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SEIU California State Council submits this *amicus curiae* letter supporting review in *Cal Fire Local 2881 v. California Public Employees' Retirement System*, First District case number A142793 (“*CAL FIRE Local 2881*”).

SEIU California State Council has over 750,000 members, 300,000 of which serve in the public sector. We are proud to be part of the Service Employees International Union. Our mission is to improve the lives of working people and their families, fighting for jobs with decent wages, healthcare, pensions, better working conditions, and more opportunities. We engage in educational activities, member mobilization, voter registration and “get out the vote” efforts, legislative advocacy, and training.

Consistent with our mission, we are deeply concerned about the opinion below in *CAL FIRE Local 2881*, and we believe the Court should grant review to restore order to public pension law. The appellate court’s decision attacks the law of vested rights for all public sector pensions. The opinion’s reasoning would allow pension benefits for active employees to be decreased, with no standard to determine what constitutes a “reasonable” modification. It dismisses the established standard, that changes resulting in disadvantages to employees must be accompanied by comparable new advantages, as if this long-standing rule carries no legal obligation.

Moreover, the opinion below misreads the Court’s decision in *Retired Employees Association of Orange County v. County of Orange* (2011) 52 Cal.4th 1171 as if the Court set an inappropriately high standard for public employees to demonstrate a vested pension right, which it did not. According to the opinion below, a petitioner must show that the Legislature has “unambiguously stated an intent” to create a vested pension right in an express pension benefit. (Slip op. at p. 9, citing *Retired Employees Assn.*, 52 Cal.4th at 1190.) However, the Court in *Retired Employees Association* was not considering an express pension benefit; instead, the Court ruled that *implied* vested rights to retiree *health benefits* were established through clear expression of legislative intent. On the other hand, where the Court has considered express pension benefits under statute, the Court has found vested rights without any statement by the Legislature that a vested right was being created, and without any language prohibiting modification of the benefit. (*Betts v. Board of Administration* (1978) 21 Cal.3d 859; *Olson v. Cory* (1980) 27 Cal.3d 532.) The *CAL FIRE Local 2881* opinion disrupts the law of vested pension rights by conflating it with a standard for showing implied vested rights to retiree health benefits.

At stake are the benefits of existing public employees who have been laboring in public service relying in good faith upon the promises made to them. The reasoning of the opinion below assaults fundamental vested rights doctrine. We believe that absent review by the Court, it is inevitable that opponents of public pensions will try to use the opinion to justify all manner of pension reductions.

We urge the Court to grant review, to resolve the significant statewide controversy posed by the opinion below.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Brennand". The signature is fluid and cursive, with a large initial "T" and "B".

Terry Brennand  
Sr. Government Relations Advocate