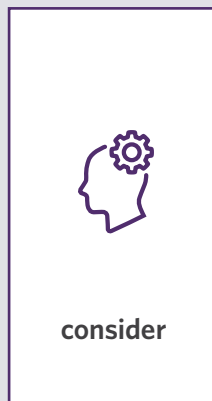


# A Guide to CalPERS Employment After Retirement



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## Working After Retirement? Know the Rules

If you are planning to supplement your CalPERS pension by working after retirement, you need to know there are specific laws governing the type, timing, and amount of work you can accept without affecting your pension.

You should fully understand the rules surrounding employment after retirement and the consequences of unlawful employment. This publication is designed to help you navigate those rules and help you **avoid these potential pitfalls:**

- Termination of your monthly CalPERS retirement allowance
- Reinstatement from retirement
- Repayment of retirement benefits already received
- Payment of retroactive retirement contributions and interest
- Loss of cost-of-living increases
- Loss of golden handshake benefits

This publication also provides information about working for a CalPERS employer as an independent contractor, contract employee, or through a third-party employer, such as a temp agency. Additional CalPERS publications referenced within can be obtained on our website at **[www.calpers.ca.gov](http://www.calpers.ca.gov)** or by calling us at **888 CalPERS** (or **888-225-7377**).

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# Introduction

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## Terms and Definitions

The following table lists key terms and definitions used in this publication.

Term	Definition
Reinstatement	Returning from retirement status to active employment with a CalPERS employer. Your retirement allowance is terminated until you re-retire in the future. You and your employer also resume making retirement contributions, and you earn service credit.
CalPERS Retiree	An employee of a CalPERS employer who terminates active employment and receives a monthly CalPERS retirement allowance.
Retired Annuitant	A CalPERS retiree working as an at-will employee for a CalPERS employer without reinstating from retirement.
Termination of Retirement	The cancellation of your monthly retirement allowance.
Unlawful Employment	Retiree employment found to be in violation of the retirement law and regulations.

### Partial Service Retirement

An alternative to service retirement and working as a retired annuitant is partial service retirement. This benefit is available to full-time state miscellaneous, full-time state industrial, and full-time public agency employees whose employer contracts for this benefit. Partial service retirees are not subject to the working after retirement rules.

The benefit works this way: With employer approval, an employee who meets the eligibility requirements can reduce his or her work time by at least 20% but not more than 60% and receive a retirement allowance for the balance.

For more information about partial service retirement, contact your employer and ask if they contract for this benefit and see ***A Guide to Your CalPERS Partial Service Retirement*** (PUB 14).

### Volunteering for a CalPERS Employer After Retirement

You may serve as a volunteer for a CalPERS employer after your retirement. Service as a bona fide volunteer is not subject to retired annuitant restrictions. However, you may not volunteer in a position that is normally compensated, and you may not volunteer in order to avoid retired annuitant restrictions. Service that is not in a bona fide volunteer position will have to comply with retired annuitant restrictions.

### Before You Retire

#### 1. Apply for Retirement and Select a Retirement Date

Separation from employment alone is not considered retirement—you must submit a retirement application to CalPERS to complete the retirement process. You must stop working in all CalPERS-covered employment, including all full-time and part-time positions and any elected or appointed offices for which you have CalPERS membership. Please consider employment that you may be working in as noncontributory. If you cease working in a full-time position, noncontributory part-time positions will become contributory if you do not separate from them prior to retirement.

It is your responsibility to inform every CalPERS employer of your planned retirement date so that each employer can submit permanent separation information on your behalf. Your retirement date can be no earlier than the day after your last day on payroll with any CalPERS employer.

#### 2. Determine your “Normal Retirement Age”

You will want to know how we define “normal retirement age” if you intend on working for a CalPERS employer after retirement; this age determines if you will be subject to the bona fide separation requirement. Federal tax law and California retirement law require a retiring member who is younger than normal retirement age on his or her retirement date to meet a bona fide separation in service before working after retirement for a CalPERS employer.

Normal retirement age for CalPERS purposes is the age listed in your retirement benefit formula, for example, age 55 for the 2% at 55 formula or age 62 for the 2% at 62 formula. However, maximum normal service retirement age is never greater than 62, even for the 1.25% at 65 formula.

