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California Public Employees' Retirement System  
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Distribution: VI, XII, XVI  
Special:

## Circular Letter

January 26, 2012

**TO: ALL PUBLIC AGENCIES, COUNTY OFFICES OF EDUCATION,  
AND SCHOOL DISTRICTS**

**SUBJECT: INFORMATION ON AB 1028 CHANGES TO EMPLOYMENT AFTER  
RETIREMENT**

The purpose of this Circular Letter is to inform you of changes to the Public Employees' Retirement Law (PERL). Effective January 1, 2012, Assembly Bill (AB) 1028 amended Government Code (G.C.) sections 21224, 21229, and 21221(h) concerning employment after retirement.

G.C. section 21224 - Limited Service During Emergency or Special Services Required; Rate of Pay, is used by the appointing powers of State and Public Agencies to temporarily employ CalPERS retirees.

G.C. section 21229 - Service for School Employer or California State University (CSU) During Emergency or Special Skills Required; Rate of Pay, is used by the appointing powers of school employers and the CSU System to temporarily employ CalPERS retirees. Both sections were amended as follows:

- To include the word "temporary" to clarify that these sections apply to retirees employed as temporary "extra help" appointments—during an emergency to prevent stoppage of public business or to perform work of limited duration, i.e., elimination of backlog, special projects, work in excess of what the employer's permanent employees can do, etc. Retirees should not be appointed to vacant permanent part-time, permanent intermittent, or permanent full-time positions, even if the hours worked will not exceed 960 hours per fiscal year or the retiree will be subject to mandatory reinstatement from retirement.
- To include the word "specialized" to clarify that retirees employed as temporary "extra help" are to have the specialized skills required to perform the needed work. The employer generally determines what specialized skills are required.

This Circular Letter also serves to remind that pursuant to G.C. sections 21224 and 21229:

- Existing law provides that retirees are permitted to work up to a total of 960 hours per fiscal year. Where a retiree works for more than one CalPERS employer during a fiscal year, the total hours worked for all employers are included within the 960-hour maximum.
- The retiree's rate of pay must be comparable to that paid to other employees performing similar duties. The rate of pay is the base salary as listed in the employer's published (publicly available) salary schedule.
- A retiree can work for more than one fiscal year for the same employer only if the employment is temporary "extra help" work as defined above.

G.C. section 21221(h) - Conditions and Limitations on Service After Retirement, applies to the governing body of contracting agencies (Public Agencies and School Employers only) was amended as follows:

- To specify that a retiree can be appointed by the governing body of a contracting agency as an interim appointment to a vacant position during recruitment for a permanent replacement.
- To specify that the compensation for this interim appointment shall not exceed the maximum published (publicly available) pay schedule for the vacant position.
- To clarify that this interim appointment is limited to 12 months from the appointment date, with or without an extension to work more than 960 hours as provided in G.C. section 21221(h).
- To provide that an interim appointment under this section cannot continue under G.C. section 21224 or 21229 after the end of the 12-month term under G.C. section 21221(h).
- To clarify that a retiree can be appointed under this G.C. section only once.

If you have any questions, please call our CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

MARY LYNN FISHER, Chief  
Benefit Services Division



**California Special Districts Association**  
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# CalPERS Explains Changes to Retired Annuitant Law

THURSDAY, 02 FEBRUARY 2012 11:28



Last week, CalPERS released a Circular Letter informing CalPERS members of changes to code sections concerning employment after retirement pursuant to Assembly Bill 1028, which took effect January 1, 2012.

Special districts have two choices when hiring a retired annuitant. Under Government Code Section 21221(h), agencies may make an interim appointment to a vacant position during recruitment for a permanent position. This interim appointment is limited to a one year appointment and the employee may only work for a maximum of 960 hours in a fiscal year. Agencies may request an exemption to the 960 hour limitation, however, any appointment made under this Government Code section shall not exceed a total of 12 months.

