



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 1 .3

Meeting Date: January 9, 2014

Subject: Resolution No. 2773: 180-Day Wait Period Exemption

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Department: Business Services

Recommendation: Approve Resolution No. 2773 authorizing the appointment to fill a critically needed position by classified retiree.

Background/Rationale: The Public Employee's Pension Reform Act of 2013 (Government Code §7522 et seq.) restricts school districts that contract with CalPERS from employing classified retired employees for 180 days from the date of their retirement (the "180-Day Wait Period") unless certain conditions are met. Per Resolution No. 2773, it is necessary that Susan Pointer, who is retiring from her position as legal analyst on February 3, 2014, continue to be employed after her retirement on an as-needed basis to provide training and support to her successor before the expiration of the 180-Day Wait Period.

Financial Considerations: Compensation will be paid from the Legal Services Department's Temporary Clerical/Office budget. Hours worked are not to exceed 960 hours in a fiscal year.

Documents Attached:

1. Resolution No. 2773
2. Circular Letter
3. Employment After Retirement
4. Government Code 7522 56

Estimated Time of Presentation: 3 Minutes

Submitted by: Ken A. Forrest, Chief Business Officer
Cancy McArn, Assistant Superintendent
Human Resources and Employee Compensation Services

Approved by: Sara Noguchi, Ed.D., Interim Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2773

**APPOINTMENT TO FILL A CRITICALLY NEEDED POSITION
BY CLASSIFIED RETIREE**

WHEREAS, Susan Pointer (“Pointer”), after many years of dedicated service, will be retiring from her classified position as the District’s only legal analyst on February 3, 2014; and

WHEREAS, the Public Employee’s Pension Reform Act of 2013 (Government Code §7522 et seq.) restricts school districts that contract with CalPERS from employing classified retired employees for 180 days from the date of their retirement (the “180-Day Wait Period”) unless certain conditions are met; and

WHEREAS, the District finds it necessary to have Pointer provide specialized training and support to her successor during the 180-Day Wait Period as the only employee in the Legal Services Department; and

WHEREAS, pursuant to CalPERS statutory requirements, Pointer’s continued employment in her current position will be of limited duration, will not exceed 960 hours in a fiscal year, will not exceed the maximum monthly base salary paid to other employees performing comparable duties as she is the only employee in the Legal Services Department, and will not receive any benefit, retirement incentive,



California Public Employees' Retirement System
P.O. Box 942715
Sacramento, CA 94229-2715

Reference No.:

Circular Letter No.: 200-002-12

January 26, 2012

This Circular Letter also serves to remind that pursuant to G.C. sections 21224 and

21229:

For information, the following information is being provided to all employees:



EMPLOYMENT AFTER RETIREMENT

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WHAT ALL RETIREES SHOULD KNOW

The information on this page is for informational purposes only. Please read the entire document carefully before making any decisions. If you are a member of the California State Employees' Retirement System (CalPERS), you should read this document carefully before you accept the offer.

What You Should Know Before Working After Retirement

As a retiree, you may be able to work for the State of California and receive a pension from CalPERS. However, you must understand the rules regarding working after retirement. CalPERS has specific rules regarding working after retirement, including the ability to work for the State of California and receive a pension from CalPERS. You should read the entire document carefully before making any decisions. The rules regarding working after retirement are complex and can vary depending on your situation. You should consult with a qualified professional for more information.

Go to www.calpers.ca.gov for more information. You can also contact your retirement counselor for more information. The rules regarding working after retirement are complex and can vary depending on your situation. You should consult with a qualified professional for more information.

Consequences of Unlawful Employment

Retirees who are found to be unlawfully employed by a CalPERS employer (including a contractor) may be subject to a variety of consequences.

If a retiree is found by a CalPERS employer to be unlawfully employed, the employer may be required to pay the retiree's benefits, including the cost of the retiree's health and dental insurance. Unlawful employment may also result in the retiree being subject to a civil penalty.

If a retiree is found to be unlawfully employed by a CalPERS employer, the employer may be required to pay the retiree's benefits, including the cost of the retiree's health and dental insurance. In addition, the employer may be required to pay a civil penalty. CalPERS may also be required to pay the retiree's benefits, including the cost of the retiree's health and dental insurance. You should be aware that if you are found to be unlawfully employed by a CalPERS employer, you may be subject to a civil penalty. Retirees who are found to be unlawfully employed by a CalPERS employer may be subject to a civil penalty.

If you are a CalPERS employer, you should be aware that if you are found to be unlawfully employing a retiree, you may be subject to a civil penalty. CalPERS may also be required to pay the retiree's benefits, including the cost of the retiree's health and dental insurance. You should be aware that if you are found to be unlawfully employing a retiree, you may be subject to a civil penalty.

