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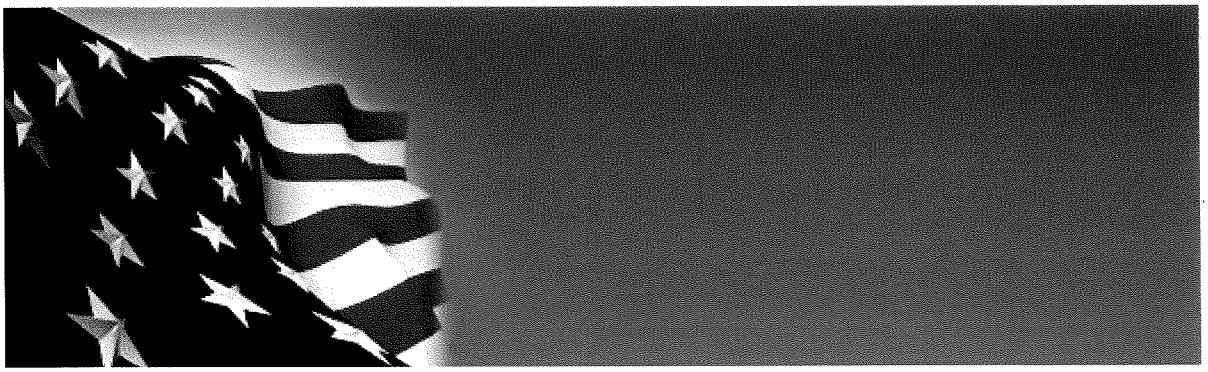

CYPEN & CYPEN NEWSLETTER SPECIAL SUPPLEMENT for JANUARY 29, 2015

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Stephen H. Cypen, Esq., Editor

Never Forget September 11, 2001

and

Always Remember May 2, 2011

CALIFORNIA'S PUBLIC EMPLOYEES' PENSION REFORM ACT OF 2013 IS PARTIALLY UNCONSTITUTIONAL

The California Court of Appeal, Fourth Appellate District, Division One, has decided an appeal from a judgment of the Superior Court of San Diego County. Here is the introduction to the Court's opinion:

In this appeal, we consider whether the state constitution's prohibition against the impairment of contracts precludes the application of the defined benefit formulas and employee contribution provisions of the California Public Employees' Pension Reform Act of 2013 to County of San Diego (county) safety employees who were hired after the Act's effective date, but who were covered by preexisting collective bargaining agreements containing conflicting terms. We conclude the application of the defined benefit formula provisions does not result in

a constitutionally prohibited impairment of the agreements. We do not reach the constitutional question as to the application of the employee contribution provisions as we conclude their application resulted in a statutorily prohibited impairment of the agreements. We, therefore, affirm the judgment as to the application of the defined benefit formula provisions and remand the matter to the superior court for further proceedings as to the application of the employee contribution provisions.

Deputy Sheriffs' Association of San Diego County v. County of San Diego, Case No. D065364 (Cal. App. 4th, January 22, 2015). Read the entire 11-page opinion at http://www.courts.ca.gov/opinions/documents/D065364.PDF.

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