



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

Transmittal Letter Number:
15-21

Revision Date:
11/25/2015

The purpose of this document is to provide Department Operations Manual (DOM) holders with information regarding revisions to section 31060.6.2 of Chapter 3, Article 6, Retired Annuitant Appointments.

Notice of Change to DOM (NCDOM) 15-21, dated 06/29/2015, reflected the Department's revised approval process for hiring retired annuitants and announced a revised (04/15) CDCR Form 1823, Retired Annuitant Hiring Approval.

This NCDOM announces additional revisions to both the DOM text and CDCR Form 1823. The revisions add further clarifying information regarding the approval process used by the Department's hiring authorities 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 Jon Struckmann, Regulation and Policy Management Branch at (916) 445-2276.

Original signed by:

Michelle Ezray, Associate Director, Human Resources

On behalf of:

LISA LASSETTER
Human Resources Deputy Director

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 November 25, 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 Career Executive Assignment (CEA) position may be temporarily employed following retirement.

Class

- A retired annuitant shall be appointed to a position in a class in which the person had permanent or probationary status or 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

- Retired annuitants are appointed for a limited duration, not to exceed 960 total hours in a fiscal year.
- Returning retired annuitants (annual renewals) must be evaluated each fiscal year and require annual approval by the Office of the Secretary or designee.

Salary

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

Benefits

- Retired annuitants are 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).

Impact of a RA working over the 960 hour work cap in a fiscal year

A RA who works more than 960 hours in a fiscal year is subject to mandatory reinstatement to state service, reimbursements to California Public Employees' Retirement System (CalPERS) and potentially other earned entitlements/benefits.

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

New retired annuitant appointments and requests to extend a retired annuitant appointment (not including annual renewals) require prior approval documented on CDCR Form 1823, Retired Annuitant Hiring Approval, as follows:

- CO Academy: Director, Administrative Services
- Expert Examiner: Director, Administrative Services
- Legal Witness Testimony: General Counsel
- Special Projects/Skills: Secretary
- Mentoring/Knowledge Transfer: Secretary
- Operational Vacancies: Secretary
- Division of Juvenile Justice (DJJ) positions at facilities: Director, DJJ
- All other DJJ positions: Secretary
- Posted Positions (Adult Institutions): Director, Division of Adult Institutions
- Parole Agents with caseload: Director, Division of Adult Parole Operations
- All other Division of Adult Parole Operations' positions: Secretary

A statement of justification is required for all retired annuitant appointment requests and must include start date (for extension, this date is the date the employee was first appointed into the position), end date, duty statement and organization chart.

Any requests to appoint a retired annuitant into a supervisory classification must include a plan for supervision of subordinate staff when the retired annuitant is not working.

Extension requests for retired annuitants that have expiration dates within the same fiscal year must document the number of hours the employee has worked.

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 Retired Annuitant Hiring Approval, that includes a detailed justification.

[Sections 31060.6.3 through 31060.22 are unchanged]

RETIRED ANNUITANT HIRING APPROVAL

All Retired Annuitant (RA) appointment proposals will require the review and approval by the Director/General Counsel/Secretary before the appointment is processed.

PART 1

New Appointment

Complete Parts 1 and 2
Include forms DPA 715 & DE 1181

Extension Request (within same fiscal year)

Complete Part 1 only (does not include annual renewals)

Division/Location: _____

Recommended Candidate: _____

Classification Title: _____

Position Number: _____

Purpose:

- | | | |
|--|---|--|
| <input type="checkbox"/> DJJ Vacancies | <input type="checkbox"/> Special Projects/Skills | <input type="checkbox"/> Legal Witness Testimony |
| <input type="checkbox"/> DAPO Vacancies | <input type="checkbox"/> Mentoring/Knowledge Transfer | <input type="checkbox"/> Expert Examiner |
| <input type="checkbox"/> CO Vacancies and Posted Positions | <input type="checkbox"/> CO Academy | <input type="checkbox"/> Operational Vacancies |

Is this a supervisory classification? Yes No

If yes, include in the justification section a plan for supervision of subordinate staff when RA is not working.

A justification is required for all RA appointment requests and must include: start date, end date, duty statement, and organization chart. Refer to the RA Appointment Evaluation Criteria, Justification & Approval Authority on Page 2 for information that must be included (attach additional documents and justification).

NEW APPOINTMENTS:

Start Date: _____ End Date: _____

Anticipated Fiscal Year Hours (cannot exceed 960 hours): _____

EXTENSIONS:

Start Date: (date employee was first appointed into the position): _____

End Date: (date that was previously approved): _____

Number of Hours the Employee has Worked (current fiscal year) : _____

Hiring Authority (Printed Name and Signature)

Date

Division Approval

Approved Denied Comments: _____

Division Director (Printed Name and Signature)

Date

Director/General Counsel/Secretary Approval

Refer to Page 2 for Approval Authority

Approved Denied Comments: _____

Director/General Counsel/Secretary's Office (Printed Name and Signature)

Date

Office of Personnel Services Review

OPS RA Coordinator (Printed Name and Signature)

Date

Retired Annuitant Appointment Evaluation Criteria, Justification and Approval Authority

Function/ Purpose	Description of Duties and Justification Requirements	Approval Authority
DJJ Vacancies	A RA is fulfilling the duties of a vacancy that has been difficult to fill. This could be due to an extended leave of absence, inability to fill permanent, lack of viable candidates, budget constraints, high turnover, an undesirable location, etc. Includes only DJJ positions.	DJJ positions at facilities: Director, DJJ All other DJJ positions: Secretary
DAPO Vacancies	A RA is fulfilling the duties of a vacancy that will soon be eliminated as the parolee population declines due to realignment. Includes only DAPO positions.	Parole Agents with caseload: Director, DAPO All other DAPO positions: Secretary
Correctional Officer (CO) Vacancies and Posted Positions	CO positions at institutions with vacancy rates of 5% and above. The high CO vacancy rates and the lengthy CO background/training process supports the use of retired annuitants until such time as new COs can be supplied to the institutions.	Director, DAI
Special Projects/ Skills	<p>Special Projects - Projects of a new/temporary nature of a size or urgency that cannot be absorbed by existing permanent staff and for which no additional positions/funding were provided. Should have an end date of less than one year. If the project will last longer than one year/become permanent workload, the hiring authority must pursue the redirection of vacant position or the establishment of new positions/funding to assume the workload. The use of RAs is supported until new positions/funding can be established and employees appointed and trained to assume the workload.</p> <p>Special Skills - Short-term work of less than a year. RA possesses specialized skills, historical program/departmental knowledge, unique certification/license required to perform the specified duties until such time as either knowledge transfer occurs or staff with the required skill/certification/license can be hired to perform the specialized duties on a continuous basis.</p> <p>For both, the justification must include high-level project plan with timeline and milestones (RA goals) and the description of the skill set required for this position.</p> <p>For extensions: provide the new timeline to include milestone dates and deliverables.</p>	Secretary
Mentoring/ Knowledge Transfer	<p>Mentoring/training new Wardens/Chief Deputy Wardens for initial few months from assuming office. Although the individual mentoring assignments are short-term, with 35 institutions, Wardens/Chief Deputy Wardens are newly appointed throughout the year, most of which require mentoring/knowledge transfer services that only prior Wardens/Chief Deputy Wardens can provide. As such, RAs willing to provide mentoring services are continuously in demand. Ensuring a smooth transition and promoting success for the newly appointed employee. The smooth transition reduces the risk for lawsuits against the Department by reducing the possibility of significant missteps by the newly appointed employees. Upon knowledge transfer to the new employees, the RA can be separated.</p> <p>The justification must include appointment date of permanent employee to be mentored. If the position is vacant, the plan for filling the position; to include date of advertisement, interviews, etc.</p>	Secretary
CO Academy	<p>Recruiting, completing background/physical/ mental clearances, providing training at the Academy.</p> <p>The justification must include plan for filling position or plan for future changes, which will eliminate the need for the position.</p>	Director, Administrative Services
Legal Witness Testimony	Intermittent work - called in on an as needed basis to prepare for and provide expert and/or witness testimony in defense of the Department.	General Counsel
Expert Examiners	Intermittent work (called in on an as needed basis for spot and statewide exams) utilizing staff that have experience performing exam proctoring, etc.	Director, Administrative Services
Operational Vacancies	<p>A RA is fulfilling the duties of a vacancy that has been difficult to fill. This could be due to an extended leave of absence, inability to fill permanent, lack of viable candidates, budget constraints, high turnover, an undesirable location, etc. Includes everything besides COs, DAPO, and DJJ positions.</p> <p>The justification must include recruitment efforts (include information on all efforts and any obstacles filling the position—e.g. date position was advertised, list information, examination information, etc.).</p> <p>For extensions, provide information on recruitment efforts—e.g. vacancy advertisement information, have candidates been screened, interviewed, job offer made, etc. If not, provide plan for filling position. If there is a lack of candidates, describe the obstacles—e.g. remote location, lack of list; if so, has examination been scheduled, etc.</p>	Secretary

RETIRED ANNUITANT HIRING APPROVAL

PART 2

The hiring authority shall complete this section to verify/report information specific to the recommended candidate obtained from the offices listed below (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 has the documentation to conduct an appropriate review, evaluation, and subsequent approval/disapproval.

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

OLAEAPTDisciplineVerification@cdcr.ca.gov

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):

Legal.Assistance@cdcr.ca.gov

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:

CDCROIA.LitigationRequest@cdcr.ca.gov

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 CDCR 1823 with RPA package: Date Sent: _____