

**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 intended to help you understand the various options available to you when you retire from the State of California. Please read this information carefully and discuss it with your advisor. For more information, please contact your advisor or the CalPERS website at www.calpers.ca.gov.

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, there are certain rules that apply to this situation. For example, you may not be able to work for the State if you are receiving a pension from CalPERS. You should consult with your advisor to understand the rules that apply to your situation.

Generally, you are allowed to work for the State of California and receive a pension from CalPERS. However, there are certain restrictions that apply. For example, you may not be able to work for the State if you are receiving a pension from CalPERS. You should consult with your advisor to understand the rules that apply to your situation.

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Consequences of Unlawful Employment

Retirees who are not properly enrolled in CalPERS and who are not properly enrolled in a private pension plan may be subject to the consequences of unlawful employment.

If a retiree is not properly enrolled in CalPERS and is not properly enrolled in a private pension plan, the retiree may be subject to the consequences of unlawful employment. Unlawful employment is defined as employment that is not specifically permitted under retirement law, you will be unlawfully employed.

If a retiree is not properly enrolled in CalPERS and is not properly enrolled in a private pension plan, the retiree may be subject to the consequences of unlawful employment. In addition, the retiree may be subject to the consequences of unlawful employment. CalPERS employees who are not properly enrolled in CalPERS and are not properly enrolled in a private pension plan may be subject to the consequences of unlawful employment. You should be advised that the consequences of unlawful employment may be severe. Retirees who are not properly enrolled in CalPERS and are not properly enrolled in a private pension plan may be subject to the consequences of unlawful employment.

If a retiree is not properly enrolled in CalPERS and is not properly enrolled in a private pension plan, the retiree may be subject to the consequences of unlawful employment. In addition, the retiree may be subject to the consequences of unlawful employment. CalPERS employees who are not properly enrolled in CalPERS and are not properly enrolled in a private pension plan may be subject to the consequences of unlawful employment. You should be advised that the consequences of unlawful employment may be severe. Retirees who are not properly enrolled in CalPERS and are not properly enrolled in a private pension plan may be subject to the consequences of unlawful employment.

For more information about the consequences of unlawful employment, see the *AGuide to CalPERS Retirement* or contact the CalPERS website at www.calpers.ca.gov or call the CalPERS toll-free number at 888 CalPERS (888-225-7377).

CalPERS Employment in a Temporary Capacity

CalPERS employees are not permitted to be employed in a temporary capacity. Employees who are employed in a temporary capacity may be subject to the consequences of unlawful employment.

Employees who are employed in a temporary capacity may be subject to the consequences of unlawful employment. CalPERS employees who are employed in a temporary capacity may be subject to the consequences of unlawful employment.

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 can 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. We are not eligible for the benefits provided by the State of California.

Unemployment Insurance Payments for Work as a Retired Annuitant

California's unemployment insurance system is administered by the California Employment Development Department (EDD). If you are a retired annuitant, you may be eligible for unemployment insurance benefits. The 12-month preclusion period for unemployment insurance benefits 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 a retired annuitant, you may be eligible for unemployment insurance benefits. The 12-month preclusion period for unemployment insurance benefits begins the day after the issue date of your last unemployment insurance payment. If you are a retired annuitant, you may be eligible for unemployment insurance benefits. The 12-month preclusion period for unemployment insurance benefits 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 retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS).
- **Full-Time Member of State Board or Commission – CalPERS retirees:** You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS). You are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS).
- **Full-Time Member of State Board or Commission – Non-CalPERS retirees:** If you are a retired annuitant under the State Employees' Retirement System (SERS) or the State Teachers' Retirement System (STRS), you may be eligible for unemployment insurance benefits. The 12-month preclusion period for unemployment insurance benefits 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 lump-sum distribution of the member's account balance if the member was a participant in the plan at the time of death. The beneficiary must be a surviving spouse, child, or grandchild of the member, or a person designated as the beneficiary in the member's will. 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 lump-sum distribution of your account balance if you are a member of a non-CalPERS employer's plan and you are eligible to receive a lump-sum distribution from that plan. For more information, see the CaPERS 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 if they are not currently employed by a CalPERS employer. For more information, see the CaPERS website at www.calpers.ca.gov.

Bona fide separation requirement: Temporary employment must be a bona fide separation from the member's previous employer. For more information, see the CaPERS website at www.calpers.ca.gov.

- Temporary employment must be a bona fide separation from the member's previous employer.
- Temporary employment must be for a period of 60 days or more.

Non-CalPERS members are eligible to receive a lump-sum distribution of their account balance if they are eligible to receive a lump-sum distribution from their employer's plan. For more information, see the CaPERS website at www.calpers.ca.gov.

The beneficiary of a deceased member's plan is eligible to receive a lump-sum distribution of the member's account balance if the beneficiary is a surviving spouse, child, or grandchild of the member, or a person designated as the beneficiary in the member's will. For more information, see the CaPERS website at www.calpers.ca.gov.

A lump-sum distribution is a distribution of a member's account balance in a single payment. Note: You must be at least 180 days old at the date of distribution. For more information, see the CaPERS 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 election to the new 960 day rule. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may also be eligible for a one-time election to the new 960 day rule. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may also be eligible for a one-time election to the new 960 day rule.

Temporary vs. Permanent Employment

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 election to the new 960 day rule. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may also be eligible for a one-time election to the new 960 day rule.

Because the new 960 day rule applies to employees hired on or after July 1, 2009, 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 election to the new 960 day rule. Employees hired before July 1, 2009, who are covered by the old 960 day rule, may also be eligible for a one-time election to the new 960 day rule.

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

Temporary vs. Permanent Employment

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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 eligible to work for a CalPERS employer in a temporary capacity. 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 temporary capacity are eligible to work for a CalPERS employer in a temporary capacity.

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 employee who is able to work in a permanent capacity for a CalPERS employer.

You are eligible to work for a CalPERS employer while receiving disability benefits if you are approved to work while receiving disability benefits. You must submit a Request to Work While Receiving Disability/Industrial Disability Retirement Benefits form and a Physical Release from PII/ Occupational Title form to your CalPERS employer before you can work for a CalPERS employer. You must also submit a Request to Work While Receiving Disability/Industrial Disability Retirement Benefits form to your CalPERS employer. 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 while receiving disability benefits, you must submit the following forms to your CalPERS employer:

- *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form (Government Code Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 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- *Physical Release from PII/Occupational Title* form (Government Code Section 21228)
- Position duty statement (Government Code Section 21228)
- Current medical report(s) (Government Code Section 21228)

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 amount of your earnings limit will be based on the amount of your earnings in the previous year. If you are approved for a position, you will be informed of the amount of your earnings limit and how to report your earnings. The amount of your earnings limit will be based on the amount of your earnings in the previous year. If you are approved for a position, you will be informed of the amount of your earnings limit and how to report your earnings.

Note: If you are approved for a position, you will be informed of the amount of your earnings limit and how to report your earnings. The amount of your earnings limit will be based on the amount of your earnings in the previous year. If you are approved for a position, you will be informed of the amount of your earnings limit and how to report your earnings.

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.

C 1

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

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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