



May 12, 2022

TO: Business, Payroll, and Personnel Administrators
HRS Coordinators
Los Angeles County School and Community College Districts
Regional Occupational Centers/Programs (ROCs/Ps) and Charter Schools

FROM: Claudette Wiggan-Reid, Retirement Systems Coordinator
District Personnel Information Services
Division of School Financial Services

SUBJECT: Expiration of Executive Order for COVID-19 - CalPERS Retirees

The California Public Employees' Retirement System (CalPERS) issued Circular Letter: [200-025-22](#) which cancelled the exemption for retired annuitants related to the COVID-19 pandemic. The statutes for CalPERS retirees post-retirement employment were reinstated effective April 1, 2022. All retirees hired after 4/1/2022 should adhere to the following:

960-hour per fiscal year work limit

For retirees approved to work under the Governor's Executive Order, the hours worked between March 4, 2020 and March 31, 2022 are exempt from the 960 hour limit. However, all hours worked on or after 4/1/2022 will count towards the 960 hours limit for fiscal year 2021-22. Retirees are allowed to legally work a maximum of 960 hours within a single fiscal year at a CalPERS covered agency. It is the retiree's **and** the employer's responsibility to monitor the hours worked.

180-day wait period after retirement

If a district requires a retiree to return to work prior to the 180-day wait period, the district must submit a board resolution to the district's board. Send the board approved resolution to the district's PERS representative at the Los Angeles County Office of Education (LACOE). Refer to Attachment No. 1 for sample resolutions and instructions.

60-day bona fide separation in service

If a member retires/will retire prior to his or her oldest benefit formula age, or the maximum normal retirement age of 62 (age 55 for 2% @ 55 formula, age 60 for 2% @ 60 formula, etc.), the district cannot have an agreement, written or verbal, for post-retirement employment before the member retires. This bona fide separation in service requirement is federal tax law and must be satisfied before obtaining a 180-day wait period exception.

Appointed once to a vacant position

If a governing body appoints a retiree to fill a vacant position on an interim basis, the retired person shall only be appointed once to this vacant position. Reappointment to the same position is a violation of post-employment laws.

Additional information regarding CalPERS retired annuitants:

- Verification of employees in MyCalPERS: Districts are **required** to verify all newly hired employees in myCalPERS in order to obtain their true status with CalPERS: Retiree, PEPPRA member, Classic member or non-member. Complete the PERS Access form (Attachment No. 3) to obtain log-in and password information for myCalPERS. Return the completed form to the district's PERS representative. Districts also have the option to email the PERS representative in School Financial Services to check the status of new hires.
- Compensation: Per GC 21224, retirees pay rate should be listed on the publicly available salary schedule. Also, retirees should not be paid any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate (i.e. longevity, shift). **Please verify the district's HRS setup to ensure that retirees' pay rates are base amounts only.**
- Penalty for Late Enrollment & Late Reporting: Assembly Bill 1309 updated Government Code Section 21220 to allow CalPERS to assess a \$200 penalty for late enrollment and \$200 for late reporting per retiree per month. It is possible for employers to pay \$400 per retiree per month until enrollment and reporting become current with CalPERS.
- Retiree Penalty: Retirees should not work in a permanent position. Retirees who do not adhere to the law will be re-instated to active service with contributions due on earnings. Their monthly benefits will be discontinued. CalPERS may require the employee to reimburse CalPERS for benefits that were paid while they were illegally working.
- Independent Contractor/Consultants/Third-Party Employees: Districts that hire a CalPERS retiree as an independent contractor, consultant or employee of a third-party should determine if an employer-employee relationship exists (common-law employer). If an employer-employee relationship exists, the retiree's earnings must be reported to CalPERS. The district must obtain the number of hours worked and the pay rate from the third-party employer. Next, they should enroll and report earnings for the retiree per the CalPERS requirements. If, there is no employer-employee relationship, then the employee is exempt from the post-retirement employment requirements.
- Enroll Retiree: Enter the employee into the Human Resource Systems (HRS) with a retirement plan of P3 and a status of "R" for retiree. Complete a Member Action Request form (MAR-1) and check "Yes" for retired annuitant. Submit the signed form to the Retirement Unit at LACOE. *Refer to LACOE's Bulletin No. [4878](#) for the MAR-1 instructions.*
- Report Earnings: CalPERS contributions should not be deducted from retired annuitants' earnings. Report the hourly pay rate, gross wages and number of hours worked on a monthly basis to CalPERS. *This will avoid the \$200 reporting penalty.*
 - Districts using LACOE's Human Resource System (HRS) should code retirees with a Retirement Plan of "P3" and Retirement Status "R" for retired. The retiree earnings will be reported with the current month retirement reporting to CalPERS.

