

*FRESNO COUNTY  
EMPLOYEES' RETIREMENT  
ASSOCIATION*



*BYLAWS AND REGULATIONS  
of the  
BOARD OF RETIREMENT*

*As amended by the Board of Retirement  
September 20, 2006  
and  
approved by the Fresno County Board of Supervisors  
October 3, 2006*

**BOARD OF RETIREMENT  
FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

**BYLAWS AND REGULATIONS**

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**BOARD OF RETIREMENT  
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**BYLAWS AND REGULATIONS**

*As amended by Board of Retirement on September 20, 2006,  
and approved by Fresno County Board of Supervisors on October 3, 2006*

**I. ADMINISTRATION**

**A. Name of Association**

The name of this Association is: "Fresno County Employees' Retirement Association," hereafter "the Association."

**B. Purpose of Association**

The Association is established in accordance with and subject to the County Employees Retirement Law of 1937 (Gov. Code, § 31450 *et seq.*, hereafter "the Act"). The Association is governed by the Act as supplemented by these Bylaws and Regulations.

**C. Definitions**

Words, terms and phrases used in these Bylaws and Regulations shall be as defined in the Act unless otherwise specified in these Bylaws and Regulations.

**D. Management**

1. Management of the Association is vested in the Board of Retirement, hereafter "the Board." Routine day to day administration is delegated to the Administrator.
2. The Board's policies and procedures for disability retirement and other hearings shall include provisions stating that:
  - a. Witness fees, mileage and expenses, with the exception of officers and employees of the County or Districts, shall be determined and paid between the calling party and the witness, and shall be paid by the calling party.

- b. When a referee is appointed by the Board to conduct a hearing, the written appointment constitutes the express written authorization of the referee to exercise the Board's subpoena power.

(Gov. Code, § 31535.)

## **II. BOARD OF RETIREMENT**

### **A. Officers and Committee Members**

#### **1. Election and term of officers**

Annually at the first regular meeting in January, the Board shall elect one of its members Chair, and one of its members Vice-Chair. Officers shall hold office for a term of one year or until a successor is duly elected and qualified. If an officer fails for any reason to complete his or her term, the Board shall elect a successor for the balance of the unexpired term at its next regular meeting. Officers may be removed by a two-thirds vote of the entire Board.

#### **2. Absence of officer**

If the Chair is absent from a meeting, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent from a meeting, the Board shall elect a Chair pro tem for the meeting. Alternate members of the Board are eligible to serve as Chair pro tem when sitting for a regular member.

#### **3. Administrator as secretary**

The Administrator shall serve as Secretary of the Board.

#### **4. Chair's participation and vote**

The Chair shall have a vote on all questions and shall not be required to relinquish the chair in order to participate in discussion.

### **B. Attendance**

1. Members are required to attend all meeting of the Board. Alternate members are encouraged to attend all meetings of the Board and may attend closed session even if the regular member is present.
2. Committee members are required to attend all meetings of the committee. Alternate members of committees are encouraged to attend all committee meetings and may attend closed session even if the regular member is present.

3. The Administrator shall provide a report to the Board annually, and more often if requested by the Board or a committee, of attendance at meetings.

**C. Quorum**

Five members of the Board constitute a quorum. A majority vote of the quorum present at the time of voting shall govern the decisions of the Board unless otherwise specifically provided in the Act or these Bylaws and Regulations.

**D. Rules of Order**

Except as otherwise provided in these Bylaws and Regulations, Robert's Rules of Order shall guide the Board in its proceedings. The order of business shall be at the discretion of the Administrator, unless otherwise directed by the Board.

**E. Minutes**

1. The Secretary shall cause to be recorded in the minutes the time and place of each meeting of the Board, the names of Board members present, and all official acts of the Board, together with the votes thereon, except for action that is unanimous, and, when requested, a member's dissent or approval with his or her reasons, and shall cause the minutes to be written and presented for approval no later than the second succeeding regular meeting.
2. The minutes or a true copy thereof, submitted and signed by the Secretary after approval by the Board, shall form part of the permanent records of the Board.

**F. Meetings**

**1. Regular meetings**

Regular meetings of the Board shall be held on the first and third Wednesdays of each month at 8:30 a.m. in the Board Room of the FCERA building, located at 1111 H Street in Fresno.

