



County of San Mateo

Inter-Departmental Correspondence

Department: HUMAN RESOURCES

File #: 21-209

Board Meeting Date: 3/23/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Rocio Kiryczun, Director of Human Resources
Subject: Resolution to apply the provisions of Government Code section 31646(b)

RECOMMENDATION:

Adopt a resolution making the provisions of Government Code section 31646(b) applicable to the County which would allow employees to receive retirement service credit for an unpaid parental leave.

BACKGROUND:

Assembly Bill 2101 amended Government Code section 31646 to include a provision that would allow employees who take an unpaid parental leave to receive service credit toward retirement. AB 2101 went into effect on January 1, 2021 but the provision allowing an employee the option to receive service credit is only effective after the Board of Supervisors adopts a resolution making the provisions of 31646(b) applicable to the County.

DISCUSSION:

Pursuant to the newly amended Government Code section 31646(b), a member who returns to active service following an uncompensated leave of absence on account of parental leave may receive service credit for the period of the absence upon the payment of the contributions that the member and the employer would have paid during that period, together with the interest that the contributions would have earned had they been on deposit, if the member was not absent. For purposes of the amendment, 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 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.

As provided in the statute, employees who wish to receive service credit must contact SamCERA to pay for the employee and employer portion of their retirement contribution during their approved parental leave. As outlined by the County's Maternity/ parental leave policy, Parental Leave can be

approved up to six months after the medical leave ends during the first year following the birth or placement of a child in the home (adoption or foster care) at the discretion of the department. Mothers, Dads, Partners and adoptive parents qualify for parental leave.

The actuarial analysis of the impact upon future annual costs if the board were to adopt this resolution was previously presented to this Board on March 9, 2021. The actuarial analysis is attached again for the Board's reference.

This resolution has been reviewed and approved by the County Counsel's Office as to form

Financial Impact on County's Future Annual Costs

The changes reflected in this amendment have no impact to the Actuarial Accrued Liability (AAL) provided any increased service credit is offset by payment of the corresponding member and employer contribution with interest.

FISCAL IMPACT:

There is no fiscal impact. The cost estimated with the resolution will be paid by the employee.