Under Government Code Section 21224, agencies may hire a retired annuitant as temporary extra help. This code section specifically allows a retired person to work without reinstatement upon temporary appointment during an emergency to prevent stoppage of public business or because the retired employee has specialized skills needed in performing work of limited duration. Retired annuitants hired pursuant to Government Code Section 21224 should not be hired to fill a vacant permanent part-time position, permanent intermittent, or permanent full-time position. However, under this code section, retired annuitants can work longer than one year as long as the employment is temporary extra help. Work is limited to 960 hours in a fiscal year without any exemptions.

Please review the Circular Letter released by CalPERS, which can be [viewed here](#). Special districts may wish to contact CalPERS for assistance in determining whether their use of retired annuitants conforms to current law.

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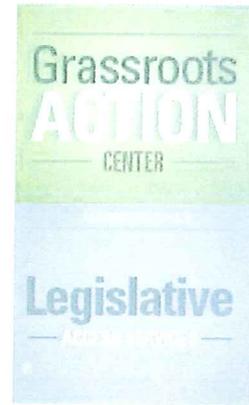
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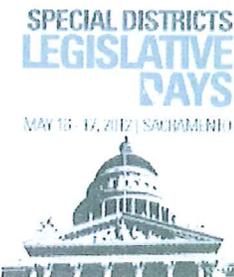
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ally inadmissible, "except as provided by law." Since the statute governing workplace violence hearings (Code of Civil Procedure section 527.8) expressly provides: "At the hearing, the judge shall receive *any testimony that is relevant*" it is one of the exceptions to the general rule that hearsay is inadmissible. This exception is logical, the Court explained, because the whole point of the workplace violence statute is to prevent workplace violence and the Court's ability to consider all relevant testimony strengthens its ability to protect employees from violence.

### **What This Means For Employers**

The Kaiser case increases employers' ability to obtain workplace violence restraining orders and injunctions, but also increases their responsibility to seek such orders, because employers can rely on *any relevant evidence*, not only admissible relevant evidence. If an employer has relevant evidence of violence or credible threats of violence in the workplace, it should not disregard that evidence or decline to seek a restraining order simply because the evidence is hearsay. The failure to seek a workplace violence restraining order and permanent injunction when the employer is on notice of violence or credible threats of workplace violence, can result in liability.

*This article first appeared on the firm's California Public Agency Labor and Employment Blog. To view other blog posts, please visit [www.calpublicagencylaboremploymentblog.com](http://www.calpublicagencylaboremploymentblog.com).*

## ■ PERS 960 RULE

### **With AB 1028, The Legislature Clarifies The Limits On Post-Retirement Work Opportunities For PERS Retirees.**

As of January 1, 2012, PERS retirees will have additional restrictions on their ability to work for PERS agencies. While AB 1028 affects several different Government Code sections, it is garnering the greatest attention for its changes to Government Code sections 21221(h) and 21224; the two statutes that address post-retirement work opportunities and restrictions for PERS service retirees with PERS agencies.

There is no doubt that AB 1028's changes in this area are important and must be followed, but they do not mark any monumental shift in philosophy. In fact, they are more a clarification of the current law rather than a drastic change in the law.

Government Code section 21221(h) is the section used when the retiree is to be appointed by the agency's governing body. It currently allows PERS retirees to be appointed for a limited duration to a position deemed by that governing body as requiring specialized skills or during an emergency to prevent stoppage of public business. A retiree can be appointed for a term not to exceed one year, AND may not work more than 960 hours in a fiscal year (July 1- June 30). There is an ability to exceed 960 hours in a fiscal year if a request is made to PERS before the 960 hour limit is exceeded and PERS does not deny the request. There is no mechanism to request that the one year term be exceeded. Section 21221(h) has generally been used to fill high level vacancies for positions that are appointed by the governing body, such as City Manager, Police Chief, Fire Chief, etc., with a retiree who is willing to work for a short period of time. This arrangement helps the agency fill that position while a permanent replacement is sought. However, section 21221(h) has not always been used solely for this purpose and the current statutory language does not explicitly limit it to that arrangement.

