

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

Agenda Item# 1.3

Meeting Date:

**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 State of California's Public Employees' Retirement System (CalPERS), you should read this document carefully before you accept the offer of employment.

What You Should Know Before Working After Retirement

As a retiree, you may be able to work for the State of California after retirement. However, you must understand the rules regarding your CalPERS benefits. If you are a member of the State of California's Public Employees' Retirement System (CalPERS), you should read this document carefully before you accept the offer of employment. The rules regarding your CalPERS benefits, including the ability to work for the State of California after retirement, are detailed in the document.

Generally, a retiree who is a member of the State of California's Public Employees' Retirement System (CalPERS) is not allowed to work for the State of California after retirement. However, there are exceptions. Some retirees are allowed to work for the State of California after retirement if they meet certain criteria. The rules regarding your CalPERS benefits, including the ability to work for the State of California after retirement, are detailed in the document.

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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 (July 1 through June 30).
- Referred to as a contractor, you are not eligible for the benefits provided by the State of California.

Note: Referred to as a contractor, you are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California.

California State University (CSU) academic staff are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California.

Independent Contractor, Consultant and Contract Employment

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

Third-Party Employer

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

A CaPERS, employee who is a third-party employer is not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California. You are not eligible for the benefits provided by the State of California.

Unemployment Insurance Payments for Work as a Retired Annuitant

California unemployment insurance benefits are provided by CalPERS employees, distributed over a 12-month period. Unemployment insurance benefits are provided to eligible employees who are laid off or whose contract expires.

Unemployment insurance benefits are provided to employees who have worked for a 12-month period. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires.

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:** Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires.
- **Full-Time Member of State Board or Commission – CalPERS retirees:** Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires.
- **Full-Time Member of State Board or Commission – Non-CalPERS retirees:** Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires. Unemployment insurance benefits are provided to employees who are laid off or whose contract expires.

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 CaPERS website at www.calpers.ca.gov.

Employment With a Non-CalPERS Employer

You may be eligible to receive a death benefit from a non-CalPERS employer. See the CaPERS website at www.calpers.ca.gov for more information.

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. See the CaPERS website at www.calpers.ca.gov for more information.

Bona fide separation requirement: Temporary employment for a CalPERS employer is considered a bona fide separation if the member is not employed by the employer for a period of 90 days or more. See the CaPERS website at www.calpers.ca.gov for more information.

- Temporary employment for a CalPERS employer is considered a bona fide separation if the member is not employed by the employer for a period of 90 days or more.
- Temporary employment for a CalPERS employer (excluding a spouse) for 60 days or more is considered a bona fide separation if the member is not employed by the employer for a period of 90 days or more.

Non-CalPERS members are eligible to receive a death benefit from a CalPERS employer. See the CaPERS website at www.calpers.ca.gov for more information.

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 website at www.calpers.ca.gov.

Employees who are employed by a CalPERS employer in a temporary capacity are eligible for CalPERS disability and death benefits.

Note: Temporary employees who are employed by a CalPERS employer in a temporary capacity are eligible for CalPERS disability and death benefits. However, employees who are employed by a CalPERS employer in a temporary capacity are not eligible for CalPERS disability and death benefits if they are employed by a CalPERS employer in a temporary capacity for a period of less than 90 days. For more information, see the CalPERS website at www.calpers.ca.gov.

Temporary vs. Permanent Employment

Employees who are employed by a CalPERS employer in a temporary capacity are eligible for CalPERS disability and death benefits. However, employees who are employed by a CalPERS employer in a permanent capacity are not eligible for CalPERS disability and death benefits.

Because employees who are employed by a CalPERS employer in a temporary capacity are eligible for CalPERS disability and death benefits, they are also eligible for CalPERS disability and death benefits if they are employed by a CalPERS employer in a permanent capacity. However, employees who are employed by a CalPERS employer in a permanent capacity are not eligible for CalPERS disability and death benefits if they are employed by a CalPERS employer in a permanent capacity for a period of less than 90 days. For more information, see the CalPERS website at www.calpers.ca.gov.

For more information about CalPERS disability and death benefits, see the CalPERS website at www.calpers.ca.gov. For more information about CalPERS disability and death benefits, see the CalPERS website at www.calpers.ca.gov. For more information about CalPERS disability and death benefits, see the CalPERS website at www.calpers.ca.gov.

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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 able to work in a permanent capacity.

You are eligible to work for a CalPERS employer while receiving Disability Retirement Benefits if you are approved to work in a permanent capacity. You must submit a Request to Work While Receiving Disability Retirement Benefits form, a Physical Release from PII/Occupational Title form, and a Position Duty Statement to your CalPERS administrator before you can work in a permanent capacity. 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.

Before you can work for a CalPERS employer while receiving Disability Retirement Benefits, you must submit the following forms to your CalPERS administrator:

- *Request to Work While Receiving Disability Retirement Benefits* form, Section 1, and Section 2, of the form, and
- *Physical Release from PII/Occupational Title* form. You must submit the form to your CalPERS administrator.
- Position duty statement. Submit the CalPERS administrator's designated form to your CalPERS administrator.
- Current medical report(s). You must complete a medical release form, and submit the form to your CalPERS administrator. The form is available on the CalPERS website. You must submit the form to your CalPERS administrator.

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 informed 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 informed of the amount of your earnings limit and how to report your earnings. You will be informed 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. Park Place East, Suite 230
Fresno, CA 93720

Glendale Regional Office

Glendale Plaza
655 North Coala Avenue, Suite 1400
Glendale, CA 91203

Orange Regional Office

500 North Sae Circle Boulevard, Suite 750
Orange, CA 92868

Sacramento Regional Office

Lynch Plaza East
400 Q Street, Room E1820
Sacramento, CA 95811

San Bernardino Regional Office

650 East Highland Avenue, 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

California Public Employees' Retirement System

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888 CalPERS (or 888-225-7377)

GOVERNMENT CODE - GOV

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(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