- Districts that pay retired employees outside of HRS, should submit the retiree's earnings information to LACOE. Attachment No. 2 is an Excel spreadsheet that can be used to track retiree's earnings. Return the completed form to your representative in the Retirement Section. **The form is due to LACOE by the 9th of each month for the prior month's accrual dates.**
- Charter schools submitting retirement reports to LACOE should add the retirees to the regular monthly report. The retiree should be coded with a Retirement Plan of "P3" and Retirement Status "R" for retired. **Reporting is due on the 5th of each month for the prior month's accrual dates.**

If you have any questions regarding this bulletin, please email Claudette Wiggan-Reid at wiggan_claudette@laoe.edu.

Approved:
Nkeiruka Benson, Director
Division of School Financial Services

CWR:lt
Attachments

SFS-A49-2021-2022

Los Angeles County Office of Education

Instructions for CalPERS Retiree 180-Day Wait Period Exception

Bona Fide Separation in Service: If a member retires/will retire prior to his or her oldest benefit formula age, or the maximum normal retirement age of 62 (age 55 for 2% @ 55 formula, age 60 for 2% @ 60 formula, etc.), you cannot have an agreement, written or verbal, for post-retirement employment before the member retires. This bona fide separation in service requirement is federal tax law and must be met before obtaining a 180-day wait period exception. For additional details, see "Employment of a Retiree" in the Public Agency & Schools Reference Guide at: <https://www.calpers.ca.gov/docs/forms-publications/pas-ref-guide.pdf>

Note: A retiree must terminate retirement to be employed as a permanent part-time or any other type of regular staff employee.

Attached are two sample resolutions for school employers to use for approving a 180-day wait period exception.

- **Extra Help**: The resolution for G.C. Sections 7522.56 & 21229 is for extra help retired annuitants, i.e., CalPERS retirees hired to perform work for a limited time period, such as elimination of a backlog, special project work, or to perform work in excess of what regular staff can do. Appoint retirees to retired annuitant designated positions only.
- **Vacant Position**: The resolution for G.C. Sections 7522.56 & 21221(h) is for a vacant position retired annuitant, i.e., a CalPERS retiree hired to work in a vacant position while you recruit for a permanent replacement. Use this resolution to appoint a retiree to positions such as an interim superintendent, interim department head and to any other unique managerial or executive position. An open recruitment to fill the vacancy with a permanent replacement is required in order to appoint a retiree. A retiree can only be appointed once to the same vacant position.

Steps:

- 1) Complete the "Vacant Position" or the "Extra Help" Resolution depending on the help that the retiree will be providing (*not both*).
- 2) The district's governing body of the school district should pass and sign the resolution. (*Allow time for LACOE's board approval process*).
- 3) Submit the following documents to LACOE before the employment begins:
 - Executed and signed resolution,
 - Copy of the employment agreement or personnel appointment paperwork,
 - Copy of the publicly available salary schedule listing the comparable or vacant position
 - Recruitment status for a vacant position Section 21221(h) appointment—include a copy of the website recruitment.

Return all the items to the Los Angeles County Office of Education via email to:

[Stevenson Tatiana@laoe.edu](mailto:Stevenson_Tatiana@laoe.edu)
[Wiggan Claudette@laoe.edu](mailto:Wiggan_Claudette@laoe.edu)

To obtain additional information, please call: (562) 922-6573 or (562) 922-6565.

