



SCERS POLICY ON POST-RETIREMENT EMPLOYMENT
DISCUSSION DRAFT
March 2019

1.Q. What action did the SCERS Board take?

On March 20, 2019, the SCERS Board reviewed a draft policy to revise the Post-Retirement Employment Policy and directed SCERS Staff to solicit input from stakeholders before the Board finalizes the policy.

2.Q. Who does this effect?

Retired SCERS members who return to work for a SCERS participating employer (i.e. Sacramento County, Sacramento Superior Court, and other special districts).

3.Q. Why is the policy being amended?

SCERS is clarifying several provisions of the current policy to ensure more consistent application with the law.

4.Q. What is being changed?

Major amendments to the policy include the following:

- Clarifying that retired annuitant limits apply to all types of contractors. The current policy exempts "Independent Contractor" from the retired annuitant restrictions. However, the governing statute does not differentiate between independent contractors or third-party contractors. Subdivision (b) of Section 7522.56 of the Government Code states that the return-to-work rules apply to retired members who are "employed through a contract directly by" the employer. SCERS advises retired

employers and members to adhere to the 180-day wait period before returning to work and the 960-hour cap on hours, regardless of a member's designation as an independent contractor.

- Clarifying which hours apply toward the 960-hour annual cap. This policy clarifies that hours worked, including overtime hours, are counted towards the maximum annual limit of 960 hours. However, earned credit for vacation, sick leave, or compensatory time off (CTO) if not actually worked or taken, do not apply to the 960-hour maximum limit. SCERS does not consider the hour equivalent of leave balances that are paid out upon termination as part of the 960-hour cap.
- Defining limited duration. Retired members can return to work only during an emergency to prevent a stoppage of public business or because the retired person has the skills needed to perform work of a limited duration. However, section 7522.56 does not define the term limited duration. This policy defines limited duration as a 36-month period.
- Establishing a process to extend the duration of retired annuitant service. This policy directs participating employers to establish an administrative approval process to grant 12-month extensions to the 36-month limited duration period. However, the policy limits the extensions to a total of an additional 24-months beyond the original 36-month period. The policy allows the employer to provide additional 12-month extensions on an annual basis to retired annuitants working in a public safety capacity, upon approval of the employer's chief executive.
- Requiring semi-annual reports from employers. This policy requires participating employers to provide SCERS a report no less than semi-annually (by January 31 and July 31 of each year) disclosing the names of the retired annuitants who have been employed, their hours worked, their duration of retired annuitant service, and any extension to the 36-month period approved by their chief executive.

5.Q. When does SCERS plan to finalize the draft policy and implement the changes?

After providing a period for public consideration and feedback, SCERS will prepare a final version of the Post-Retirement Employment Policy for consideration by the SCERS Board on May 15, 2019.

6.Q. Where can I review the draft policy?

The draft policy can be reviewed by visiting the SCERS website (www.scers.org) or clicking www.scers.org/post/post-retirement-employment-policy to review the SCERS Board agenda materials for this policy.

7.Q. How can I provide SCERS with feedback on the draft policy?

You can provide written feedback to SCERS by directing e-mail to the address established for this purpose: Retirement-Policy@SacCounty.net. Please provide written feedback before 5:00 p.m. on Friday, April 26, 2019.