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 you obtain a 180-day wait period exception. For 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 of limited duration, 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 a 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—including a copy of the website recruitment.

Return all the items to the Los Angeles County Office of Education via email to:
   Welker_Scott@lacoe.edu
   Wigan_Claudette@lacoe.edu

To obtain additional information, please call: (562) 922-6468 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.

Attachment No. 1
Info. Bul. No. 4812
SFS-A60-2017-2018
Note: This resolution will be submitted to LACOE’s Board after district 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
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 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
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