

School District Retired Annuitant Issue

In early June, RPEA received a call from a distressed, retire, school district classified employee. Many retirees who worked as substitutes in the district received a letter announcing they could no longer fill temporary substitute positions as Retired Annuitants (RAs). This new policy was particularly upsetting since many retirees rely on short-term substitute work to supplement their income.

RPEA quickly intervened. It discovered that the issue stemmed from outdated guidance that has been corrected now. Previously, CalPERS had informed contracting agencies that school employers could not use RAs in vacant, interim positions according to Government Code 21221(h). However, since school districts typically do not qualify as contracting agencies under the Public Employees' Retirement Law (PERL), this section does not apply to them.

The relevant government code for this situation is actually 21224. Under Government Code 21224:

Schools are permitted to use Retired Annuitants in substitute positions if there is a genuine need and efforts to hire regular non-retired employees have been unsuccessful; These appointments must be temporary, not ongoing, to avoid disrupting school operations.

Thanks to RPEA's advocacy with CalPERS, the school district issued a new communication clarifying that Retired Annuitants are indeed allowed to work as substitutes.

Do you have an issue requiring assistance? RPEA is here to help. Please reach out to us at askRPEA@rpea.com.

Circular Letter

TO: ALL CALPERS EMPLOYERS

SUBJECT: REQUIREMENTS FOR WORKING AFTER RETIREMENT FOR A CALPERS EMPLOYER

The purpose of this Circular Letter is to inform employees of the requirements for disability retirement for a CalPERS employer.

Government Code (G.C.) sections 7522.56, 7522.57, 21222, 21227, 21229, 21231 and 21232, provide the requirements for disability retirement. A CalPERS disability/industrial disability retiree.