Retired Annuitant Rules

There are two types of retired annuitant employment: "extra help" and interim (or acting) "vacant position" employment.

Extra Help Positions

The retired annuitant employment restrictions for extra help positions are authorized by Government Code sections 7522.56, 21224, 21227, and 21229. All CalPERS-covered employers are able to use retirees to fill in for extra help positions. However, your employment must meet the following restrictions:

- **Limited-Duration Work**
  You have skills needed to perform work of limited duration or your employment is needed during an emergency (such as floods, earthquakes, etc.) to prevent stoppage of public business. While these workloads may last more than one fiscal year, the employment should terminate when the limited-duration work you were hired to perform is completed. Examples of limited duration work are work to eliminate a backlog, work on a special project, and work that is in excess of what regular staff can do. You cannot be employed in any regular staff position such as "seasonal," "permanent intermittent," "exempt from civil service," "exempt from membership," "TAU," or any other "temporary" position other than a retired annuitant position.

- **Compensation**
  The hourly pay rate you receive cannot be less than the minimum or exceed the maximum paid to other employees performing comparable duties as listed in the employer's publicly available pay schedule. Also, you cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. For example, longevity compensation, sick leave, or vacation benefits cannot be provided to a retired annuitant. **The only exception** would be if the employee is being reimbursed dollar for dollar for job-related expenses. Items such as housing or commuting are not job-related expenses.

- **960-Hour Limit**
  The hours you work cannot exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined. **There are no exceptions to this limit.** Your hours will reset each July 1, and you can work another 960 hours for the new fiscal year. Your employer must enroll and report your hours to CalPERS, per Government Code section 21220. Your total employer-reported retired annuitant hours from all employers can be found in your myCalPERS account.

> California State University (CSU) academic staff retirees can work as retired annuitant academic staff for CSU employers as authorized by Government Code sections 7522.56 and 21227. However, the hours worked for all CSU employers cannot exceed 960 hours in a fiscal year or 50% of the hours employed during the last fiscal year prior to retirement, whichever is less.

- **Unemployment Insurance Payments**
  You cannot be appointed as a retired annuitant if you received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to your appointment date. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement. Review additional information in the section "Unemployment Insurance Payments" on page 9.

Vacant Positions

A CalPERS-contracted public agency may appoint you to an interim position by the governing body of an employer, as authorized by Government Code sections 7522.56 and 21221(h). The employment must meet all the requirements listed on page 7 for extra help positions and the following additional requirements below. Examples of these positions include city manager, police chief, fire chief, individual department head, director, CEO, etc.

- **Active Recruitment**
  Before you are hired, the employer must have in place an active recruitment for a permanent replacement for the vacant position.
- **Limited-Duration Work**
  You can be hired only as an interim or acting appointment during the period of recruitment; you cannot work in a permanent capacity or for an indefinite period of time.
- **Single Appointment**
  You can be appointed only once to the vacant position. If your contracted term ends and a replacement has not been found, you must vacate the position. If you continue after your contracted term expires, this is considered a second appointment and will result in unlawful employment.
- **Compensation**
  Your hourly pay rate cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule. You cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

Eligibility Requirements for Retired Annuitants

In addition to the requirements on the previous pages, all retirees must meet both of the following two requirements to be eligible to work for a CalPERS employer:

1. Bona Fide Separation in Service Requirement
You cannot be employed as a retired annuitant if you are younger than the "normal retirement age" on your retirement date, unless both of the following conditions are met:

- There can be no verbal or written agreement to return to work as a retired annuitant between you and any CalPERS employer before you retire.
- There is a termination of employment (separation in service) for 60 days between your retirement date and the date your limited-duration employment as a retired annuitant will begin.

Normal retirement age is the oldest age listed in your retirement benefit formula(s) between all previous CalPERS employment. To find this age, log in to your myCalPERS account at **my.calpers.ca.gov**.

All retirees who are under normal retirement age at retirement must meet the bona fide separation in service requirement even if an exception to the 180-day wait period applies. These two requirements may be served concurrently. The only exception to the 60-day wait period restriction is for employment due to the specific emergency conditions as defined in Government Code section 8558. A predetermined agreement can never exist if you are under your normal retirement age. This bona fide separation requirement is in California retirement law and regulations to comply with Internal Revenue Code tax regulations.

2. 180-Day Wait Period Requirement

You cannot be employed as a retired annuitant for a period of 180 days after your retirement date unless you qualify for one of the following exceptions. The 180-day wait period begins on your retirement date.

