

**BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA**

A RESOLUTION MAKING THE PROVISIONS OF GOVERNMENT CODE § 31646(c) APPLICABLE TO THE COUNTY ALLOWING MEMBERS OF SBCERS TO PURCHASE RETIREMENT SERVICE CREDIT FOR AN UNPAID LEAVE DUE TO SERIOUS FAMILY ILLNESS

Resolution No. \_\_\_\_\_

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WHEREAS, the Santa Barbara County Employees' Retirement System ("SBCERS") was established pursuant to the County Employees' Retirement Law of 1937 ("CERL") (Government Code § 31450 et seq.); and

WHEREAS, Assembly Bill (AB) 1971 amended Government Code Section 31646 to include a provision that authorizes members of a retirement system subject to CERL to purchase unpaid leave time due to serious illness of a family member when the absence is eligible for coverage under the federal Family Rights Act (FMLA) or the California Family Rights Act (CFRA) to be added to their retirement service credit for purposes of calculating retirement benefits; and

WHEREAS, AB 1971 went into effect on January 1, 2023 but the provision allowing a retirement system member the option to receive service credit is only effective after the Board of Supervisors adopts a resolution making the provisions of Section 31646(c) applicable to the County; and

WHEREAS, pursuant to the newly amended Government Code Section 31646(c), an SBCERS member who returns to active service following an uncompensated leave of absence on account of the serious illness of a family member when the absence is eligible for coverage under FMLA or CFRA may receive credit for the period of the absence upon the payment of the contributions that both the member and the employer would have paid during that period, together with the interest that the contributions would have accrued if the member was not absent; and

WHEREAS, for purposes of Government Code Section 31646(c), "leave of absence on account of illness of a family member" means any time, up to one year, during which a member is granted an approved leave to care for a seriously ill family

member and returns to employment at the end of the approved leave for a period of time at least equal to that leave. The contributions required to receive the service credit may be paid in a lump sum or may be paid on a monthly basis for a period of not more than the length of the period for which service credit is claimed. Credit shall not be received for any period of such an absence in excess of 12 consecutive months; and

WHEREAS, retirement system members who wish to receive service credit must contact SBCERS to pay for the employee and employer portion of their retirement contribution during their approved leave due to illness of a family member; and

WHEREAS, an actuarial study of the financial implications of implementing Government Code Section 31646(c) was prepared on behalf of the Santa Barbara County Board of Retirement and presented to the Board of Supervisors in accordance with Government Code Section 31515.5 and 31516; and

WHEREAS, purchases of unpaid leave time due to the serious illness of a family member pursuant to Section Government Code 31646(c) shall be subject to procedures adopted by the Santa Barbara County Board of Retirement so that the cost paid by a member for the purchase of service credit on account of a serious illness of a family member shall be sufficient to not place an additional financial burden upon the retirement system or participating SBCERS employers; and

WHEREAS, the Santa Barbara County Board of Supervisors desires to make Government Code Section 31646(c) applicable in this County.

**NOW THEREFORE, IT IS HEREBY RESOLVED, AS FOLLOWS:**

1. The Board of Supervisors of the County of Santa Barbara adopts the provisions of Government Code Section 31646(c) so that they are applicable to the County of Santa Barbara; and
2. SBCERS members shall be allowed to purchase retirement service credit for periods of unpaid leave due to the serious illness of a family member when the absence is eligible for coverage under FMLA or CFRA, under the provisions of Government Code Section 31646(c); and
3. The provisions of Government Code Section 31646(c) shall apply to leaves due to the serious illness of a family member that commence after the effective date of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Das Williams, Chair  
Board of Supervisors  
County of Santa Barbara

ATTEST:

MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:  
RACHEL VAN MULLEM  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM  
BETSY SCHAFFER, CPA  
AUDITOR-CONTROLLER

DocuSigned by:  
*Victoria Parks Tuttle*  
By: \_\_\_\_\_  
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Deputy

DocuSigned by:  
*C. Edith...*  
By: \_\_\_\_\_  
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Deputy

APPROVED AS TO FORM:  
GREGORY LEVIN, CPA  
SBCERS CHIEF EXECUTIVE OFFICER

DocuSigned by:  
*Gregory Levin*  
By: \_\_\_\_\_  
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