If your retirement allowance is based on more than one formula, regardless of when that formula was earned, the oldest benefit formula age determines your normal retirement age. If you are younger than the age in that formula on your retirement date, please refer to the “Bona Fide Separation in Service Requirement” section on page 8.

To determine your normal retirement age, please access your myCalPERS account through our website. Your normal retirement age is listed on the home page. You can also refer to your CalPERS Annual Member Statement or contact CalPERS.

To view your most recent Annual Member Statement, log in to your myCalPERS account at [my.calpers.ca.gov](https://my.calpers.ca.gov).

### Restrictions on Post-Retirement Employment

State and federal laws provide specific employment restrictions for retirees who return to work with an employer in the same public retirement system from which they receive a benefit.

These restrictions are intended to prevent the “double-dipping” of a retiree receiving a monthly CalPERS retirement benefit while also receiving a salary from permanent or regular staff employment with a CalPERS employer. Retirees may work in retired annuitant positions only. See “Retired Annuitant Rules” beginning on page 7. Disability retirees are subject to additional requirements and restrictions. Also see “Disability Retirees – Additional Requirements and Restrictions” beginning on page 14.

When applying for employment with any employer, it is your responsibility to:

- Ask if the employer contracts with CalPERS for retirement benefits.
- Inform the employer you are a CalPERS retiree (receiving a retirement benefit from CalPERS) and specify the type of retirement, whether service, disability, or industrial disability.
- Apply for retired annuitant positions only. Disability retirees may work in a permanent position upon receipt of CalPERS' written pre-approval. See "Working for a CalPERS Employer in a Permanent Capacity After Disability Retirement" beginning on page 15.

You and the employer are responsible for ensuring your employment complies with the retirement law when hired and during the entire course of your employment. Violating these laws and restrictions could financially impact you, so it is advised that you be aware of these laws and ensure you are in compliance.

### **Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment**

Any retiree employment found to be in violation of the retirement laws and regulations is unlawful employment. If you are found to be employed in unlawful employment, you will be financially impacted due to the violation. This could result in your reinstatement from retirement, retroactive to the date the unlawful employment began.

If reinstated, your retirement allowance (pension payments) will stop and you will be required to reimburse CalPERS the amount of retirement allowance you received during the period of unlawful employment. In addition, you will pay your employer the member contributions plus interest owed retroactive to your reinstatement date. The employer who unlawfully employed you will submit your member contributions and pay employer contributions plus interest owed retroactive to your reinstatement date.

When you re-retire, please be aware that your new retirement may not include the same benefits you had with your previous retirement. Reinstatement may result in a loss of medical coverage and adversely affect other benefits from your prior retirement, such as a golden handshake or reciprocity, if another system's final compensation was used to calculate your CalPERS allowance.

For information about voluntary reinstatement from retirement into active employment, review ***A Guide to CalPERS Reinstatement From Retirement*** (PUB 37).

# Post-Retirement Employment Scenarios

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## Private Sector Employment

If you are a service retiree, you can work for a private industry employer not associated with any CalPERS employer without restrictions and continue to receive your CalPERS retirement allowance.

If you are a disability retiree, there are restrictions on the work you can do for a private industry employer. If you retired on a disability or industrial disability, be sure to review the “Disability Retirees – Additional Requirements and Restrictions” section beginning on page 14.

If you are either a service retiree or a disability retiree, and you want to work for a private sector employer who provides a service to a CalPERS employer, please see the section on “Independent Contractor Employment” beginning on page 12.

## Employment in Other Public Retirement Systems

If you are a service retiree, you can work without restrictions in a position that qualifies for membership in any other public retirement system without terminating your CalPERS retirement and continue to receive your CalPERS allowance. This includes certificated (teaching) positions covered by the California State Teachers’ Retirement System (CalSTRS).

If you are a disability retiree, there are restrictions on working for an employer in a different public retirement system. See the section on “Disability Retirees – Additional Requirements and Restrictions” beginning on page 14.

## CalPERS/CalSTRS Election

The retirement system election to elect coverage under CalSTRS for a CalPERS-covered position or CalPERS for a CalSTRS-covered position under Government Code section 20309 only applies to active members. Retirees are ineligible for this election.

## Employment in JRS II

For information about employment in positions that qualify for membership in the Judges’ Retirement System II, please call (916) 795-3688.

