

RESOLUTION NO. 17-003  
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES, AFT LOCAL 6192, AFL-CIO  
(001 CLASSIFIED LOCAL 6192)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, an (4) Government Code Section 22892(b) provides that the employer contribution shall be equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- ~~WHEREAS, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until such time as the amounts are equal; and~~
- WHEREAS, who (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants are members of the **Berkeley Council of Classified Employees, AFT Local 6192, AFL-CIO** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, be (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and it further
- RESOLVED, pay (b) That the employer contribution for each employee shall be the amount necessary to

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED, (c) That the employer contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED, (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-007  
ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES, AFT LOCAL 6192, AFL-CIO  
(001 CLASSIFIED LOCAL 6192)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code
- Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the
- under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, Council (a) **Berkeley Unified School District** desires to obtain for members of the **Berkeley**
- 
- of Classified Employees, AFT Local 6192, AFL-CIO** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.

RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

**RESOLUTION NO. 17-008**  
**ELECTING TO BE SUBJECT TO SECTION 22895**  
**TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS**  
**UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**  
**WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION**

**BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES, AFT LOCAL 6192, AFL-CIO**  
**(010 CLASSIFIED LOCAL 6192 VESTING 100%)**

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **Berkeley Council of Classified Employees, AFT Local 6192, AFL-CIO**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are represented by a bargaining unit and there is an applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
- 
- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an “agency or instrumentality of the state or political subdivision of a State” that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees’ Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.
- 

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

**RESOLUTION NO. 17-009**  
**ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**  
**AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS**  
**WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION**

**INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO**  
**(002 PROF-TECH ENGINEERS LOCAL 21)**

- WHEREAS, (1) A contracting agency meeting the eligibility requirements set forth in Government Code  
Code  
Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the  
Act  
under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (4) Government Code Section 22892(b) provides that the employer contribution shall be  
an  
equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- ~~WHEREAS, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a~~  
~~contracting agency may establish a lesser monthly employer contribution for~~  
~~annuitants than for employees, provided that the monthly employer contribution for~~  
~~annuitants is annually increased to equal an amount not less than the number of~~  
~~years the contracting agency has been subject to this subdivision multiplied by five~~  
~~percent of the current monthly employer contribution for employees, until such time~~  
~~as the amounts are equal; and~~
- WHEREAS, (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants  
who  
are members of the **International Federation of Professional & Technical Engineers, Local 21, AFL-CIO** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and  
be  
it further
- RESOLVED, (b) That the employer contribution for each employee shall be the amount necessary to  
pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED, (c) That the employer contribution for each annuitant shall be the amount necessary to pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED, (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)



**RESOLUTION NO. 17-010**  
**ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES**  
**UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**  
**WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION**

**INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO**  
**(002 PROF-TECH ENGINEERS LOCAL 21)**

- WHEREAS, (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, (a) **Berkeley Unified School District** desires to obtain for members of the **International Federation of Professional & Technical Engineers, Local 21, AFL-CIO** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.

RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-011  
ELECTING TO BE SUBJECT TO SECTION 22895  
TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO  
(020 PROF-TECH ENGINEERS LOCAL 21 VESTING 100%)

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **International Federation of Professional & Technical Engineers, Local 21, AFL-CIO**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are represented by a bargaining unit and there is an applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it

- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.
- 

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-012  
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

**BERKELEY FEDERATION OF TEACHERS (BFT)**  
**(701 NPERS BFT)**

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, an (4) Government Code Section 22892(b) provides that the employer contribution shall be equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- ~~WHEREAS, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a~~  
~~contracting agency may establish a lesser monthly employer contribution for~~  
~~annuitants than for employees, provided that the monthly employer contribution for~~  
~~annuitants is annually increased to equal an amount not less than the number of~~  
~~years the contracting agency has been subject to this subdivision multiplied by five~~  
~~percent of the current monthly employer contribution for employees, until such time~~  
~~as the amounts are equal; and~~
- WHEREAS, who (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants are members of the **Berkeley Federation of Teachers (BFT)** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, be (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and it further
- RESOLVED, (b) That the employer contribution for each employee shall be the amount necessary to pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED, (c) That the employer contribution for each annuitant shall be the amount necessary to pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED, (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-013  
ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

**BERKELEY FEDERATION OF TEACHERS (BFT)**  
**(701 NPERS BFT)**

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, (a) **Berkeley Unified School District** desires to obtain for members of the **Berkeley Federation of Teachers (BFT)** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)



RESOLUTION NO. 17-014  
ELECTING TO BE SUBJECT TO SECTION 22895  
TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

**BERKELEY FEDERATION OF TEACHERS (BFT)**  
**(710 NPERS BFT VESTING 100%)**

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **Berkeley Federation of Teachers (BFT)**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are represented by a bargaining unit and there is an applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
- 
- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-015  
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

UNION OF BERKELEY ADMINISTRATORS (UBA)  
(702 NPERS UBA)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, an (4) Government Code Section 22892(b) provides that the employer contribution shall be equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- ~~WHEREAS, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until such time as the amounts are equal; and~~
- WHEREAS, who (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants are members of the **Union of Berkeley Administrators (UBA)** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, be (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and it further
- RESOLVED, pay (b) That the employer contribution for each employee shall be the amount necessary to pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED, (c) That the employer contribution for each annuitant shall be the amount necessary to pay

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED, (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

**RESOLUTION NO. 17-016**  
**ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES**  
**UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**  
**WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION**

**UNION OF BERKELEY ADMINISTRATORS (UBA)**  
**(702 NPERS UBA)**

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code
- Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the
- under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, **Berkeley** (a) **Berkeley Unified School District** desires to obtain for members of the **Union of**
- Administrators (UBA)** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.

RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-017  
ELECTING TO BE SUBJECT TO SECTION 22895  
TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

UNION OF BERKELEY ADMINISTRATORS (UBA)  
(720 NPERS UBA VESTING 100%)

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **Union of Berkeley Administrators (UBA)**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are represented by a bargaining unit and there is an applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
- 
- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.
- 

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)



RESOLUTION NO. 17-018  
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

NON CERTIFICATED MANAGEMENT  
(703 NPERS CERT MGMT)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, an (4) Government Code Section 22892(b) provides that the employer contribution shall be equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- ~~WHEREAS, (5) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until such time as the amounts are equal; and~~
- WHEREAS, who (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants are members of the **Non Certificated Management** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, be (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and it further
- RESOLVED, pay (b) That the employer contribution for each employee shall be the amount necessary to

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED,  
pay

- (c) That the employer contribution for each annuitant shall be the amount necessary to the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED,

- (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED,

- (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED,

- (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED,

- (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED,

- (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_

(President, Chairman, etc.)

Attest: \_\_\_\_\_

(Secretary or appropriate officer)

RESOLUTION NO. 17-019  
ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

NON CERTIFICATED MANAGEMENT  
(703 NPERS CERT MGMT)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, **Certificated** (a) **Berkeley Unified School District** desires to obtain for members of the **Non Management** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.

RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-020  
ELECTING TO BE SUBJECT TO SECTION 22895  
TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

CERTIFICATED MANAGEMENT  
(730 NPERS CERT MGMT VESTING 100%)

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **Non Certificated Management**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are not represented by a bargaining unit and there is no applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
- 
- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.
- 

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-021  
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

UNREPRESENTED CLASSIFIED  
(003 UNREP CLASSIFIED)

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, an (4) Government Code Section 22892(b) provides that the employer contribution shall be equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- WHEREAS, (5) ~~Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a~~ contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by five percent of the current monthly employer contribution for employees, until such time as the amounts are equal; and
- WHEREAS, who (6) **Berkeley Unified School District** desires to obtain for its employees and annuitants are members of the **Unrepresented Classified** the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, be (a) **Berkeley Unified School District** elects to be subject to the provisions of the Act; and it further
- RESOLVED, pay (b) That the employer contribution for each employee shall be the amount necessary to

the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, and be it further

RESOLVED, (c) That the employer contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1.00** per month, and be it further

RESOLVED, (d) That the employer contribution for each annuitant shall be increased annually by five percent of the monthly contribution for employees, multiplied by the number of years the contracting agency has been subject to the Act, until such time as the contributions are equal;

And that the contributions for employees and annuitants shall be in addition to those amounts contributed by the Public Agency for administrative fees and to the Contingency Reserve Fund; and be it further

RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further

RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day day of Month, Year.

Signed: \_\_\_\_\_

(President, Chairman, etc.)

Attest: \_\_\_\_\_

(Secretary or appropriate officer)



**RESOLUTION NO. 17-022**  
**ELECTING TO BE SUBJECT TO SECTION 22807 FOR LESS THAN HALF-TIME EMPLOYEES**  
**UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**  
**WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION**

**UNREPRESENTED CLASSIFIED**  
**(003 UNREP CLASSIFIED)**

- WHEREAS, Code (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Act (2) **Berkeley Unified School District** is a contracting agency eligible to be subject to the under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22807 permits a contracting agency subject to the Act to provide benefits to its less than half-time employees, upon proper application; now, therefore, be it
- RESOLVED, (a) **Berkeley Unified School District** desires to obtain for members of the **Unrepresented Classified** the benefit of Section 22807 and accepts the liabilities and obligations of a contracting agency under the Section; and be it further
- 
- RESOLVED, (b) **Berkeley Unified School District** elects to be subject to the provisions of Section 22807 of the Government Code; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act.
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2017**.

Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)

RESOLUTION NO. 17-023  
ELECTING TO BE SUBJECT TO SECTION 22895  
TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION

UNREPRESENTED CLASSIFIED  
(003 UNREP CLASSIFIED VESTING 100%)

- WHEREAS, (1) Government Code Section 22895 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22895; and
- WHEREAS, (2) **Berkeley Unified School District** is a contracting agency under Government Code Section 22920 and subject to the Act for participation by members of the **Unrepresented Classified**; and
- WHEREAS, (3) **Berkeley Unified School District** certifies, employees are not represented by a bargaining unit and there is no applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22895 shall mean service as defined in Government Code Section 22826; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
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- RESOLVED, (a) That employees **retired on or after January 1, 2017** shall be subject to the requirements defined in this vesting resolution; and be it further
- RESOLVED, (b) That the employer contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **the PEMHCA Minimum** per month, but not less than the amount prescribed by Section 22892(b), plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than **40** years of credited service with **Berkeley Unified School District**. The percentage of the employer contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with **Berkeley Unified School District**.

Credited Years of Service	Percentage of Employer Contribution
Less than <b>40</b> years	0%
<b>40</b> years	100%

and be it further

- RESOLVED, (d) In order to receive the employer contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirement set forth in RESOLVED (c); and be it further
- RESOLVED, (e) **Berkeley Unified School District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (f) That the participation of the employees and annuitants of **Berkeley Unified School District** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Berkeley Unified School District** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (g) That the executive body appoint and direct, and it does hereby appoint and direct, **Javetta Cleveland** to file with the Board a verified copy of this resolution, and to perform on behalf of **Berkeley Unified School District** all functions required of it under the Act; and be it further.
- RESOLVED, (h) That coverage under the Act be effective on **January 1, 2017**.
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Adopted at a regular or special meeting of the Governing Board at Location, this Day  
day of Month, Year.

Signed: \_\_\_\_\_  
(President, Chairman, etc.)

Attest: \_\_\_\_\_  
(Secretary or appropriate officer)