

**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.

What You Should Know Before Working After Retirement

As a retiree, you may be able to work for a California employer and receive a pension from CalPERS. However, you must understand the rules governing this arrangement. CalPERS (the "Plan") is a public pension system for California public employees. The Plan provides a defined benefit pension to eligible members. The Plan also provides a defined contribution pension to eligible members. The Plan's rules are set forth in the Plan's governing documents, including the Plan's Certificate of Assurances and the Plan's Summary Plan Description (SPD).

Generally, a retiree who works for a California employer after retirement will receive a pension from CalPERS. However, the pension will be reduced if the retiree works for a California employer. The pension will be reduced by the amount of the pension that the retiree would have received if the retiree had not retired. The pension will be reduced by the amount of the pension that the retiree would have received if the retiree had not retired.

Consequences of Unlawful Employment

Retirees who are not properly enrolled in CalPERS and who are subsequently found to be unlawfully employed by a CalPERS employer may be subject to civil penalties.

If a retiree is found to be unlawfully employed by a CalPERS employer, the employer may be liable for civil penalties. Unlawful employment may also result in the retiree being subject to civil penalties.

If a retiree is found to be unlawfully employed by a CalPERS employer, the employer may be liable for civil penalties. In addition, the retiree may be subject to civil penalties. CalPERS may also be liable for civil penalties. You should be aware that if you are found to be unlawfully employed by a CalPERS employer, you may be subject to civil penalties. Retirees who are found to be unlawfully employed by a CalPERS employer may be subject to civil penalties.

If you are a CalPERS employer and you are found to be unlawfully employing a retiree, you may be liable for civil penalties. In addition, the retiree may be subject to civil penalties. CalPERS may also be liable for civil penalties. You should be aware that if you are found to be unlawfully employing a retiree, you may be subject to civil penalties.

For more information about unlawful employment, see the *AGuide to CalPERS Retirement*. For more information about CalPERS, visit www.calpers.ca.gov or call 888 CalPERS (888-225-7377).

CalPERS Employment in a Temporary Capacity

CalPERS does not allow the employment of a retiree in a temporary capacity. If a retiree is found to be employed in a temporary capacity, the employer may be liable for civil penalties.

If a retiree is found to be employed in a temporary capacity, the employer may be liable for civil penalties. CalPERS may also be liable for civil penalties. You should be aware that if you are found to be employing a retiree in a temporary capacity, you may be subject to civil penalties.

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).
- The total hours of temporary employment for a fiscal year must not exceed 960 hours for all employers in any fiscal year (July 1 through June 30).
- Temporary employment must not exceed 960 hours for all employers in any fiscal year (July 1 through June 30).
- Referred to as a contractor, consultant, or contract employee, a person who is not a permanent employee of the State of California and who is not a member of the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS).

Note: Referred to as a contractor, consultant, or contract employee, a person who is not a permanent employee of the State of California and who is not a member of the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). Contractors, consultants, and contract employees are not covered by the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). Contractors, consultants, and contract employees are not eligible for the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS).

California State University (CSU) academic and non-academic employees are not covered by the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). CSU academic and non-academic employees are not eligible for the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). CSU academic and non-academic employees are not covered by the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS).

Independent Contractor, Consultant and Contract Employment

Individuals who are not permanent employees of the State of California and who are not members of the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS) are considered independent contractors, consultants, or contract employees.

Third-Party Employer

Individuals who are not permanent employees of the State of California and who are not members of the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS) are considered independent contractors, consultants, or contract employees.

A CaPERS, SERS, or STRS member who is not a permanent employee of the State of California and who is not a member of the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS) is considered an independent contractor, consultant, or contract employee. We are not an independent contractor, consultant, or contract employee.

Unemployment Insurance Payments for Work as a Retired Annuitant

California law requires that a retiree who is eligible for a CalPERS or a non-CalPERS annuity and who is also eligible for unemployment insurance benefits must first exhaust the 12-month preclusion period before receiving unemployment insurance benefits. The 12-month preclusion period begins the day after the issue date of your last unemployment insurance payment.