## Working for a CalPERS Employer

If your post-retirement plans include working for a CalPERS employer, you have these options: reinstating from retirement, working as an independent contractor, or retired annuitant employment. Disability retirees have another option, which is to work in a permanent position under Government Code section 21232. If you retired on a disability or industrial disability, there are additional restrictions on the work you can do while retired. Please review the “Disability Retirees – Additional Requirements and Restrictions” section beginning on page 14 for information on that option.

## Voluntary Reinstatement From Retirement

You should only apply for and accept a regular staff position with a CalPERS employer if you are voluntarily reinstating from retirement, and you and the employer have completed the **Reinstatement From Service Retirement Application** form or the **Reinstatement From Disability/Industrial Disability Retirement Application** form. For more information about voluntary reinstatement from retirement into active employment, review **A Guide to CalPERS Reinstatement From Retirement** (PUB 37).

## Post-Retirement Employment Scenarios (continued)

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### **Independent Contractor Employment**

You can be lawfully employed by a CalPERS employer as an “independent contractor” or as an “employee of a third-party employer,” including your own business entity, if there is no common law employer-employee relationship between you and the CalPERS employer. Please see the section on “Independent Contractor Employment” beginning on page 12.

### **Retired Annuitant Employment**

A retired annuitant is a CalPERS retiree who works as an at-will employee of a CalPERS employer with certain restrictions to avoid jeopardizing his or her retirement allowance (pension payments).

As a retired annuitant, you do not accrue service credit or otherwise acquire any additional retirement benefits from the employment. If you intend to remain retired and work for a CalPERS employer, you should only apply for and accept a retired annuitant position. Appointment to any permanent or regular staff position (part or full time, intermittent, hourly, seasonal, on call, exempt from civil service, exempt from membership, etc.) requires reinstatement from retirement. This applies to all CalPERS member classifications (miscellaneous, safety, police, fire, etc.).



# Retired Annuitant Rules

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There are two types of retired annuitant employment: “extra help” and interim (or acting) “vacant position” employment.

## Extra Help Positions

The retired annuitant employment restrictions for extra help positions are authorized by Government Code sections 7522.56, 21224, 21227, and 21229. All CalPERS-covered employers are able to use retirees to fill in for extra help positions. However, your employment must meet the following restrictions:

- **Limited-Duration Work**

You have skills needed to perform work of limited duration or your employment is needed during an emergency (such as floods, earthquakes, etc.) to prevent stoppage of public business. While these workloads may last more than one fiscal year, the employment should terminate when the limited-duration work you were hired to perform is completed. Examples of work of limited duration are work to eliminate a backlog, work on a special project, and work that is in excess of what regular staff can do. You cannot be employed in any regular staff position such as “seasonal,” “permanent intermittent,” “exempt from civil service,” “exempt from membership,” “TAU,” or any other “temporary” position other than a retired annuitant position.

- **Compensation**

The hourly pay rate you receive cannot be less than the minimum or exceed the maximum paid to other employees performing comparable duties as listed in the employer’s publicly available pay schedule. Also, you cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. For example, longevity compensation, sick leave, or vacation benefits cannot be provided to a

retired annuitant. **The only exception** would be if the employee is being reimbursed dollar for dollar for job-related expenses.

- **960-Hour Limit**

The hours you work cannot exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined. **There are no exceptions to this limit.** Your hours will reset each July 1, and you can work another 960 hours for the new fiscal year. Your employer must enroll and report your hours to CalPERS, per Government Code section 21220. Your employer-reported retired annuitant hours can be viewed in your myCalPERS account. You are able to view your total employer-reported hours from all employers for the current fiscal year.

California State University (CSU) academic staff retirees can work as retired annuitant academic staff for CSU employers as authorized by Government Code sections 7522.56 and 21227. However, the hours worked for all CSU employers cannot exceed 960 hours in a fiscal year or 50% of the hours employed during the last fiscal year prior to retirement, whichever is less.

- **Unemployment Insurance Payments**

You cannot be appointed as a retired annuitant if you received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to your appointment date. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement. See additional information in the section “Unemployment Insurance Payments” on page 9.

## Retired Annuitant Rules (continued)

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### Vacant Positions

A CalPERS-contracted public agency may appoint you to an interim position by the governing body of an employer, as authorized by Government Code sections 7522.56 and 21221(h). The employment must meet all the requirements on page 7 for extra help positions and the following additional requirements below. Examples of these positions include city manager, police chief, fire chief, individual department head, director, CEO, etc.

