

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

A RESOLUTION MAKING THE PROVISIONS OF GOVERNMENT CODE § 31646(b) APPLICABLE TO THE COUNTY ALLOWING MEMBERS OF SBCERS TO PURCHASE RETIREMENT SERVICE CREDIT FOR AN UNPAID PARENTAL LEAVE

Resolution No. _____

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) 2101 amended Government Code Section 31646(b) to include a provision that authorizes members of a retirement system subject to CERL to purchase unpaid parental leave time to be added to their retirement service credit for purposes of calculating retirement benefits; and

WHEREAS, AB 2101 went into effect on January 1, 2021 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(b) applicable to the County; and

WHEREAS, pursuant to the newly amended Government Code Section 31646(b), a SBCERS member who returns to active service following an uncompensated leave of absence due to parental leave 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(b), parental leave is defined as "any time, up to one year, during which a member is granted an approved maternity or paternity leave and returns to employment at the end of the approved leave for a period of time at least equal to that leave." The contributions may be paid to SBCERS 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. Service 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 parental leave; and

WHEREAS, an actuarial study of the financial implications of implementing Government Code Section 31646(b) 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 parental leave time pursuant to Section Government Code 31646(b) 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 parental leave service credit 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(b) 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(b) 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 parental leave under the provisions of Government Code Section 31646(b); and
3. The provisions of Government Code Section 31646(b) shall apply to parental leaves 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 _____, 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Joan Hartmann, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

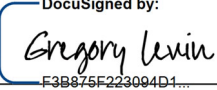
APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

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

By:  _____
Deputy

By:  _____

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

By:  _____