For more information about unlawful employment, please contact the CalPERS Office of the Attorney General, *AG Office of the Attorney General*, at www.calpers.ca.gov. The Attorney General's Office is located at 1000 California Street, Suite 1000, San Francisco, CA 94109. For more information, please call 888 CalPERS (888-225-7377).

CalPERS Employment in a Temporary Capacity

CalPERS employers are not allowed to employ retirees in a temporary capacity. Employers who employ retirees in a temporary capacity may be subject to a civil penalty, including the cost of the retiree's health and dental insurance.

Employers who employ retirees in a temporary capacity may be subject to a civil penalty, including the cost of the retiree's health and dental insurance. Employers who employ retirees in a temporary capacity may be subject to a civil penalty, including the cost of the retiree's health and dental insurance.

If you are employed by any CalPERS employer in any permanent or regular staff position not specifically permitted under retirement law, you will be unlawfully employed.

Your temporary employment must not exceed a total of 960 hours for all employers in any fiscal year (July 1 through June 30).

- Your temporary employment must not exceed 960 hours for all employers in any fiscal year (July 1 through June 30).
- Your temporary employment must not exceed 960 hours for all employers in any fiscal year (July 1 through June 30).
- The total number of hours you work for all employers in any fiscal year must not exceed 960 hours for all employers in any fiscal year (July 1 through June 30).
- Referred to as a contractor, consultant, or independent contractor, you are not eligible for the benefits provided by the State of California.

Note: Referred to as a contractor, consultant, or independent contractor, you are not eligible for the benefits provided by the State of California. For more information, contact the Department of Human Resources (Ca HR) at (916) 227-3333 or visit the Ca HR website at www.ca.gov/hr.

California State University (CSU) academic staff are not eligible for the benefits provided by the State of California. For more information, contact the Department of Human Resources (Ca HR) at (916) 227-3333 or visit the Ca HR website at www.ca.gov/hr.

Independent Contractor, Consultant and Contract Employment

Individuals who are hired as independent contractors, consultants, or contract employees are not eligible for the benefits provided by the State of California.

Third-Party Employer

Individuals who are hired by a third-party employer are not eligible for the benefits provided by the State of California.

A CaPERS member who is hired by a third-party employer is not eligible for the benefits provided by the State of California. We are not able to provide information about the benefits provided by the third-party employer.

Unemployment Insurance Payments for Work as a Retired Annuitant

California law requires that a retiree who receives a CalPERS or non-CalPERS annuity for 12 months before becoming unemployed must wait 180 days before receiving unemployment insurance benefits.

This 180-day waiting period does not apply to a retiree who receives a 12-month annuity for 12 months before becoming unemployed. The 180-day waiting period does not apply to a retiree who receives a 12-month annuity for 12 months before becoming unemployed. The 180-day waiting period does not apply to a retiree who receives a 12-month annuity for 12 months before becoming unemployed.

Note: If you did collect unemployment insurance benefits, the 12-month preclusion period begins the day after the issue date of your last unemployment insurance payment.

Special Appointments – The 180-Day Wait Period Does Not Apply

- **Part-Time Member of State Board or Commission – CalPERS retirees and Non-CalPERS retirees:** You are a part-time member of a State Board or Commission if you are appointed to a position that is part-time. The 180-day waiting period does not apply to you if you are a part-time member of a State Board or Commission. The 180-day waiting period does not apply to you if you are a part-time member of a State Board or Commission.
- **Full-Time Member of State Board or Commission – CalPERS retirees:** You are a full-time member of a State Board or Commission if you are appointed to a position that is full-time. The 180-day waiting period does not apply to you if you are a full-time member of a State Board or Commission. The 180-day waiting period does not apply to you if you are a full-time member of a State Board or Commission.
- **Full-Time Member of State Board or Commission – Non-CalPERS retirees:** You are a full-time member of a State Board or Commission if you are appointed to a position that is full-time. The 180-day waiting period does not apply to you if you are a full-time member of a State Board or Commission. The 180-day waiting period does not apply to you if you are a full-time member of a State Board or Commission.

ALL SERVICE RETIREES

Beneficiaries of a deceased member's plan are eligible to receive a death benefit. The death benefit is payable to the beneficiary named in the member's beneficiary designation form. If no beneficiary is named, the death benefit will be paid to the member's estate. For more information, see the CalPERS website at www.calpers.ca.gov.

Employment With a Non-CalPERS Employer

You may be eligible to receive a death benefit from CalPERS if you were employed by a non-CalPERS employer at the time of your death. For more information, see the CalPERS website at www.calpers.ca.gov.

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

CalPERS members are eligible to work for a CalPERS employer in a temporary capacity. For more information, see the CalPERS website at www.calpers.ca.gov.