- 4) District must obtain approval from LACOE prior to the retiree's first day of work. The resolutions and documents will be submitted for LACOE's board approval at the next available meeting.

Note: This resolution will be submitted to LACOE's Board after district board approval

Resolution Number _____

Date of Resolution _____

_____ (District Name)

**RESOLUTION FOR 180-DAY WAIT PERIOD EXCEPTION
G.C. Sections 7522.56 & 21229 - Extra Help Resolution**

WHEREAS, in compliance with Government Code Section 7522.56 the _____
(*district name*) must provide CalPERS this certification resolution when hiring a retiree before 180
days has passed since his or her retirement date; and

WHEREAS, _____ (*retiree name, CalPERS ID or last 4 digits of the social
security number*) retired from _____ (*district name*) in the position
of _____ (*job title*), effective (*employee's CalPERS retirement date*); and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180
days after the retirement date, which is _____ (*date of 181st day after retirement*)
without this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180-day wait period shall not apply if
the retiree accepts any retirement-related incentive; and

WHEREAS, the _____ (*district name*) and _____
(*retiree name*) certify that _____ (*district name*) has not and will not receive a
Golden Handshake or any other retirement-related incentive; and

WHEREAS, the _____ (*district name*) hereby appoints _____ (*retiree name*) as
an extra help retired annuitant to perform the duties of the _____ (*position name*) for the
_____ (*district name*) under Government Code Section 21229 effective _____
(*retiree expected start date*); and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have
been or will be placed on a consent calendar

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers;
and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the
maximum monthly base salary paid to other employees performing comparable duties, divided by
173.333 to equal the hourly rate; and

Los Angeles County Office of Education
Instructions for CalPERS Retiree 180-Day Wait Period Exception

WHEREAS, the maximum base salary for this position is _____ (*monthly salary*) and the hourly equivalent is _____ (*hourly rate*), and the minimum base salary for this position is _____ (*monthly salary*) and the hourly equivalent is _____ (*hourly rate*); and

WHEREAS, the hourly rate paid to _____ (*retiree name*) will be _____ (*hourly rate*);

WHEREAS, _____ (*retiree name*) has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the _____ (*district name*) hereby certifies the nature of the appointment of _____ (*retiree name*) as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of _____ (*position name*) for the _____ (*district name*) by _____ (*date employment begins*) because_____.
(*describe the reasons and conditions that require this position be filled by the listed date*).

Yes _____

No _____

APPROVED AND ADOPTED this _____ day of _____ in the year _____.

District Superintendent

District Board President/Secretary

Note: This resolution will be submitted to LACOE's Board after district board approval

Resolution Number _____

Date of Resolution _____

_____ (District Name)

RESOLUTION FOR 180-DAY WAIT PERIOD EXCEPTION

G.C. Sections 7522.56 & 21221(h) – Vacant Position

WHEREAS, in compliance with Government Code Section 7522.56 the _____
(school district name) must provide CalPERS this certification resolution when hiring a retiree before
180 days has passed since his or her retirement date; and

WHEREAS, _____ (retiree name), _____
(CalPERS ID or last 4 digits of the social security number) retired from _____
(employer from which retired) in the position of _____ (name of position from
which retired), effective _____ (CalPERS retirement date); and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180
days after the retirement date, which is _____ (date of 181st day after retirement) without
this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180-day wait period shall not apply if
the retiree accepts any retirement-related incentive; and

WHEREAS, the _____ (school district name) and _____
(retiree name) certify that _____ (retiree name) has not and will not receive a Golden
Handshake or any other retirement-related incentive; and

WHEREAS, the _____ (school district name) hereby appoints
_____ (retiree name) as an interim appointment retired annuitant to the vacant
position of _____ (position name) for the _____ (school district name)
under Government Code section 21221(h), effective _____ (date of appointment); and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly
posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is _____ (describe
status of the recruitment); and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on
_____ (termination date of appointment); and

Los Angeles County Office of Education
Instructions for CalPERS Retiree 180-Day Wait Period Exception

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is _____ (*monthly salary*) and the hourly equivalent is _____ (*hourly rate*), and the minimum base salary for this position is _____ (*monthly salary*) and the hourly equivalent is _____ (*hourly rate*); and