AB1028 simply takes the standard scenario described above and makes it the sole basis for post-retirement employment under the statute. Moreover, if there was any question about whether the one year limitation on post-retirement employment could be circumvented by simply reappointing the retiree to another one year term, AB 1028 explicitly prohibits subsequent appointments. Lastly, AB 1028 limits the retiree's compensation to the maximum published pay schedule for the vacant position.

Changes to Government Code section 21224 are even more modest. This section does not require appointment by the governing body, but it does require that appointments be for a limited term. Currently, these appointments implicitly required specialized skills for the post-retirement appointment to be lawful. AB 1028 adds the special skills requirement in the actual statutory language. It also reinforces the limited term restriction by adding that the appointments shall be temporary. It made no other changes to that statute.

AB 1028 does not affect any of the other limitations on post-retirement work, such as those applicable to retirees who retired before reaching normal retirement age or the limitations applicable to retirees who recently received unemployment insurance.

*This article first appeared on the firm's California Public Agency Labor and Employment Blog. To view other blog posts, please visit [www.calpublicagencylaboremploymentblog.com](http://www.calpublicagencylaboremploymentblog.com).*



June 2, 2012

Heather Muller, Library Services Director  
Woodland Public Library  
250 First Street  
Woodland, CA 95695-3411

Subject: LSTA CE-18, FY 2011/12, WP10, Grant Award #40-7946  
Title: CLLS Emergency Funding  
IMLS #LS-00-11-0005-11

Dear Ms. Muller:

We are pleased to approve an augmentation of \$19,439 for the above referenced grant. It is to be used solely for support of your adult literacy program, and must be fully expended by September 30, 2012 or remaining funds must be returned.

Budget Category	Current Budget	Proposed Adjustment	Revised Budget
a. Salaries & Benefits	\$20,000	\$19,439	\$39,439
b. Library Materials	\$0	\$0	\$0
c. Equipment	\$0	\$0	\$0
d. Operating Expenses	\$0	\$0	\$0
e. Indirect Costs	\$0	\$0	\$0
f. Totals	\$20,000	\$19,439	\$39,439

The State Library's consultants assigned to this project are Carla Lehn, (916) 653-7743, [clehn@library.ca.gov](mailto:clehn@library.ca.gov) and Jacquie Brinkley, (916) 651-0376, [jbrinkley@library.ca.gov](mailto:jbrinkley@library.ca.gov). Please work with these consultants in continuing your project. My staff is ready to assist you in making your project a success.

This letter is an official amendment to the subject LSTA grant award and must remain a part of all existing copies of that document.

Kindest Regards,

  
Stacey A. Aldrich  
State Librarian of California

cc: Colette Moody  
Carla Lehn  
Jacquie Brinkley  
Sue Bigelow

Doc.#15825

**From:** Diana R, Dearmore (diana\_dearmore@yahoo.com)

**To:** atraig39@sbcglobal.net; kayhodes333@gmail.com; jdifunto@cisco.com; tpavao@sbcglobal.net; flyfshrmn09@gmail.com;

**Date:** Mon, June 11, 2012 12:52:22 PM

**Cc:** diane.woodland@gmail.com; yoyoflo@aol.com; karenshepard@pacbell.net; nlwilliams23@gmail.com; jzdata@aol.com; dmimackenzie@sbcglobal.net; emilymfish@yahoo.com;

**Subject:** Literacy Learning Center

Dear Alain and Board of Trustees:

Friends of the Library (FOL) Board members appreciated the opportunity to participate in the May 3 discussion about the proposed Literacy Learning Center (LLC). As the discussion on this topic evolves and plans become more concrete, the Board requests consideration to acquire the current literacy office to expand our FOL Book Room.