- **Active Recruitment**

Before you are hired, the employer must have in place an active recruitment for a permanent replacement for the vacant position.

- **Limited-Duration Work**

You can be hired only as an interim or acting appointment during the period of recruitment; you cannot work in a permanent capacity or for an indefinite period of time.

- **Single Appointment**

You can be appointed only once to the vacant position. If your contracted term ends and a replacement has not been found, then you must vacate the position. If you continue after your contracted term expires, this is considered a second appointment.

- **Compensation**

Your hourly pay rate cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule. You cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

### Eligibility Requirements for Retired Annuitants

In addition to the requirements on the previous pages, all retirees must meet both of the following two requirements to be eligible to work for a CalPERS employer:

#### 1. Bona Fide Separation in Service Requirement

You cannot be employed as a retired annuitant if you are younger than the "normal retirement age" on your retirement date, unless both of the following conditions are met:

- There was no verbal or written agreement to return to work as a retired annuitant between you and any CalPERS employer before you retired.
- There is a termination of employment (separation in service) for 60 days between your retirement date and the date your limited-duration employment as a retired annuitant will begin.

Normal retirement age is the oldest age listed in your retirement benefit formulas. To find this age, log in to your myCalPERS account at [my.calpers.ca.gov](https://my.calpers.ca.gov).

All retirees who are under normal retirement age at retirement must meet the bona fide separation in service requirement even if an exception to the 180-day wait period applies. These two requirements may be served concurrently. The only exception to this restriction is for employment due to the specific emergency conditions as defined in Government Code section 8558. This bona fide separation requirement is in California retirement law and regulations to comply with Internal Revenue Code tax regulations.

## Retired Annuitant Rules (continued)

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### 2. 180-Day Wait Period Requirement

You cannot be employed as a retired annuitant for a period of 180 days after your retirement date, unless you qualify for one of the following exceptions. The 180-day wait period begins on your retirement date.

#### Exceptions

- Before you begin work, your employer must certify the nature of the employment and that the appointment is necessary to fill a critically needed position sooner than 180 days. The appointment must be approved by the employer's governing body, in a public meeting, and must be approved as an action item, rather than on a consent calendar.
- You will participate in the California State University's (CSU) Faculty Early Retirement Program (FERP) pursuant to a collective bargaining agreement with CSU that existed prior to January 1, 2013, or has been included in subsequent agreements.
- You are a retired firefighter or retired public safety officer as defined in Government Code section 3301 (peace officer) who will perform firefighter or peace officer retired annuitant work.
- You are a CalSTRS retiree who is subject to sections 24212, 24214.5, or 26812 of the Education Code. Call CalSTRS at (800) 228-5453 for more information.

If you receive a golden handshake or any other retirement or separation incentive, you must wait 180 days before returning to work and you are not eligible for any of the 180-day wait period exceptions.

### State Employer Civil Service Eligibility Requirement

Retired annuitant employment with a state agency is limited to retirees who have civil service eligibility from previous state agency employment or who qualify for appointment under an applicable civil service employment list. Visit the California Department of Human Resources website at [www.calhr.ca.gov](http://www.calhr.ca.gov) for more information. Retired State of California employees can apply for retired annuitant positions via the Boomerang website at [boomerang.ca.gov](http://boomerang.ca.gov).

### Unemployment Insurance Payments

California law prohibits appointment of a retired annuitant by a CalPERS employer if, during the 12-month period before an appointment, you received unemployment insurance compensation for prior retired annuitant employment with any CalPERS employer. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement.

If you are working as a retired annuitant and it is discovered that during the previous 12 months you were paid unemployment insurance compensation based on prior retired annuitant employment with any CalPERS employer, your employment must be terminated on the last day of the current pay period. You will not be eligible for appointment as a retired annuitant with any CalPERS employer for 12 months following the termination date of the current employment. Violation of this unemployment insurance compensation restriction does not result in mandatory reinstatement from retirement.

## Retired Annuitant Rules (continued)

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### **Exceptions to Retired Annuitant Requirements**

#### **Elected or Appointed Offices**

You can serve in an elected or appointed office after retirement without reinstatement from retirement. However, if you serve without reinstatement and part or all of your retirement allowance is based on service in that elected or appointed office, the portion of your allowance based on service in that office must be suspended for your time in office. When you leave office, your allowance will be unsuspended going forward.