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.

If you are eligible for a CalPERS or a non-CalPERS annuity and you are also eligible for unemployment insurance benefits, you must first exhaust the 12-month preclusion period before receiving unemployment insurance benefits. The 12-month preclusion period begins the day after the issue date of your last unemployment insurance payment. If you are eligible for a CalPERS or a non-CalPERS annuity and you are also eligible for unemployment insurance benefits, you must first exhaust the 12-month preclusion period before receiving 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 eligible for a special appointment if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits. The 180-day wait period does not apply to you if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits. The 180-day wait period does not apply to you if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits.
- **Full-Time Member of State Board or Commission – CalPERS retirees:** You are eligible for a special appointment if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits. The 180-day wait period does not apply to you if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits. The 180-day wait period does not apply to you if you are a member of the State Board or Commission and you are also eligible for unemployment insurance benefits.
- **Full-Time Member of State Board or Commission – Non-CalPERS retirees:** If you are eligible for a special appointment and you are also eligible for unemployment insurance benefits, you must first exhaust the 12-month preclusion period before receiving unemployment insurance benefits. The 12-month preclusion period begins the day after the issue date of your last unemployment insurance payment.

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 subject to a bona fide separation requirement. See the CaPERS website at www.calpers.ca.gov for more information.

- Temporary employment for a CalPERS employer is subject to a bona fide separation requirement. See the CaPERS website at www.calpers.ca.gov for more information.
- Temporary employment for a CalPERS employer (employee) is subject to a bona fide separation requirement. See the CaPERS website at www.calpers.ca.gov for more information.

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 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 not eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a permanent capacity are eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a permanent capacity are eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a permanent capacity are eligible to work for a CalPERS employer in a permanent capacity.

Temporary vs. Permanent Employment

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

Because employees who are employed by a CalPERS employer in a temporary capacity are eligible to work for a CalPERS employer in a temporary capacity, they are not eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a permanent capacity are eligible to work for a CalPERS employer in a permanent capacity. Employees who are employed by a CalPERS employer in a permanent capacity are eligible to work for a CalPERS employer in a permanent capacity.

For more information, see the CalPERS website at www.calpers.ca.gov. See also the *AGuide to CalPERS Retirement*, published by the California State Board of Pensions, at www.calpers.ca.gov. For more information, 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 employed in a permanent capacity:

When a member is employed in a permanent capacity for a CalPERS employer, the member is not eligible for Disability Retirement, *Receiv e Work While Receiving Disability / Industrial Disability Retirement Benefits*, or *Physical Retirement / Position / Occupational Title* benefits. You may be eligible for Disability Retirement, *Receiv e Work While Receiving Disability / Industrial Disability Retirement Benefits*, or *Physical Retirement / Position / Occupational Title* benefits if you are not employed in a permanent capacity. You may be eligible for Disability Retirement, *Receiv e Work While Receiving Disability / Industrial Disability Retirement Benefits*, or *Physical Retirement / Position / Occupational Title* benefits if you are not employed 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.

In order to be eligible for a CalPERS benefit, you must be employed in a permanent capacity. CalPERS:

- *Receiv e Work While Receiving Disability / Industrial Disability Retirement Benefits*
 Section 1, Government Code
 Section 2, Government Code
- *Physical Retirement / Position / Occupational Title*
 You are not eligible for *Physical Retirement / Position / Occupational Title* benefits.
- Position duty statement
 Submit CalPERS a statement of duties and responsibilities to be used to determine your eligibility for *Physical Retirement / Position / Occupational Title* benefits.
- Current medical report(s)
 You are not eligible for *Physical Retirement / Position / Occupational Title* benefits if you are employed in a permanent capacity. You are not eligible for *Physical Retirement / Position / Occupational Title* benefits if you are employed in a permanent capacity. You are not eligible for *Physical Retirement / Position / Occupational Title* benefits if you are employed in a permanent capacity. You are not eligible for *Physical Retirement / Position / Occupational Title* benefits if you are employed in a permanent capacity.

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. 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.

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		
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 Central 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