



HIRING RETIRED STANCERA MISCELLANEOUS MEMBER

California Public Employees' Pension Reform Act (PEPRA) and IRS requirements both have regulations that govern the hiring of extra-help retirees when they have retired from the employer's retirement system. In order to assure compliance with the regulations Stanislaus County has developed procedures to confirm employment eligibility for any retired StanCERA member prior to the retiree returning to work in an extra-help capacity. The table below outlines the requirements:

Rules for Hiring Extra-Help Retirees					
Retiree Type	Normal Retirement Age	Public Employee Pension Reform Act (PEPRA)	IRS (Requires Bona Fide Separation From Service)	California Government Code Section 31680.3 (a) Limits Retirees Work Hours	California Government Code Section 31680.3 (b) Retirees Collecting Unemployment
Miscellaneous Retiree	62	Required to sit-out 180 days post retirement prior to reemployment unless Board of Supervisors approves exception due to critical staffing need in a non-consent item	Retirees under the age of 62 required to sit-out 60 days post retirement prior to reemployment. This time runs concurrently with PEPRA requirements which are more stringent.	960 hours or 120 days whichever is greater in any one calendar year	Ineligible for employment if the retiree has accepted unemployment during the last 12 months based upon post retirement employment with any StanCERA Public Employer

Name of Retired Employee: _____ Department: _____

Anticipated Start Date: _____ Classification for Job Offer: _____

Date of StanCERA Retirement: _____ Classification at Retirement: _____

Employee retired from which StanCERA public employer:

- | | |
|--|--|
| <input type="checkbox"/> Stanislaus County | <input type="checkbox"/> City of Ceres |
| <input type="checkbox"/> Superior Court | <input type="checkbox"/> Stanislaus Council of Governments (StanCOG) |
| <input type="checkbox"/> Hills Ferry Cemetery | <input type="checkbox"/> East Side Mosquito Abatement District |
| <input type="checkbox"/> Keyes Community Services | <input type="checkbox"/> Salida Sanitary District |
| <input type="checkbox"/> Stanislaus Regional Transit Authority | |

**Rehiring a Retired StanCERA Member Checklist
Must Be Completed Prior to Any Offer of Employment**

MISCELLANEOUS MEMBER CHECKLIST		Age 62 or Over		Under Age 62	
		Yes <input type="checkbox"/> Go to #2		Yes <input type="checkbox"/> Go to #2	
1	Did the retiree retire at or over the normal retirement age of 62 for miscellaneous members?				
2	Is this appointment an emergency? <i>An emergency is defined in Govt. Code Section 7522.56 as:</i> a. <i>an event that would stop public business, or</i> b. <i>the appointment is necessary to fill a critically needed position</i>	Yes <input type="checkbox"/> Go to #5	No <input type="checkbox"/> Go to #4	Yes <input type="checkbox"/> Go to #5	No <input type="checkbox"/> Go to #3
3	Prior to retirement, was there a pre-determined formal arrangement made with department leadership to return to work? It is the departments responsibility to attest of any pre-determined arrangements. <i>A member may not enter into any predetermined agreement to return to work after retirement (either written or unwritten) with any participating employer under StanCERA regardless of the length of separation.</i> Name of Department Contact: _____ Contact Phone Number or email: _____ If yes, name of CEO Policy Manager who Approved: _____			Yes <input type="checkbox"/> Not eligible for rehire - Contact CEO HR Policy Manager	No <input type="checkbox"/> Go to #4
4	Has the retiree been retired for at least 180 days prior to the start date of the position? Name of StanCERA Contact: _____ Date of Retirement: _____	Yes <input type="checkbox"/> Go to #6	No <input type="checkbox"/> Not eligible for rehire at this time	Yes <input type="checkbox"/> Go to #6	No <input type="checkbox"/> Not eligible for rehire at this time
5	Has the Board of Supervisors approved waiving the sit-out period for an employee due to the critical nature of the work? BOS approval date: _____ Explain critical need: _____ _____	Yes <input type="checkbox"/> Go to #6	No <input type="checkbox"/> Not eligible for rehire at this time	Yes <input type="checkbox"/> Go to #6	No <input type="checkbox"/> Not eligible for rehire at this time
6	Did the retiree participate in the Retirement Incentive Program effective July 1, 2010 – July 31, 2010? Employees approved for this Program are not eligible for future employment with the County (including regular, part-time, or PSC) unless approved by the Board of Supervisors. Name of CEO Contact: _____	Yes <input type="checkbox"/> Not eligible for rehire	No <input type="checkbox"/> Go to #7	Yes <input type="checkbox"/> Not eligible for rehire	No <input type="checkbox"/> Go to #7
7	Has the retiree collected unemployment insurance in the last 12 months as a result of termination/completion in a prior position as a retiree with any StanCERA employer? Date verified: _____ Name of CEO Contact: _____	Yes <input type="checkbox"/> Not eligible for rehire at this time	No <input type="checkbox"/> Go to #8	Yes <input type="checkbox"/> Not eligible for rehire at this time	No <input type="checkbox"/> Go to #8
8	Employee may be rehired. Have employee review checklist and Certification statement below to certify compliance with Government Code § 7522.56.				

CERTIFICATION

Government Code § 7522.56 requires all retirees to certify in writing that they are in compliance with this section. Therefore, please read the statement below, then sign and date to certify your compliance with Government Code § 7522.56.

By signing below, I certify that, within the last 12 months, I have not received any unemployment insurance benefits based upon post-retirement employment with any employer who participates in the StanCERA retirement system. Furthermore, I certify that prior to retirement I did not enter into any predetermined agreement (formal or informal, written, or unwritten) to return to work after retirement with a prospective StanCERA employer.

Employee Name Employee Signature Date

Department Contact Name Department Contact Signature Date

Note 1: If a StanCERA Retiree who has received unemployment insurance from post-retirement employment with a StanCERA employer, is hired prior to meeting the 12 months waiting period for unemployment insurance they must be terminated on the last day of the current pay period.

Note 2: Send a copy to StanCERA as soon as form is signed.