

		Policy # 113
Subject: Appointment of Retired Annuitants Policy		
Responsible Department: Personnel Services		
Effective Date: 06/1983		Revision Date: 08/2018
David Devine Director of Personnel Services		Navdeep S. Gill County Executive

1. **Purpose**

To specify Sacramento County's policy to appoint a retired County employee as a retired annuitant, based on their special skills or knowledge in accordance with applicable laws, rules and regulations.

2. **Authority**

- County Employee Retirement Law of 1937, Government Code Sections 31680.2, and 31680.6 state the conditions and limitations on rehiring Sacramento County retirees.
- Civil Service Commission Rule 7.5 authorizes Sacramento County to make provisional appointments.
- Civil Service Commission Rule 7.7 authorizes Sacramento County to make intermittent appointments.
- Internal Revenue Code section 401(a) and corresponding regulations limit the distribution of benefits from the Sacramento County Employees' Retirement System (SCERS) to certain events, including severance from employment and retirement.
- Personnel Ordinance 2.78.335 (a) authorizes reinstatement of a former employee in good standing who held permanent status in a class in the civil service. The reinstatement period is limited to three years following the effective date of resignation.
- Personnel Ordinance 2.78.435 establishes the salary range for reinstated employees.

3. **Scope**

This policy applies to all retired Sacramento County employees who meet all eligibility requirements specified in this policy.

Definitions

Eligible List: A list of persons who have qualified by examination to be considered for appointment in a class. (Civil Service Commission Rule 15.25)

Extra Help Employee: An employee who is appointed for a short period of time, whether working part time or full time, to a position which either does not appear or is designated as extra help in the Salary Resolution. (Personnel Ordinance 2.78.240)

Provisional Appointment: An appointment of a qualified person to fill a position for which no appropriate reemployment or eligible list exists, pending an examination. (Personnel Ordinance 2.78.268)

Public Employer: The state, one of its agencies, any city, county, or municipal or public corporation, any political subdivision of the state or any instrumentality thereof, or an agency created by one or more such governmental organization to provide governmental services or any entity that participates in a public retirement system.

Reinstatement: The reappointment of an employee who has resigned. (Personnel Ordinance 2.78.278)

Resignation: The voluntary action of an employee which separates the employee from a position in County service. (Personnel Ordinance 2.78.280)

Retired Annuitant: An individual who receives a retirement allowance from SCERS and is employed by Sacramento County in a temporary capacity of no more than 960 hours in a calendar year.

Retiree: An individual who retired from Sacramento County service and is receiving a retirement allowance from Sacramento County Employees' Retirement System (SCERS).

Severance of Employment: A break in service from Sacramento County employment, prior to their appointment as a retired annuitant, of at least one hundred eighty (180) days or sixty (60) days if the retiree is a public safety officer or firefighter following his/her date of termination; did not receive a retirement incentive and did not enter into a prior agreement or understanding, either orally or in writing, that the retiree would resume providing services for Sacramento County after retirement.

Special Skills: The term "special skills" as used in this policy means a special or unique skill set or subject matter knowledge that is typically

gained by performing the duties of a job classification that will allow the candidate to put their skills and knowledge immediately to use resulting in increased productivity and contribution to the job being performed.

4. **Policy**

Retired Sacramento County employees (who meet all eligibility requirements specified in this policy) may be reinstated, provisionally appointed or certified to temporary positions based on their special skills or knowledge. Rehired retirees may not be compensated for more than 960 hours in any calendar year.

Eligibility

A retiree may be eligible for appointment as a retired annuitant provided that all the following criteria are met. The retiree:

- Has specialized skills needed to perform work of limited duration or the retiree's employment is needed during an emergency to prevent stoppage of public business.
- Resigned from Sacramento County service in good standing. An employee retires in good standing if the reasons for leaving Sacramento County service were not cause for dismissal [see Personnel Ordinance, Sections 2.78.335(a) and 2.78.345(a)] and the employee notified Sacramento County according to Personnel Ordinance 2.78.830;
- Had a severance of employment, prior to their appointment as a retired annuitant, of at least one hundred eighty (180) days or sixty (60) days if the retiree is a public safety officer or firefighter following his/her date of termination.
- Did not take advantage of an employer incentive to retire.
- Did not enter into a prior agreement or understanding, either orally or in writing, that the retiree would resume providing services for Sacramento County after retirement;
- Did not receive unemployment insurance compensation arising out of prior employment with any public employer during the 12 month period prior to appointment or while currently working as a retired annuitant.
- Is not returning to a position from which he/she is receiving a disability retirement benefit; and

- Is not being compensated in excess of the maximum monthly base salary paid to other employees performing comparable duties.

