

		Policy # 303
Subject: Employee Retirement Policy		
Responsible Department: Personnel Services		
Effective Date: 09/1976		Revision Date: 08/2018
David Devine Director of Personnel Services		Navdeep S. Gill County Executive

1. **Purpose**

To facilitate the retirement of eligible employees; establish a system for final payments and to establish an orderly system to obtain replacements for employees pending retirement and thereby avoid work backlogs, the necessity for overtime of other employees, or the necessity for the employment of temporary employees as an interim measure until a normal service retirement is finalized.

2. **Authority**

Board of Supervisors approval 09/27/1976.

3. **Scope**

This policy applies to employees who file for retirement whether a disability (service or non-service connected) or service retirement. In the case of any discrepancy between this policy and existing memoranda of understanding covering employees in any County recognized employee organization, the provisions of the Memoranda of Understanding shall prevail.

Definitions

Retirement date: The retirement date is considered the day after the employee's final day of work.

Resignation date: For purpose of this policy, the retirement date is also considered the date of resignation.

Retirement Eligible Employee: Any County employee that meets the eligibility criteria as defined in Government Code 31672.

4. Policy

Service Retirement:

Eligible employees interested in applying for a service retirement may do so by contacting the Retirement office within 60 days (Section 31672 of Retirement Law) prior to the date of retirement to make an appointment to discuss retirement processing and filing of the application.

After determining the retirement date, the employee notifies their Supervisor/Manager and Human Resources Representative of the date of the service retirement. Failure to provide notification may result in a delay in processing of the employee's final pay check.

Accrued sick leave as of the time of retirement will be applied by the Retirement Office toward service credits. Management personnel may also be paid for accrued sick leave.

If the employee decides not to retire, or change their planned retirement date, the decision to reverse the decision or accept the resignation is subject to approval by Department management.

Disability Retirement:

An employee who is incapacitated from continuing employment may apply for service or non-service connected disability retirement as appropriate. Section 31721 of the Retirement Law provides that an application for disability retirement may be made by the member, or any other person on his behalf, or by the appointing authority.

A request for disability retirement may require a longer period to process because of the necessity for medical examinations and reviews. In the event of an appeal a further delay may be encountered. The department should work with the Retirement Administrator and the employee in every way possible to complete the necessary process and obtain a final decision in the case.

Employees are required to use all accrued sick leave prior to receiving a disability retirement, unless the member consents to his retirement at an earlier date.

In the event the employee's application for disability retirement is not accepted by the Retirement Office, the employee then has the option of applying for a normal service retirement, if eligible, or return to duty (if

medically released by his physician). Until the decision to accept the application for service retirement, the employee will be returned to work, continued on sick leave, CTO, vacation or placed on a LOA.

An employee who is absent pending final decision for an application for disability retirement has the right to return to the position.

Employees in certain job classifications may be entitled to advance disability retirement benefits under Labor Code 4850.4, if they file for a service connected disability retirement. If the disability retirement decision is not favorable to the employee, the employee will be required to pay back the advance disability retirement benefits to the County

Management Sick Leave Compensation:

A management employee who retires shall be paid the monetary value of one-half of accrued sick leave at the time of retirement. Remaining sick leave shall be counted as credit toward retirement in accordance with Chapter 2.84 of the Personnel Ordinance. The employee shall retain the option of waiving the sick leave payoff and instead applying all accrued sick leave toward retirement credit. Sick leave payoff shall apply only to persons who actually retire from County service. Persons who separate from County service without retiring shall lose all right to sick leave payoff, whether or not such person receives a deferred retirement.

At the time of retirement filing, the employee will specify the settlement of their sick leave balances. The department will verify the accrued sick leave balance as of the last working day of the employee. Such verification will be forwarded to the Retirement Board with a copy to the Personnel Payroll Supervisor.

If a management employee dies while employed by the County, whether or not the death is job-related, the beneficiary shall be paid the monetary value of all sick leave accrued by the employee at the time of death. If the management employee was eligible for retirement at the time of death, the beneficiary shall have the right to waive the cash payment and instead receive credit toward retirement in accordance with Chapter 2.84. The retirement beneficiary, if any, shall be the beneficiary entitled to receive cash payment of accrued sick leave.

Replacement of Retired Employees

Service Retirements

The appointing authority may submit a hiring request to replace the employee once they have been notified of the employee's final day of work. Upon approval of the request, the certifications section will certify for appointment to be effective no earlier than the first working day after the employee's final work day. An exception to the start date is possible where an overlap is authorized in filling the position.

Disability Retirements

In the event the department desires a replacement during the interim period of application approval, then the following options are available:

- 1) Obtain approval for a temporary position and hire a temporary employee pending final decision on the disability retirement, or;
- 2) Request certification for employment on a permanent basis. In this case it must be understood that the employee so hired would be required to sign a statement in acknowledgment that the employment is subject to the right of another employee to return to this position. In the event the other employee does return to the position, it would then concurrently result in the termination of the employee hired into the position.

5. Review

To be reviewed every 5 years or in accordance with changes in law.