Bona fide separation requirement: Temporary employees are eligible to receive a death benefit from CalPERS if they were employed by a CalPERS employer at the time of their death. For more information, see the CalPERS website at www.calpers.ca.gov.

- Temporary employees are eligible to receive a death benefit from CalPERS if they were employed by a CalPERS employer at the time of their death.
- Temporary employees (employees) aged 60 and over are eligible to receive a death benefit from CalPERS if they were employed by a CalPERS employer at the time of their death.

Non-CalPERS members are eligible to receive a death benefit from CalPERS if they were employed by a CalPERS employer at the time of their death. For more information, see the CalPERS website at www.calpers.ca.gov.

Note: Temporary employees hired on or after July 1, 2009, are covered by the new 960 day rule. Employees hired before July 1, 2009, are covered by the old 960 day rule. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may be eligible for a one-time conversion to permanent employment. Employees hired on or after July 1, 2009, who are covered by the new 960 day rule, are not eligible for a one-time conversion to permanent employment.

Temporary vs. Permanent Employment

Employees hired on or after July 1, 2009, who are covered by the new 960 day rule, are not eligible for a one-time conversion to permanent employment. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may be eligible for a one-time conversion to permanent employment. Employees hired on or after July 1, 2009, who are covered by the new 960 day rule, are not eligible for a one-time conversion to permanent employment.

Because employees hired on or after July 1, 2009, are covered by the new 960 day rule, they are not eligible for a one-time conversion to permanent employment. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may be eligible for a one-time conversion to permanent employment. Employees hired on or after July 1, 2009, who are covered by the new 960 day rule, are not eligible for a one-time conversion to permanent employment.

For more information about the new 960 day rule, please refer to the *AGuide CalPERS Retirement* or visit the CalPERS website at www.calpers.ca.gov or call 888 CalPERS (888-225-7377).

ALL DISABILITY AND INDUSTRIAL DISABILITY
RETIREES

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

CalPERS disability and death benefits are available to employees who are employed by a CalPERS employer in a temporary capacity. For more information, see the CalPERS Handbook, Chapter 10, Section 10.1.

Employees who are employed by a CalPERS employer in a temporary capacity are eligible to work for a CalPERS employer in a temporary capacity.

Note: Temporary employees who are employed by a CalPERS employer in a temporary capacity are eligible to work for a CalPERS employer in a temporary capacity. However, employees who are employed by a CalPERS employer in a temporary capacity are not eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a temporary capacity are not eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a temporary capacity are not eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a temporary capacity are not eligible to work for a CalPERS employer in a permanent capacity.

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For more information, see the CalPERS Handbook, Chapter 10, Section 10.1. For more information, see the CalPERS Handbook, Chapter 10, Section 10.1. For more information, see the CalPERS Handbook, Chapter 10, Section 10.1. For more information, see the CalPERS Handbook, Chapter 10, Section 10.1.

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Eligibility to Work for a CalPERS Employer in a Permanent Capacity

Under Government Code Section 21228, disability and permanent disability benefits are not payable to a CalPERS member who is employed in a permanent capacity:

When a member is employed in a permanent capacity, the member is not eligible for a CalPERS disability benefit. You will be required to complete the *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form and the *Physical Release from Full/ Occasional Title* form, as applicable, before you can be approved to work for a CalPERS employer. You will be required to report your earnings to CalPERS and your retirement allowance will be subject to an earnings limit. If you are approved to work, you will be required to report your earnings to CalPERS and your retirement allowance will be subject to an earnings limit.

In order to be eligible to work for a CalPERS employer, you must complete the following forms and submit them to CalPERS:

- *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form
 Section 1, as applicable, and
 Section 2, as applicable, of the form.
- *Physical Release from Full/Occasional Title* form
 You will be required to complete this form, as applicable, before you can be approved to work for a CalPERS employer.
- Position duty statement
 Submit a CalPERS approved position duty statement to CalPERS before you can be approved to work for a CalPERS employer.
- Current medical report(s)
 You will be required to submit a current medical report to CalPERS before you can be approved to work for a CalPERS employer. The medical report must be dated within 90 days of the date you are approved to work for a CalPERS employer. The medical report must be dated within 90 days of the date you are approved to work for a CalPERS employer.

Required Documents

- A completed Request to Work While Receiving Disability/Industrial Disability Retirement Benefits form.
- A completed Physical Requirements of Position/Occupational Title form.
- A position duty statement for the prospective job.
- A current medical report from a medical specialist.

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• Additional medical report(s) Local safety retirees

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Once Approved Under Government Code Section 21228

Once approved under Government Code Section 21228, you will be informed of the amount of your earnings limit and how to report your earnings.

