

Commissioners,

FYI – I will also have copies of this response at next Wednesday's meeting.

José

José C. Henríquez  
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El Dorado Local Agency Formation Commission  
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Please update your contact list! My address has changed to [jhenriquez@edlafco.us](mailto:jhenriquez@edlafco.us)

**From:** Brown, Cynthia [[mailto:Cynthia\\_Brown@calpers.ca.gov](mailto:Cynthia_Brown@calpers.ca.gov)]  
**Sent:** Monday, February 04, 2013 10:34 AM  
**To:** Jose Henriquez  
**Cc:** Hwang, Eva  
**Subject:** RE: LAFCO CalPERS Contract

Hi José –

Government Code Sections 21024 (Military Service Credit as Public Service) and Section 21027 (Military Service Credit for Retired Persons) are mandated benefits when there are under 100 employees for the contracting agency. Since your agency has 3, these provisions will automatically be included in the contract. There is nothing additional that you will need to do.

Let me know if you have any further questions.

*Thank you,*

*Cynthia*

**From:** Jose Henriquez [<mailto:JHenriquez@edlafco.us>]  
**Sent:** Saturday, February 02, 2013 4:07 PM  
**To:** Hwang, Eva; Brown, Cynthia  
**Subject:** LAFCO CalPERS Contract

Cynthia (and Eva),

It has been brought to our attention that the service credit for military service that we negotiated was inadvertently left out of the contract. What would be the process to get it included?

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## **GOVERNMENT CODE § 21024**

- (a) "Public service" with respect to a local member, other than a school member, also means active service with the Armed Forces or the Merchant Marine of the United States, including time during any period of rehabilitation afforded by the United States government other than a period of rehabilitation for purely educational purposes, and for six months thereafter prior to the member's first employment by the employer under this section in which he or she was a member.
- (b) Any member electing to receive credit for that public service shall make the contributions as specified in Sections 21050 and 21052. However, any eligible member who requests costing of service credit between January 1, 2001, and December 31, 2003, may, instead of making those contributions, make the payment calculated under this article as it read on December 31, 2000, which payment shall be made in the manner described in Section 21050.
- (c) The public service under this section shall not include military service (1) in any period for which credit is otherwise given under this article or Article 4 (commencing with Section 20990) or (2) to the extent that total credit under this section would exceed four years.
- (d) Notwithstanding Section 21034, a member may select which of two or more periods of service entitles him or her to receive public service under this section.
- (e) This section shall apply to a member only if he or she elects to receive credit while he or she is in state service in the employment of one employer on or after the date of the employer's election to be subject to this section.
- (f) This section shall not apply to any contracting agency nor to the employees of any contracting agency until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts or in the case of contracts made after this section takes effect, by express provision in the contract making the contracting agency subject to this section. The amendments to this section made during the second year of the 1999-2000 Regular Session shall apply to contracts subject to this section on January 1, 2001.

## **GOVERNMENT CODE § 21027**

- (a) "Public service" with respect to a local member who retired pursuant to this part before the effective date of the election of his or her employer to be subject to Section 21024 also means active service with the Armed Forces or the Merchant Marine of the United States, including time during any period of rehabilitation afforded by the United States government other than a period of rehabilitation for purely educational purposes, and for six months thereafter prior to the person's first employment by the employer under this section in which he or she was a member.

- (b) Any retired person electing to receive credit for that public service shall make the contributions as specified in Sections 21050 and 21052. However, any eligible member who requests costing of service credit between January 1, 2001, and December 31, 2003, may, instead of making those contributions, make the payment calculated under this article as it read on December 31, 2000, which payment shall be made in the manner described in Section 21050.
- (c) The public service shall not include military service (1) in any period for which credit is otherwise given under this article or Article 4 (commencing with Section 20990) or (2) to the extent that total credit under this section would exceed four years.
- (d) Notwithstanding Section 21034, a retired person may select which of two or more periods of service entitles him or her to receive public service under this section.
- (e) This section shall apply to a retired person only if he or she retired immediately following service as a local member, pursuant to this part, and before the effective date of the election by his or her employer to be subject to Section 21024.
- (f) The retirement allowance of a retired person who elects to receive service credit pursuant to this section shall be increased only with respect to the allowance payable on and after the effective date of the election.
- (g) This section shall not apply to any contracting agency nor to the employees of any contracting agency until the agency has elected to be subject to Section 21024 and elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after January 1, 1988, by express provision in the contract making the contracting agency subject to both Section 21024 and this section. The amendments to this section made during the second year of the 1999-2000 Regular Session shall apply to contracts subject to this section on January 1, 2001.