



CalPERS RETIRED ANNUITANT APPROVAL FORM

Section 1 - Employer to Complete

To ensure compliant hiring practices with the California Public Employees' Retirement Law (PERL), this form must be completed by the department/unit and approved before hiring or appointing a CalPERS Retired Annuitant. Once approved, retain the completed form in the Retired Annuitant's Personnel Action File (PAF).

RETIRED ANNUITANT INFORMATION

Name (First, Middle Initial, Last)

CSULB ID

College/Department

Employee Type

ELIGIBILITY FOR RETIRED ANNUITANT APPOINTMENT

A CalPERS Retired Annuitant may **only** serve without reinstatement from retirement and maintain CalPERS retirement benefits if appointed by a public employer:

- **During an emergency to prevent the stoppage of public business or**
- **Because the retired person has specialized skills needed to perform work of limited duration** (Gov. Code sections 21224, 21229, and 7522.56).

Limited duration work is intended to:

- **Provide extra help to eliminate a backlog,**
- **Complete a time limited special project, or**
- **Provide short-term support beyond what regular faculty can reasonably complete.**

Extra help assignments should have a projected completion date for specific assignments and/or project goals and deliverables. Ultimately, work of limited duration is defined by a specific task, project, and/or organizational needs, as proposed by the employer. When the work is complete, the Retired Annuitant's employment must end. Retired Annuitants should not be considered permanent solutions to business needs, and their appointments cannot be indefinite, regardless of the nature of the Retired Annuitant's position and the terms of the relevant employment agreement. Retired Annuitant appointments without an established end date can lead to a violation.

For additional guidance, refer to the *Employment of a Retiree* section in the [State Reference Guide \(PDF\)](#) or [Public Agency & Schools Reference Guide \(PDF\)](#).

REQUEST FOR APPROVAL TO HIRE A RETIRED ANNUITANT

For approval to hire a Retired Annuitant, complete the information below, providing the expected duration of the appointment and the justification for the hire.

Appointment Information:

<u>Appointment Start Date (mm/dd/yyyy)</u>		<u>Appointment End Date (mm/dd/yyyy)</u>
<u>Position</u>	<u>Class Code/Position Code</u>	<u>Wage</u> <u>per</u>

Justification:

Is the Retired Annuitant being hired due to:

- ☐ **An emergency to prevent the stoppage of work**
- ☐ **Specialized skills needed to perform work of limited duration**

Describe the emergency being addressed or list the specialized skills the Retired Annuitant possesses for this limited duration appointment:

Explain what will happen to the department/unit’s operations if the Retired Annuitant is not hired:

Describe the steps being taken to fill the position or otherwise meet ongoing department/unit needs:

Attach any additional documentation related to the justification of the hire:

Requester Acknowledgment:

I acknowledge approval must be obtained prior to the start of employment for the Retired Annuitant.

<u>ASM Signature</u>	<u>Date</u>
<u>Appropriate Administrator Signature</u> (dean/director/associate dean/manager)	<u>Date</u>

Section 2 - Retiree to Complete

RESTRICTIONS AND BENEFITS

A retired person cannot receive any benefits, incentives, compensation in lieu of benefits, or other forms of compensation in addition to the hourly rate, per Gov. Code sections 21221, 21224, 21229, and 7522.56.

The Retired Annuitant cannot receive:

- Sick Pay
- Vacation Pay
- Dental Benefits
- Housing
- Special Compensation
- Medical Benefits

The Retired Annuitant can receive:

- Deferred compensation plans (e.g., 401k, 457b¹)
- Employer property (e.g., cell phones, vehicles)²
- Uniform cleaning (net zero)
- Travel reimbursement (must be work related and net zero)
- Mileage (must be work related)³

The Retired Annuitant is only entitled to the hourly wage assigned to the position while they perform the duties for the limited term. Retired Annuitants cannot receive any monthly or daily stipend (in addition to the above list).

WORK-HOUR LIMITATION

Additionally, Retired Annuitants **may not work more than 960 hours each fiscal year** across all CalPERS employers. Retired Annuitant hours worked should be tracked to ensure the Retired Annuitant does not go over the 960-hour fiscal year limit. Hours worked are available for review by the employer and member in the myCalPERS system.

UNEMPLOYMENT BENEFITS RESTRICTION

California law prohibits the appointment of a retired annuitant (RA) by a CalPERS employer if, during the 12-month period prior to an appointment, the retiree received any unemployment insurance compensation for prior retired annuitant employment with a CalPERS employer. A retiree who accepts an appointment after receiving unemployment insurance compensation as described shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment for a period of 12 months following the last day of employment.

RETIRED ANNUITANT CERTIFICATION:

- ☐ I certify that I have not received unemployment insurance benefits for prior retired annuitant work with any CalPERS employer in the 12 months prior to my start date as an RA.
- ☐ I certify I will track my hours worked across all CalPERS employers as to not exceed the 960-hour fiscal year limit.
- ☐ I certify I have reviewed the [A Guide to CalPERS Employment After Retirement \(PUB 33\)](#) and will comply with the laws governing the type, timing, and amount of work I can accept without affecting my pension.

CalPERS ID

CalPERS Retirement Date

Email

Retired Annuitant Signature

Date

Phone

¹ Contributions may only be made by the Retired Annuitant. Employers cannot contribute to a Retired Annuitant's deferred compensation plan.

² Employer property must be required for their job duties/position.

³ Mileage must be documented (e.g., map or log). Employer policy must pay per mile; flat rates are not allowed. Commuting to and from home is not reimbursable.

Section 3 - Benefits Services Review

WAITING PERIOD REQUIREMENT

Retired Annuitants must have retired on or after their normal retirement age without meeting additional requirements covered under Government Code sections 586.2 and 21220.5. Under Gov. Code section 7522.56, they must either:

- **Complete an 180-day waiting period between retirement and reemployment or**
- **Qualify for an allowable exception, such as participation in the Faculty Early Retirement Program (FERP).**

Did the Retired Annuitant complete the 180-day waiting period or participate in the FERP program?

☐ **Completed the 180-day waiting period**

☐ **Participating in the FERP program**

BONA FIDE SEPARATION

The bona fide separation in service requirement affects RAs who retired **prior** to their normal retirement age and is covered under Government Code sections 586.2 and 21220.5 in the PERL. This requirement is based on a federal tax law that CalPERS must comply with to maintain a tax-deferred status. Normal retirement age is based on the RA's highest age listed in their retirement benefit formula(s) as a regular employee. For example, the normal retirement age for a 2% at 55 retirement benefit formula is 55. If the member has more than one retirement benefit formula, then the normal retirement age is the maximum normal retirement age up to age 62.

Retirees who retire under their normal retirement age cannot be appointed to an RA appointment unless the following conditions are met:

- There was no verbal or written agreement to return to work between your organization and the RA prior to the retiree's retirement date.
- The retiree has been separated from employment for 60 calendar days between their retirement date and the start date of the RA appointment

Did the RA retire under their normal retirement age?

☐ **No**

☐ **Yes, if so please answer the following questions:**

Was there a verbal or written agreement to return to work between your organization and the RA before the RA retired?

☐ **No**

☐ **Yes**

Did the RA complete the 60-day wait period?

☐ **No**

☐ **Yes**

Notes from Benefits Services:

Benefits review completed by _____ on _____

Section 3 - Determination

Upon review of the information received in this form the following determination has been made:

- ☐ Approval to move forward with the hire
- ☐ Do not move forward with the appointment as it can lead to a violation
- ☐ Additional information is needed please provide:

AVPFA/AVPHR Signature

Date