You will be notified of the amount of your earnings limit and how to report your earnings. The earnings limit is based on your earnings from all sources. You will be notified of the amount of your earnings limit and how to report your earnings. You will be notified of the amount of your earnings limit and how to report your earnings.

Note: If you are currently employed by a public employer (including a public agency) and you are currently employed by a public employer, you must reapply to CalPERS and await our approval before beginning employment.

Once approved, you will be informed of the amount of your earnings limit and how to report your earnings.

If you wish to change to a different employer or a different position or restart employment in a previously approved position, you must reapply to CalPERS and await our approval before beginning employment.

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Put your name and Social Security number or CalPERS ID at the top of every page

Your Name Social Security Number or CalPERS ID

Section 2

Employer Certification

Permanent employment or changes in employment status (e.g., lateral transfer or promotion) that begins prior to written approval from CalPERS may result in mandatory reinstatement.

It is the intent of: _____ to hire: _____
Employer CalPERS Member
in the position of: _____ pursuant of Government Code Section 21228;
Job Title
and contingent upon written approval from CalPERS.

Employer Address (City, State, ZIP Code)

Daytime Phone Fax Number E-Mail Address

We understand that reinstatement of the retiree, due to unlawful employment, to any position within our agency, may result in penalties and payment of contributions to CalPERS, retroactive to retiree's date of hire.

The salary range for this position is: _____ hourly/monthly.

Employer Signature Date (mm/dd/yyyy)

Print Name of Authorized Personnel Classification Title

Mail to: CalPERS Benefit Services Division, P.O. Box 2796, Sacramento, California 95812-2796

Section 1

Member Information

This form must be completed by the member and their employer to supplement the physical requirements listed on the member's job duty statement/job description.

Name of Member (First Name, Middle Initial, Last Name)		Social Security Number or CalPERS ID	
Position/Occupation Title	Name of Employer		
Worksite Street Address			
City		State	ZIP

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BECOME A MORE INFORMED MEMBER

CalPERS On-Line

Visit the website www.calpers.ca.gov to get quick and easy access to benefits and more.

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Visit Your Nearest CalPERS Regional Office

Fresno Regional Office

10 R. A. P. Pace E., Suite 230
Fresno, CA 93720

Glendale Regional Office

Glendale Plaza
655 N. Coala Avenue, Suite 1400
Glendale, CA 91203

Orange Regional Office

500 N. Sae Calle Boulevard, Suite 750
Orange, CA 92868

Sacramento Regional Office

L. C. P. Plaza E.
400 Q Street, Room E1820
Sacramento, CA 95811

San Bernardino Regional Office

650 East Highland Lane, Suite 330
San Bernardino, CA 92408

San Diego Regional Office

7676 Hard Core Drive, Suite 350
San Diego, CA 92108

San Jose Regional Office

181 Market Drive, Suite 520
San Jose, CA 95110

Walnut Creek Regional Office

1400-1.273 TD (181 M)24(e)6(D)12d23 Walnut Creek, CA 94596

INFORMATION PRACTICES STATEMENT

The Board, by Resolution 1977 and the Federal Republic Act, and the
California Public Employees' Retirement System, and the
California State Employees' Retirement System, and the
California State Teachers' Retirement System, and the
(Section 20000, et seq.) and the Board of Administration of the California
Board of Directors of the California Public Employees' Retirement System, and the
State Section Act, and the Public Employees' Medical and Hospital Care Act,
and the California State Board of Education, and the California State Board of
Examiners, and the California State Board of Equalization, and the

California Public Employees' Retirement System

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888 CalPERS (or 888-225-7377)

GOVERNMENT CODE - GOV

[7522.56.](#)

(a) This section shall apply to any person who is receiving a pension benefit from a public retirement system and shall supersede any other provision in conflict with this section.

reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment by the appointing power of a public employer either during an emergency to prevent stoppage of public business or because the retired person has skills needed to perform work of limited duration.

(d) Appointments of the person authorized under this section shall not exceed a total for all employers in that public retirement system of 960 hours or other equivalent limit, in a calendar or fiscal year, depending on the administrator of the system. The rate of pay for the employment shall not be less than the minimum , nor exceed the maximum, paid by the employer to other employees performing comparable duties, divided by 173.333 to equal an hourly rate. A retired person whose employment without reinstatement is authorized by this section shall acquire no service credit or retirement rights under this section with respect to the employment unless he or she reinstates from retirement.

(e) (1) Notwithstanding subdivision (c), any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to an appointment described in this section, the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer. A retiree shall certify in writing to the employer upon accepting an offer of employment that he or she is in compliance with this requirement.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment.

(f) A retired person shall not be eligible to be employed pursuant to