eligible Retirement Dates:</u>                        | October 6, 2004 through January 5, 2005           |                     |
| <u>Estimated Potential Costs for Eligible Employees:</u> | Catherine Elliott                                 | \$47,317.20         |
| (Based on actuarial cost factors)                        | Glenda Sue Martin                                 | \$54,414.78         |
|  | <b>Total</b>                                      | <b>\$101,731.98</b> |

Projected Savings

|                                  |                               |
|----------------------------------|-------------------------------|
| Position to be deleted by Court: | Court Human Resources Manager |
| Annual Salary Savings            | \$78,802.00 - \$157,604.00    |

Employee Eligibility Requirements:

1. Employee must be at least 50 years old, with five or more years of service credit with the County of Riverside.
2. Retirement must take place within the 90-180 day window period specified by the County
3. Employees who retire under this program cannot:
  - a) Receive unemployment insurance payments anytime within two years of the adoption of the Resolution authorizing the benefit, due to employment with any employer participating in the PERS program;
  - b) Be re-employed within the PERS system in the capacity, either under contract or any other basis including as a volunteer, without forfeiting the additional credit.

SUMMARY OF REQUIREMENTS FOR EARLY RETIREMENT PROGRAM

Authority: Government Code Section 20903

Service Credit Allowed: 2 years

County Requirements:

- 1) Designate the job classifications, departments, or units eligible for the benefit.
- 2) Designate a time period of 90 to 180 days during which eligible members must retire to be eligible for the service credit.
- 3) Certify that the County determined that, due to an impending curtailment of or change in service being performed, the best interests of the County would be served by granting the credit.
- 4) Certify that the County is electing to become subject to Section 20903 due to impending mandatory transfers, demotions, and layoffs that constitute at least 1% of the staffing in the designated job classification, department, or unit.
- 5) Certify that it is the County's intention that at least one vacancy in any position in the department or unit shall remain permanently unfilled, thereby resulting in an overall reduction in the workforce.
- 6) Certify each member's eligibility to receive the additional service credit, and the member's non-receipt of unemployment insurance payments during the specified period.
- 7) Make payment to PERS for the cost of providing two years of additional service credit, plus a \$10 actuarial valuation fee, for each member electing this option.

Employee Requirements:

- 4) Employee must be at least 50 years old, with five or more years of service credit.
- 5) Retirement must take place within the 90-180 day window period specified by the County.
- 6) Employees who retire under this program cannot:
  - a. Receive unemployment insurance payments anytime within two years of the adoption of the Resolution authorizing the benefit, due to employment with any employer participating in the PERS program;
  - b. Be re-employed within the PERS system in any capacity, either under contract or any other basis including as a volunteer, without forfeiting the additional credit;
  - c. Be temporarily re-employed as an annuitant with the agency from which they received the additional service credit for five years following the date of retirement.

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
Actuarial and Employer Services Division  
Public Agency Contract Services  
P.O. Box 842709  
Sacramento, CA 94229-2709

Attachment 3

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 20903**

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the Board of Supervisors of the County of Riverside hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. Payment shall be made of the amount equal to the actuarial equivalent of the difference between the allowance the member receives after receipt of such service credit and the amount the member would have received without such service credit with respect to all eligible employees who retire during the specified period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the Board of Supervisors of the County of Riverside hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, \_\_\_\_\_ through \_\_\_\_\_

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF RIVERSIDE

BY \_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Date

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
Actuarial and Employer Services Division  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(916) 326-3420

Attachment 3

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code  
the future annual costs as determined by the System Actuary and/or the increase  
in retirement benefit(s) have been made public at a public meeting of the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ of the  
(public agency)

on \_\_\_\_\_ which is at least two weeks prior to the adoption of the  
(date)

Resolution / Ordinance.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

Date \_\_\_\_\_

**RESOLUTION NO. 2004-416**

A RESOLUTION OF THE COUNTY OF RIVERSIDE GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT

WHEREAS, The Board of Supervisors of the County of Riverside is a contracting Public Agency of the Public Employees' Retirement System; and

WHEREAS, said Public Agency desires to provide another designated period of Two Years Additional Service Credit, Section 20903, based on the contract amendment Included in said contract which provided for Section 20903, Two Years Additional Service Credit, for eligible members;

NOW, THEREFORE, BE IT RESOLVED, that said Board of Supervisors does seek to add another Designated period, and does hereby authorize this Resolution, indicating a desire To add a designated period from September 30, 2004 through December 31, 2004, for eligible miscellaneous members in the classification of Court Human Resources Manager within the Superior Court of California, County of Riverside.

Adopted and approved this 5<sup>th</sup> day of October 2004.

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

Nancy Romero  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

(Seal)

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Actuarial and Employer Services Division

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(916) 326-3420

**CERTIFICATION OF GOVERNING BODY'S ACTION**

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ (public agency)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title