

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 03/25/2014 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2014/88

SUBJECT: Implementing a New Cost of Living Adjustment to the Pension Benefit (Government Code Section 31870) for Employees Represented by the District Attorney Investigators' Association and Related Sworn Unrepresented Employees, Hired On or After July 1, 2014, who become New Members of CCCERA in the PEPRA Retirement Tier.

Whereas Government Code section 31483 provides that whenever the Board of Supervisors has adopted a resolution or ordinance making a particular provision of the County Employees Retirement Law of 1937 (Gov. Code, §§ 31450 et. seq.) applicable, the Board may, through a future resolution or ordinance, terminate the applicability of the provision as to employees of the County whose services commence after a future date specified in the latter ordinance or resolution; and

Whereas Government Code section 31870 provides for a Cost of Living Adjustment (COLA) to the retirement allowance that shall not exceed two percent (2%) per year and that is banked; and

Whereas Government Code section 31552 provides that each person entering county employment becomes a member of the Contra Costa County Employees Retirement Association (CCCERA) on the first day of the calendar month after his/her entrance into county service, provided that the person enters a classification and position eligible for membership in CCCERA; and

Whereas pursuant to section 31552, persons who enter County employment in classifications eligible for membership in CCCERA on or after July 1, 2014, become members of CCCERA on or after August 1, 2014; and

Whereas the California Public Employees Pension Reform Act of 2013, Government Code sections 7522 et. seq. (PEPRA) established a new retirement benefit for all persons becoming New Members (as defined in PEPRA) of California public retirement systems on or after January 1, 2013, but did not address the Cost of Living Adjustment to the pension benefit for such persons; and

Whereas the County and the District Attorney Investigators' Association agreed in the Memorandum of Understanding ratified by the Association and approved by the Board of Supervisors on March 25, 2014, that for sworn employees represented by the Association who are hired on or after July 1, 2014, and become New Members of CCCERA in the PEPRA Tier, the COLA to the employee's retirement allowance shall not exceed two percent (2%) per year and shall be banked; and

Whereas the County wishes to apply the same pension COLA to unrepresented sworn employees serving in supervisory classifications in the District Attorney Investigator classification series who are hired on or after July 1, 2014, and who become New Members of CCCERA in the PEPRA Tier, and whereas the unrepresented positions in this series currently include DA Chief of Inspectors- Exempt (6KD1), DA Lieutenant of Inspectors (6KNB) and Lieutenant of Inspectors- Welfare Fraud (6KWG);

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY RESOLVES THAT:

1. Government Code section 31870.1 (banked COLA not to exceed three percent) shall not apply to sworn employees represented by the District Attorney Investigators' Association hired on or after July 1, 2014, who become New Members of CCCERA (as defined in PEPRA) in the PEPRA Tier. Instead, Government Code section 31870 (banked COLA not to exceed two percent) shall apply to such sworn employees represented by the District Attorney Investigators' Association who are hired on or after July 1, 2014.

2. Government Code section 31870.1 (banked COLA not to exceed three percent) shall not apply to unrepresented sworn employees in the District Attorney's Office, including DA Chief of Inspectors- Exempt (6KD1), DA Lieutenant of Inspectors (6KNB) and Lieutenant of Inspectors- Welfare Fraud (6KWG), or to such other unrepresented sworn classifications in the District Attorney's Office created hereafter, hired on or after July 1, 2014, who become New Members of CCCERA (as defined in PEPRA) in the PEPRA Tier. Instead, Government Code section 31870 (banked COLA not to exceed two percent) shall apply to such unrepresented sworn employees who are hired on or after July 1, 2014.

3. To the extent a previous Resolution adopted by the Board of Supervisors is inconsistent with this Resolution 2014/88, this Resolution governs the cost of living adjustment to the pension benefit for all represented and unrepresented sworn employees hired by the District Attorney's Office on or after July 1, 2014, and any inconsistent provision in such prior Resolution shall not apply.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Lisa Driscoll, County Finance Director (925) 335-1023

ATTESTED: March 25, 2014

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Christine Penkala, County Benefits Manager