**2. Special and emergency meetings**

- a. Special meetings of the Board may be called at any time by the Chair or by a majority of the members of the Board as provided in the Brown Act (Gov. Code, § 54950 *et seq.*).
- b. Emergency meetings of the Board may be called by the Chair or by a majority of the members of the Board only as provided in the Brown Act (Gov. Code, § 54950 *et seq.*).

### **III. MEMBERSHIP**

#### **A. Membership Date**

Any employee of the County of Fresno or of any District included in the Association who is eligible for membership shall be considered to be a member on the first day of the next payroll period applicable to the employee following that in which the employee became eligible. (Gov. Code, §§ 31527, subd. (h), and 31552.)

#### **B. New Employees Age 60 and Above**

1. Employees hired before January 1, 2004 who have attained the age of 60 are exempt from membership.
2. Employees hired on or after January 1, 2004 who have attained the age of 60 may waive membership.

(Gov. Code, § 31552.)

#### **C. Enrollment**

1. It shall be the duty of the appointing Department Head or Authority to report to the Administrator the employment of all persons eligible for membership.
2. The appointing Department Head or Authority shall also ensure that every eligible employee files with the Association a Member's Enrollment Statement in the form determined by the Administrator. The Enrollment Statement shall be considered the sworn statement required by the Act. (Gov. Code, § 31526, subd. (b).)

#### **D. Additional Contributions**

Additional contributions may be made by any member of the Association as directed by the Board in accordance with section 31627 of the Act.

#### **E. Partial Deduction Prohibited**

If the amount of wage compensation is less than the contribution due, no deduction shall be made for membership credit. (Gov. Code, § 31527, subd. (a).)

## **F. Temporary, Seasonal, Intermittent and Part-Time Employees**

Temporary, seasonal, intermittent and part-time employees are excluded from membership in the Association. For purposes of these Bylaws and Regulations the terms shall have the following meanings:

### **1. Temporary employees**

Employees appointed for temporary service only. The term temporary employee includes but is not limited to Interns, Resident Physicians, and Dentists.

### **2. Seasonal employees**

Employees whose service for the County or District is only at certain specified periods during the year.

### **3. Intermittent employees**

Employees whose service for the County or District is not regular in nature, but periodic and recurrent at intervals.

### **4. Part-time employees**

a. Until July 1, 1984, an employee engaging in his or her duties for less than 80% of the time required of employees serving on a full-time basis, even though subject to call at any time.

b. Effective July 1, 1984, an employee engaging in his or her duties for less than 50% of the time required of employees serving on a full-time basis, even though subject to call at any time.

(Gov. Code, § 31527, subd. (e).)

## **G. Additional Time to Make Contributions**

1. When a member redeposits withdrawn contributions, the Administrator may approve redeposit over a period longer than one year. (Gov. Code, § 31527, subd. (b).)

2. When a member purchases excluded time, the Administrator may approve payment over a period longer than one year. (Gov. Code, § 31527, subd. (c).)

3. When an elected official chooses to become a member, the Administrator may approve payment for purchase of earlier elected service over a period longer than one year. (Gov. Code, § 31648.)

**H. Purchase of Unpaid Military Leave**

The Administrator shall establish appropriate procedures for the purchase of unpaid military leave by returning service members. (Gov. Code, § 31650.)

**I. Acceptance of Plan-to-Plan Transfers and Rollovers**

To the extent authorized by federal law, but limited to pre-tax contributions, the Association shall accept plan-to-plan fund transfers and shall accept rollovers from qualified plans to satisfy the lump sum payment of contributions for purchase of prior service, medical leave of absence, military leave, and public service.

**J. Election of Retirement Allowance Form**

The “Election of Retirement Allowance Form” signed by the member designating his or her choice of option shall be construed as the Annuity Certificate required by the Act. The retirement of a member shall not be deemed complete until the form has been signed and returned to the Administrator. (Gov. Code, § 31526, subd. (c).)

**IV. AMENDMENT OF BYLAWS AND REGULATIONS**

**A.** These Bylaws and Regulations may be amended under the following procedures:

1. Amendments shall be read at a regular meeting.
2. No vote may be taken earlier than the next regular meeting.
3. At least two-thirds (2/3) of the Board members in attendance must vote in favor of the amendments.

**B.** The amendments shall become effective when approved by the Board of Supervisors.