If you wish to elect membership to earn additional CalPERS service credit for your time in the elected or appointed office and that office is subject to CalPERS membership, you must reinstate from retirement.

If you are serving in an elected or appointed office for which you have CalPERS membership and wish to retire before your term expires, you must resign from that office.

If you are serving in an elected or appointed office for which you have not elected CalPERS membership and wish to retire before your term expires, you do not have to resign from that office.

#### **Special State Appointments**

##### ***Part-Time Member of State Board or Commission – CalPERS Retirees and Non-CalPERS Retirees***

You can serve without reinstatement from retirement as a salaried part-time member of a state board or commission, where part time is defined as an appointment with a salary of no more than \$60,000 annually, which will be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase cannot exceed the percentage

of the general salary increases provided for state employees during that fiscal year. You acquire no benefits, service credit, or retirement rights from this employment.

##### ***Full-Time Member of State Board or Commission – CalPERS Retirees***

You can serve without reinstatement from retirement as a non-salaried full-time member of a state board or commission. You may receive only per diem authorized to all members of the board or commission. You do not earn any service credit or benefits in CalPERS, or make any CalPERS contributions. If you accept the salary, you must reinstate from retirement.

##### ***Full-Time Member of State Board or Commission – Non-CalPERS Retirees***

If you receive retirement from a public retirement system other than CalPERS, you can serve as a non-salaried full-time member of a state board or commission and continue to receive your retirement allowance in addition to any per diem authorized to all members of the board or commission. If you accept the salary, you must suspend your retirement benefit from the other system and enroll as a new member of CalPERS.

Upon retirement (1) the pensionable compensation earned from the service on this board or commission will not be eligible for reciprocity with any other retirement system or plan, and (2) you will be entitled to future reinstatement of any suspended benefits, including employer-provided retiree health benefits, for which you were entitled at the time of appointment to the board or commission.

## Retired Annuitant Rules (continued)

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*Full-Time Commissioner of the State Board  
of Parole Hearings or Full-Time Commissioner  
of the State Board of Juvenile Hearings -  
CalPERS Retirees and Non-CalPERS Retirees*

If you are appointed as a full-time commissioner of the California Board of Parole Hearings or the California Board of Juvenile Hearings, you may serve without reinstatement from retirement, and without loss or interruption of benefits provided by the retirement system. These appointments are made by the Governor and require confirmation by the California Senate.

# Independent Contractor Employment

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You can be lawfully employed by a CalPERS employer as an “independent contractor” or as an “employee of a third-party employer,” including your own business entity, without restrictions if there is no common law employer-employee relationship between you and the CalPERS employer.

If a common law employer-employee relationship exists, the employment is subject to the retired annuitant restrictions even if the employment agreement claims to be for an independent contractor. If the work you will perform is the same or similar to work you performed as an active employee or is work performed by an active employee of that employer, an employer-employee relationship exists and the employment is subject to the retired annuitant restrictions.

If you work as a supposed independent contractor and are later determined to be an employee and that employment violates any of the retired annuitant restrictions, your retirement will be terminated. See “Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment” on page 4 for details.

## **Independent Contractor or Third-Party Employee**

Independent contractors are not “employees” and are excluded from membership in CalPERS by Government Code section 20300(b). A true independent contractor or third-party employee is someone who contracts to provide a service or complete a task according to his or her own methods. This person is not subject to the contracting entity’s control as to the end product, final result of work, or manner and means by which the work is performed.

We use the “common law control test” as a guide to determining independent contractor status. Many factors are considered, including the manner and means by which the work is accomplished. We will request and use all relevant information that provides evidence of the degree of control of the work being performed to make a determination.

The common law control test is a guide to determine whether a worker should be classified as an employee or an independent contractor.

You cannot be hired as an independent contractor or as an employee of a third-party employer for a position established by statute, city charter, or municipal code. Examples of these positions are city manager, police chief, fire chief, etc.

## Independent Contractor Employment (continued)

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### **Independent Contractor Determination**

To ensure a proposed employment agreement or position is a true independent contractor position, we recommend you obtain an independent contractor determination from CalPERS before you begin any such employment.

