

ORDINANCE ADOPTING GOVERNMENT CODE SECTION 31725.5

ORDINANCE NO. _____

**AN ORDINANCE ADDING SEC. 27-51 TO ARTICLE IV
OF CHAPTER 27 OF
THE SANTA BARBARA COUNTY CODE
REGARDING THE CONTINUED EMPLOYMENT WITH A CHANGE OF
POSITION, IN LIEU OF DISABILITY RETIREMENT, FOR MEMBERS
ELIGIBLE TO RETIRE FOR NONSERVICE-CONNECTED DISABILITY**

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1.

Add Sec. 27-51 to Article IV of Chapter 27 of the Santa Barbara County Code as follows:

Sec. 27-51. Continued Employment in-lieu of Nonservice-connected Disability

The Board of Supervisors of the County of Santa Barbara adopts Government Code section 31725.5, entitled “Change of position in lieu of disability retirement allowance; members eligible to retire for nonservice-connected disability”, which reads as follows:

“If the board finds, on medical advice, that a member in county employment, although incapacitated for the performance of his duties, is capable of performing other duties in the service of the county, the member shall not be entitled to a disability retirement allowance if any competent authority in accordance with any applicable civil service or merit system procedures offers and he accepts a transfer, reassignment, or other change to a position with duties within his capacity to perform with his disability. If this new position returns to the member compensation less than that of the position from which he was disabled, the board, in lieu of a disability retirement allowance, shall pay him the difference in such compensation until the compensation of the new position equals or exceeds the compensation (including later changes) of the former position, but such amount shall not exceed the amount to which he would otherwise be entitled as a disability retirement allowance. Such payments in lieu of disability retirement allowance shall be considered as a charge against county advance reserve for current service.

If a new position cannot be arranged at the time of eligibility for disability retirement allowance, such disability retirement allowance to which the member is entitled under this article shall be paid until such time as a new position is

available and accepted.

If a disability retirement allowance is paid and the member later accepts such a new position, the period while on disability retirement shall not be considered as breaking the continuity of service and his rate of contributions shall be based on the same age as it was at the date of disability. The member's accumulated contributions shall be the same as at the date his disability retirement began less the amount charged to his accumulated normal contributions.

Nothing in this section shall be construed to require a member to accept reassignment or transfer in lieu of a disability retirement allowance.

The provisions of this section become effective in any county only when the board of supervisors adopts an ordinance providing for their implementation by the board of retirement which may include application to persons retired for disability before such effective date.

The provisions of this section shall only apply to members eligible to retire for nonservice-connected disability.”

This section shall also apply to individuals who retired with a nonservice-connected disability before the effective date of this ordinance.

SECTION 2. Publication and Effective Date. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it or a summary of it, shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

OSCAR PETERS
RETIREMENT ADMINISTRATOR
SBCERS

By _____

RAY AROMATORIA
RISK MANAGER

By _____

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy

APPROVED FOR ACCOUNTING FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____