



**Department of Corrections and Rehabilitation**  
**NOTICE OF CHANGE**  
**TO DEPARTMENT OPERATIONS MANUAL**  
Chapter 3, Article 6 Retired Annuitant Appointments

**Transmittal Letter  
Number:**  
15-12

**Revision Date:**  
June 29, 2015

The purpose of this document is to provide Department Operations Manual (DOM) holders with information regarding revisions to Chapter 3, Article 6 Retired Annuitant Appointments.

These revisions are necessary to bring the DOM into compliance with California State Auditor (CSA) corrective action plan, Office of Personnel Services (OPS) revised Department Operations Manual (DOM), Chapter 3, Article 6, Section 31060.6.2, Retired Annuitant Appointments.

The proposed DOM revision also includes references to the recently revised CDCR Form 1823, Hiring Approval – Retired Annuitant. The form will be used by the hiring authority to obtain Secretary's office approval prior to appointing a retired annuitant.

If you have any questions regarding the proposed content, please contact Sherry Knight, Policy and Procedures Unit, Office of Personnel Services at (916) 445-7795. For questions regarding the DOM revision process, contact Sherri Garcia of my staff at (916) 445-2266.

*Original signed by:*

LISA LASSETTER  
Deputy Director, Human Resources

Attachment

## DEPARTMENT OPERATIONS MANUAL

### CHAPTER 3 – PERSONNEL, TRAINING, AND EMPLOYEE RELATIONS

#### ARTICLE 6 – APPOINTMENTS

[Sections 31060.1 through 31060.6.1 are unchanged]

#### 31060.6.2 Retired Annuitant Appointments

Revised June 29, 2015

A person who has retired from state service may be appointed to a civil service position and paid a salary without being reinstated from retirement.

A person who has retired from a CEA position may be temporarily employed following retirement in a CEA position.

Retired annuitants shall:

##### **Class**

- Be appointed to a position in a class in which the person had permanent or probationary status or a CEA appointment at the time of retirement or in a class to which the person could have permanently transferred, reinstated, or demoted at the time of retirement.

##### **Duration**

- Be appointed for no more than a limited duration of 960 total hours in any fiscal year. Returning retired annuitants appointments must be evaluated each fiscal year and require annual approval by the Office of the Secretary.

##### **Salary**

- Be paid at an hourly rate substantially the same as other employees performing comparable duties.

##### **Benefits**

- Be compensated only for actual time worked and shall not earn benefits of any kind (e.g., sick leave, vacation, holiday pay, personal holiday, or retirement credits).

##### **Nature of Work**

Retired annuitants may be appointed for a limited duration:

- On a short-term basis to cover emergency-related work.
- To use their special skills.
- To provide mentoring to staff, and/or knowledge transfer.

Retired annuitants may be appropriate to temporarily fill:

- Behind an employee on extended absence.

##### **Eligibility**

To be eligible for employment as a retired annuitant, the following requirements must be met:

- The Bona Fide Separation Requirement/Normal Retirement Age (if applicable)

- A service-retired employee of the State of California who has not yet reached “normal retirement age” must have a minimum 60 calendar-day separation from service prior to returning to employment as a retired annuitant. The definition of “normal retirement age” is the member’s benefits formula age, or, if the member retires with more than one benefit formula, the highest specified age. There must be no agreement made (either verbal or written) with an employee to return to employment as a retired annuitant prior to retirement if they have not attained “normal retirement age” as defined above.
- The 180-Day Wait Period Requirement
  - A retired person shall not be eligible for employment as a retired annuitant for a period of 180 calendar days after the date of retirement unless the appointment is necessary to fill a critically needed function and California Department of Human Resources (CalHR) approval has been obtained. **The 180 day waiting period does not apply to a retired peace officer or a retired firefighter returning as either a peace officer or firefighter.**

#### Definition of Critical Need

An immediate need for a particular skill set that only the retired annuitant can provide to complete a function for the department to meet one of the requirements outlined below and that cannot be met by a current State employee:

- Legislative Mandate
- Court Ordered Mandate
- Health and Safety Emergencies
- Fiscal Impact – Loss of Funding
- Any disruption in normal business that may result in the failure of business operations

Note: The bona fide separation requirement does apply to peace officers or firefighters that have not reached normal retirement age. Appointments to other classifications would meet the bona fide separation requirement while serving the 180-day wait period requirement since these periods run concurrently.

#### **Approval**

A commitment to hire a retired annuitant requires prior approval from the appropriate Director or designee and the Office of the Secretary.