WHEREAS, the hourly rate paid to _____ (*retiree name*) will be _____ (*hourly rate*); and

WHEREAS, _____ (*retiree name*) has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the _____ (*school district name*) hereby certifies the nature of the employment of _____ (*retiree name*) as described herein and detailed in the attached employment agreement / contract / appointment document and that this appointment is necessary to fill the critically needed position of _____ (*position name*) for the _____ (*school district name*) by _____ (*date employment begins*) because _____.
(*describe the reasons and conditions that require this position be filled by the listed date*).

Yes _____

No _____

APPROVED AND ADOPTED this _____ day of _____ in the year _____.

District Superintendent

District Board President/Secretary

Los Angeles County Office of Education
Division of School Financial Services
CalSTRS Retired Annuitant Monthly Reporting

District Name: _____

District No: _____

CERTIFICATED

Retiree Name:	SS#	Accrual Dates	Annualized Retirement Reporting Rate**	Hourly Rate	Hours Worked	Total
John Smith (EXAMPLE)	###-##-####	01/01/2018-1/31/2018 (1st day to the last date of the month)	\$62,500.00	\$ 100.00	180.50	\$ 18,050.00
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
TOTAL:					180.50	\$ 18,050.00

****Annualized Retirement Reporting Rate - use the annualized full-time compensation earnable for employees performing duties comparable to the retired member activities.**

CalSTRS requires monthly reporting of retirees earnings. Please return this spreadsheet by the 9th for the prior month.

Return the completed sheet to your representative in the Retirement Section with a cc to:

Ellzey_Nekeara@laoe.edu and Gutierrez_Veronica@laoe.edu.

Los Angeles County Office of Education
Division of School Financial Services
CalPERS Retired Annuitant Monthly Reporting

District Name: _____

District No: _____

CLASSIFIED

Retiree Name:	SS#	Accrual Dates	Hourly Rate	Hours Worked	Total
John Smith (EXAMPLE)	###-##-####	01/01/2018-1/31/2018 (1st day to the last date of the month)	\$ 100.00	180.50	\$ 18,050.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
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					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
TOTAL:				180.50	\$ 18,050.00

Effective July 1, 2018, CalPERS will assess a \$200 penalty for enrollment and \$200 for late reporting per retiree per month .

CalPERS requires monthly reporting of retirees earnings. Please return this spreadsheet by the 9th for the prior month.

Return the completed sheet to your representative in the Retirement Section with a cc to:
and Chen_Corinne@laoe.edu.

Stevenson_Tatiana@laoe.edu



CalPERS Access Form

PERS Health Coverage:

Does this district have health coverage through CalPERS? *(Required)* ☐ Yes ☐ No

District Information:

Supervisor's Name: _____

School District / Agency: _____

Title: _____

Telephone: _____

E-Mail: _____

The following employee requires access to MyCalPERS as follows:

- ☐ Payroll (RO) Inquiry – view employees' information and contributions reported to MCP
- ☐ Enrollment (RO) Inquiry – view employees' membership and retirement status, i.e. Classic/PEPRA
- ☐ Arrears & SCP Certification – initiates buy-back and certify payroll information for buy-backs and other transactions
- ☐ Retirement Contracts – for districts with additional contracts at CalPERS only, i.e. school police
- ☐ Social Security Contact – will complete the Annual Information Request (AIR) and will receive SSSA invoices
- ☐ Supplemental Income Plan – districts with 457 plans
- ☐ CERBT/CEPPT: Retiree Benefit Trust (*IRS Section 115*)
- ☐ GASB Contact
- ☐ Primary District Contact

User Information:

Employee's Name: _____

Is this employee a CalPERS member? ☐ Yes ☐ No

If answer is "no," please provide the person's Date of Birth _____

LACOE EID / SSN: _____

District Address: _____

Phone Number: _____

E-Mail: _____

Possible Username *(if available)*: _____

Supervisor's Signature: _____ Date: _____

LACOE OFFICE USE ONLY

User Name:

Process Date: