

## 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.