The hiring authority is required to contact the Office of Legal Affairs and the Office of Internal Affairs to determine if the individual has prior or pending adverse actions, legal actions, or was the subject of an investigation. If so, a summary of the information is to be attached to the CDCR Form 1823, Hiring Approval – Retired Annuitant that includes a detailed justification.

**[Sections 31060.6.3 through 31060.21 are unchanged]**

#### **31060.22 References**

Revised June 29, 2015

PC § 830 and 830.6(b).

CCR (2) (1) §§ 8, 212, 258, 277, and 300 - 304, 599.810.

CCR (15) (3) § 3291(b).

GC § 1029, 1029.1, 1031, 7290 - 7299.8, 12946, 12976, 18150, 18157, 18158, 18522,  
19080 - 19083, 19144, 21153, 21224.

SAM § 1670.

### HIRING APPROVAL - RETIRED ANNUITANT

All Retired Annuitant appointment proposals will require the review and approval by the Office of the Secretary before the appointment will be processed.

- New Appointment**  
Complete Parts 1 and 2  
Include forms DPA 715 & DE 1181
- Extension Request** (within same fiscal year)  
Complete Part 1 only

**PART 1**

Division/Location: \_\_\_\_\_

Recommended Candidate: \_\_\_\_\_

Classification Title: \_\_\_\_\_

Position Number: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Anticipated Fiscal Year Hours (cannot exceed 960 hours) \_\_\_\_\_

Purpose:

- DJJ Vacancies\*                       Special Projects/Skills                       Legal Witness Testimony
- DAPO Vacancies\*                       Mentoring/Knowledge Transfer                       Expert Examiner
- CO Vacancies\*                       CO Academy                       Operational Vacancies\*

*\* If a Retired Annuitant is being appointed due to vacancies, the Hiring Authority must document recruitment efforts in the Justification section.*

Justification (attach additional page if necessary):

\_\_\_\_\_  
*Hiring Authority (Printed Name and Signature)*

\_\_\_\_\_  
*Date*

**Division Approval**

- Approved                       Denied                      Comments: \_\_\_\_\_

\_\_\_\_\_  
*Division Director (Printed Name and Signature)*

\_\_\_\_\_  
*Date*

**Secretary Approval**

- Approved                       Denied                      Comments: \_\_\_\_\_

\_\_\_\_\_  
*Secretary's Office (Printed Name and Signature)*

\_\_\_\_\_  
*Date*

**Office of Personnel Services Review**

\_\_\_\_\_  
*OPS Classification and Pay Analyst (Printed Name and Signature)*

\_\_\_\_\_  
*Date*

**PART 2**

**TO BE INCLUDED IN HIRING PACKAGE FOR RETIRED ANNUITANTS**

The hiring authority shall complete this section to verify/report information specific to the recommended candidate obtained from the offices listed on Page 2 of this form (please check all applicable boxes and complete the corresponding comments section to provide information on prior or pending actions). The hiring authority shall ensure that the following is reviewed and approved by their Director or designee. This information is necessary to ensure that the hiring authority's Director or designee have the documentation to conduct an appropriate review, evaluation, and subsequent approval/disapproval.

### HIRING APPROVAL - RETIRED ANNUITANT

**Office of Legal Affairs, Employee Discipline Unit/Employee Relations Officers** for prior pending adverse actions (include cases which may have been closed due to the employee's separation from State service):

Prior Adverse Actions (OPF-Not older than 3 years):       No       Yes      If yes, report findings below.

Pending Adverse Actions:       No       Yes      If yes, report findings below.

Name of person contacted: \_\_\_\_\_ Title: \_\_\_\_\_

Comments (use additional page if necessary):

**Office of Legal Affairs (Legal Assistance Team)** for prior or pending legal actions in which the employee is a defendant (excluding inmate lawsuits):

Prior Legal Actions:       No       Yes      If yes, report findings below.

Pending Legal Actions:       No       Yes      If yes, report findings below.

Name of person contacted: \_\_\_\_\_ Title: \_\_\_\_\_

Comments (use additional page if necessary):

**Office of Internal Affairs/Civil Rights Operations** for sustained and/or pending internal affairs/discrimination complaint investigations:

Sustained Investigations:       No       Yes      If yes, report findings below.

Pending Investigations:       No       Yes      If yes, report findings below.

Name of person contacted: \_\_\_\_\_ Title: \_\_\_\_\_

Comments (use additional page if necessary):

Hiring Authority Signature	Date

Prepared By	Title	Date

If approved, the hiring authority must submit approved form with RPA package:       Date Sent: \_\_\_\_\_