Standards of Application

Before accepting employment with Sacramento County, it is the retiree's responsibility to:

- Inform the County if they are receiving retirement benefits from SCERS; and
- Inform the County if they retired with the benefit of a retirement incentive.

A retiree may only be appointed to a temporary position requiring special skills or knowledge. Sacramento County or district employing the retiree defines the "special skills or knowledge."

- The term "special skills" as used here does not refer to "special skills" as used in Sacramento County Personnel Policy : Selective Certification for Special Skills.
- The Department of Personnel Services determines whether a retiree may be reinstated to a class other than the last class held before retirement.

Retired Annuitants may not be compensated for more than 960 hours in any calendar year.

- Hours counted toward the 960 hours limit:
 - Actual hours compensated (including regular work hours, overtime and standby hours)
 - Authorized absences when paid
 - Any hours automatically paid due to expiration or over maximum limitations

Terminal payouts of unused vacation hours at the time of retirement (up to the current County permitted maximum) will not count toward the 960 hour limitation prescribed for retired annuitants. Unless expressly identified in a subsequent update to this policy, any other accruals payable to a retired annuitant upon termination will count toward the 960 hour

annual limitation and accordingly, will serve to further limit the maximum number of hours that a Retired Annuitant can work for the County during any calendar year.

Any compensation received in excess of 960 hours must be returned to the employer or the Retired Annuitant risks having these retirement benefits suspended and be returned to regular, temporary status with the County.

Retirees (prior to being appointed as a retired annuitant) must self-certify that they have not received unemployment insurance compensation arising out of prior employment with any public employer, during the twelve month period prior to their appointment or their continuation of service as a retired annuitant.

A retiree who accepts an appointment as a retired annuitant after receiving unemployment insurance compensation (as noted above), shall be terminated no later than the last day of the current pay period in which Sacramento County receives notification. The retiree shall not be eligible for reappointment with Sacramento County for a period of 12 months following the last day they received unemployment insurance compensation due to previous employment with any public employer. Note: All other reinstatement, provisional appointment or certified temporary appointment eligibility requirements will apply.

Retired annuitants are classified as extra help employees and receive the same benefits as other temporary employees. However, retired annuitants do not participate in the Deferred Compensation Part-Time/Seasonal/Temporary (PST) Plan.

Retirees may only be reinstated to a temporary, intermittent 960 position while receiving a retirement allowance from SCERS. Exception: A retiree (whether they retired for service or disability) may be paid for service rendered as a county official if elected after retirement.

Retirees may be rehired by reinstatement if the appointment begins during the three-year reinstatement period and they meet all existing criteria for reinstatement. Reinstated retirees may receive any salary step in the class up to and including the step received at the time of resignation.

Retired annuitants who have not worked (i.e. perform service to the County) for three years or more shall be terminated from Sacramento County service. Exception: Retired annuitants who are required to maintain their peace officer status.

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After the three-year reinstatement period expires, a retiree may only be appointed as a certified or provisional temporary employee.

- Certified temporary appointments can be made after the retiree has been certified as eligible by the Director of Personnel Services from an appropriate list, if available. (See Personnel Ordinance 2.78.310)
- Provisional appointments can be made only if an eligible list does not exist for the class or if less than three persons are available for appointment from the eligible list. (See Civil Service Rule 7.5 and Sacramento County Personnel Policies and Procedures No. C-1: Provisional Appointments)
- Retired annuitants who are certified temporary or provisionally appointed receive the entry-level salary step of the class, unless another step is approved by the Sacramento County Executive or a designated authority. (See Personnel Ordinance 2.78.415 and 2.78.470)

Retired annuitant positions are subject to the same pre-employment requirements as required by County policy. Retirees appointed to these temporary positions must receive clearance from Department of Personnel Services.

Prior to retirees accepting an offer of permanent/regular employment with the County, retirees must contact SCERS and submit an "Application for Suspension of Retirement Allowance" along with other required documents from the employing County department confirming the intent to hire.

5. Review

To be reviewed every 5 years or as required by law.