California Rule Cases Remain to be Heard in California Supreme Court

On March 5, 2019, the California Supreme Court issued their opinion in the pension-related case “CAL FIRE LOCAL 2881 et al. v. CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM”. This was the first of four cases that are on the California Supreme Court’s case docket.

The main issue was “air time” which is the ability of employees to purchase additional time that would enhance retirement benefits. The 2012 Public Employees’ Pension Reform Act rescinded that benefit. The Court ruled that “air time” was not a vested right and could be taken away. The good news is the Court left intact the California Rule without modification, thus protecting our vested retirement benefits.

CalRTA is thankful that on this case the Court reaffirmed the California Rule, which protects our vested benefits. Retired educators, and other public servants, depend upon our hard-earned retirement benefits.

But our concern is ongoing as there still are three upcoming cases remaining that also address the vested retirement benefits:

1. Marin Assn. of Public Employees v. Marin County Employees’ Retirement Assn.;
2. Alameda Deputy Sheriff’s Assn., et al. v. Alameda County Employees’ Retirement Assn., et al.;

The California Supreme Court has not scheduled oral arguments yet on these three cases. CalRTA will keep our members informed about the status of these cases when the Court announces the date the cases will be heard by the Court.

Our hope is that when the cases are considered the Court will rule with the mindset of “A promise made is a promise kept” and protects the vested retirement benefit for future and active teachers.

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