Exceptions

- Before you begin work, your employer must certify the nature of the employment and that the appointment is necessary to fill a critically needed position sooner than 180 days. The appointment must be approved by the employer's governing body, in a public meeting, and must be approved as an action item, rather than on a consent calendar.
- You will participate in the CSU Faculty Early Retirement Program (FERP) pursuant to a collective bargaining agreement with CSU that existed prior to January 1, 2013, or has been included in subsequent agreements.
- You are a retired firefighter or retired public safety officer as defined in Government Code section 3301 (peace officer) who will perform firefighter or peace officer retired annuitant work.
- You are a CalSTRS retiree who is subject to sections 24212, 24214.5, or 26812 of the Education Code. Call CalSTRS at (800) 228-5453 for more information.

If you receive a golden handshake or any other retirement or separation incentive, you must wait 180 days before returning to work and you are not eligible for any of the 180-day wait period exceptions.

State Employer Civil Service Eligibility Requirement

Retired annuitant employment with a state agency is limited to retirees who have civil service eligibility from previous state agency employment or who qualify for appointment under an applicable civil service employment list. Visit the California Department of Human Resources (CalHR) website at **www.calhr.ca.gov** for more information. Retired State of California employees can apply for retired annuitant positions via the Boomerang website at **boomerang.ca.gov**.

Unemployment Insurance Payments

California law prohibits appointment of a retired annuitant by a CalPERS employer if, during the 12-month period before an appointment, you received unemployment insurance compensation for prior retired annuitant employment with any CalPERS employer. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement.

If you are working as a retired annuitant and it is discovered that during the previous 12 months you were paid unemployment insurance compensation based on prior retired annuitant employment with any CalPERS employer, your employment must be terminated on the last day of the current pay period. You will not be eligible for appointment as a retired annuitant with any CalPERS employer for 12 months following the termination date of the current employment. Violation of this unemployment insurance compensation restriction does not result in mandatory reinstatement from retirement.

Exceptions to Retired Annuitant Requirements

Elected or Appointed Offices

As authorized by Government Code section 21231 (previously Government Code sections 21221(d) and 21222), a CalPERS retiree may serve in an elected or appointed office while retired. However, if all or part of your retirement allowance is based on service credit in that office, the portion of the retirement allowance based on that service credit is suspended during your time in office. The PERL requires your employer to immediately inform CalPERS of the appointment of any CalPERS retiree into an elective or appointed office. To notify CalPERS the employer must complete the ***Elective Officer Retiree Certification Form*** and send to **working_after_retirement@calpers.ca.gov** immediately upon you taking office. When you leave office, your allowance is unsuspended prospectively.

If you wish to elect membership to earn additional CalPERS service credit for your time in the elected or appointed office and that office is subject to CalPERS membership, you must reinstate from retirement.

An elected or appointed officer, who has elected membership for their current term, may not retire mid-term and continue to serve in the elected or appointed position. You must separate from this service prior to retiring. An elected or appointed officer may separate prior to being re-elected and then begin their next term after retirement. However, you need a Bona Fide Separation from service. For more information on Bona Fide Separations, review the section titled "Bona Fide Separation in Service Requirement" on page 8.

Special State Appointments

Part-Time Member of State Board or Commission – CalPERS Retirees and Non-CalPERS Retirees

You can serve without reinstatement from retirement as a salaried part-time member of a state board or commission, where part time is defined as an appointment with a salary of no more than $60,000 annually, which will be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase cannot exceed the percentage of the general salary increases provided for state employees during that fiscal year. You acquire no benefits, service credit, or retirement rights from this employment.

Full-Time Member of State Board or Commission – CalPERS Retirees

You can serve without reinstatement from retirement as a non-salaried full-time member of a state board or commission. You may receive only per diem authorized to all members of the board or commission. You do not earn any service credit or benefits in CalPERS or make any CalPERS contributions. If you accept the salary, you must reinstate from retirement.

Full-Time Member of State Board or Commission – Non-CalPERS Retirees

If you receive retirement from a public retirement system other than CalPERS, you can serve as a non-salaried full-time member of a state board or commission and continue to receive your retirement allowance in addition to any per diem authorized to all members of the board or commission. If you accept the salary, you must suspend your retirement benefit from the other system and enroll as a new member of CalPERS.

Upon retirement (1) the pensionable compensation earned from the service on this board or commission will not be eligible for reciprocity with any other retirement system or plan, and (2) you will be entitled to future reinstatement of any suspended benefits, including employer-provided retiree health benefits, for which you were entitled at the time of appointment to the board or commission.

Full-Time Commissioner of the State Board of Parole Hearings or Full-Time Commissioner of the State Board of Juvenile Hearings – CalPERS Retirees and Non-CalPERS Retirees

If you are appointed as a full-time commissioner of the California Board of Parole Hearings or the California Board of Juvenile Hearings, you may serve without reinstatement from retirement, and without loss or interruption of benefits provided by the retirement system. These appointments are made by the Governor and require confirmation by the California Senate.

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