The numbers of people who attend regular FOL book sales, both the members-only and those open-to-the public have dramatically increased over the past few years. Upwards of 50 people attend Thursday sales on a consistent basis and on a busy Saturday we can have as many as 300-400 shoppers throughout the day.

As you know, the current Book Room area is woefully lacking in space and amenities, and it is becoming more difficult to accommodate book donations and the increased number of people who shop at our book sales. We are now putting more focus on selling rare books, but currently must store these books off-site due to lack of space.

The FOL provide significant revenue to the library to supplement funding for youth services, equipment and furniture for library patrons. Book sales provide the majority of our income. We are constantly striving to maximize this by increasing number of sales and working diligently to keep the room inviting and books current for our customers.

In the past three years, we have raised over \$25,000 from our book sales. This money has been spent on things like summer reading programs for youth and adults, community programming, author events, the drive-up book drop, cabinets and other items requested by the library, totaling over \$25,800. In addition to the youth, teens and adult programming budget request for 2012-2013 (of over \$ 9,000), we recently received another special request to purchase tables and chairs for the upstairs reading areas for up to \$10,000. This is to replace the leather couches and chairs that the Friends purchased for the library at a cost of over \$16,000 five years ago. Supplement to providing the funding for programming and material resources, the FOL provide excellent outreach to the community, resulting in on-going good public relations and positive political outcomes for the library.

The FOL Board believes that expanding into the adjacent space that Woodland Literacy currently occupies would allow us to increase our revenue and expand our offerings, including the children's area and rare book sales. With little in the way of remodeling, we could replace the current FOL Book Room entry with the current literacy entrance to make the Book Room more welcoming and enhance the flow of traffic at our sales. This entrance would also make it easier for some our more physically challenged customers to attend the book sales.

We request that we be included in upcoming discussions about the LLC and specifically, any discussions that involve future plans for the current Literacy space.

Respectfully,

Diana Dearmore

## Measure E Project Narrative (3/25/2012)

### Library/Literacy Center

Staff initiated a consultant contract with Bill McCandless to provide a preliminary layout as well as a cost estimate. Bill met with the library staff to determine their needs and also talked with the City's building department staff concerning minimum requirements. ADA restroom improvements were included in the project budget.

### Sports Park 6<sup>th</sup> Field

Staff received a rough estimate for the cost of the field improvements. The estimate included grading, drainage, grass seed, irrigation, lighting, and grass infill between the existing path and the field. This cost did not include bleachers, fencing, and additional concrete pathways. This cost assumed that the project could add onto the existing irrigation system and electrical system (this has not been verified).

### Clark Field

Staff held two meetings with the Clark Field community group. We hired a consultant to perform estimating work and prepared the attached list of items to fund (the requested list had additional items). The recommendation is to fund the backstop, driveway and electrical work in the near future (1-2 years) and to include the \$15k/year maintenance payment in the Measure E spending plan (thus reducing the Public Works General Fund burden). The restroom replacement is recommended to wait until the end of Measure E or the beginning of a follow up tax measure.

### Brooks Swim Center

Rehabilitation of Brooks Swim Center will include repairs to the pool decking, re-roofing of the main building and re-surfacing of the pool. The pool decking and roof are proposed for FY13 due to the on-going roof leaks and the safety concerns with the decking. Pool re-surfacing will be done as a follow-on project in a later year.

### City Hall Renovation

Additional funding is needed to fully fund this project.

### Road Program

The program goals are as follows:

- Provide surface treatments in every residential area of the City (not every street)
- Kentucky Avenue (East St to West St) is fully funded in combination with State/Federal fund sources
- Matching money is provided for transportation projects
- The PW Street crew is funded
- Some high profile road repairs are able to be accommodated using the PW crews and a small amount of contract work
- It would be difficult to fund major road rehabilitation work given the funding constraints (see sample list of projects in the road program spreadsheet)