If you would like us to review your proposed independent contractor service agreement, please send the complete agreement by mail, email, or fax as shown below. We will review the contract within 60 days.

**Mail:**

Employer Account Management Division  
P.O. Box 942709  
Sacramento, CA 94229-2709

**Email:** [Membership\\_Reporting@calpers.ca.gov](mailto:Membership_Reporting@calpers.ca.gov)

**Fax:** (916) 795-4166

# Disability Retirees – Additional Requirements and Restrictions

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**In addition to being subject to all the rules and restrictions mentioned on the previous pages, disability and industrial disability retirees are subject to the following additional eligibility requirements and restrictions.**

If you are a **disability retiree**:

- You may work for a CalPERS-covered employer in a retired annuitant compliant position and continue to receive your CalPERS retirement allowance if the position is not the same position from which you retired nor includes duties or activities you were restricted from performing at the time of your disability retirement per Government Code section 21233. You will be subject to the 960-hour limit.
- You may work for a CalPERS-covered employer in a permanent position with CalPERS' written pre-approval and continue to receive your CalPERS retirement allowance per Government Code section 21232. You will be subject to an earnings limit if approved. See "Working for a CalPERS Employer in a Permanent Capacity After Disability Retirement" on page 15 for requirements.
- You may work for a non-CalPERS-covered employer (e.g., other public retirement system, a private industry employer not associated with any CalPERS employer) and continue to receive your CalPERS retirement allowance if the position is not the same position from which you retired nor includes duties or activities you were restricted from performing at the time of your disability retirement per Government Code section 21233.
- If you are under the minimum service retirement age (50, 52, or 55) and work for a non-CalPERS-covered employer, your retirement benefit will be subject to an earnings limit under Government Code section 21432.
  - You are required to report your gross earnings to CalPERS annually.
  - The total employer-paid portion of your monthly retirement allowance and your new gross earnings cannot be greater than the current compensation of the position from which you retired. If the total is greater, your retirement allowance will be reduced.
  - Once you reach your minimum service retirement age, your employment is no longer subject to an earnings limit (Government Code section 21432). Call us toll free at **888 CalPERS** (or **888-225-7377**) to request a ***Disability Retiree's Report of Earnings*** form.
- If you are under the minimum service retirement age and are performing duties similar to those from which you were previously found disabled, CalPERS can reevaluate your medical condition to determine whether you should be reinstated from retirement. See "Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment" on page 4 for details.
- Your disability retirement requires you to inform CalPERS immediately if you are no longer incapacitated, or if your current employment is in a position similar to the one from which you retired.



## Disability Retirees – Additional Requirements and Restrictions (continued)

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If you are an **industrial disability retiree**:

- You may work for a CalPERS-covered employer in a retired annuitant compliant position and continue to receive your CalPERS retirement allowance if the position is not the same position from which you retired nor includes duties or activities you were restricted from performing at the time of your disability retirement per Government Code section 21233. You will be subject to the 960-hour limit.
- You may work for a CalPERS-covered employer in a permanent position with CalPERS' written pre-approval and continue to receive your CalPERS retirement allowance per Government Code section 21232. You will be subject to an earnings limit if approved. See "Working for a CalPERS Employer in a Permanent Capacity After Disability Retirement" for requirements.
- You may work for a non-CalPERS-covered employer (e.g., other public retirement system, a private industry employer not associated with any CalPERS employer) and continue to receive your CalPERS retirement allowance if the position is not the same position from which you retired nor includes duties or activities you were restricted from performing at the time of your disability retirement per Government Code section 21233.
- Your retirement benefit is not subject to an earnings limit if you work for a non-CalPERS-covered employer per Government Code section 21432, even if you are under the minimum service retirement age.
- If you are under the minimum service retirement age and are performing duties similar to those from which you were previously found disabled, CalPERS can reevaluate your medical condition to determine whether you should be reinstated from retirement. See "Termination of Retirement

(Reinstatement From Retirement) Due to Unlawful Employment" on page 4 for details.

- Your disability retirement requires you to inform CalPERS immediately if you are no longer incapacitated, or if your current employment is in a position similar to the one from which you retired.

### **Working for a CalPERS Employer in a Permanent Capacity After Disability Retirement**

Under Government Code section 21232, disability or industrial disability retirees may seek permanent employment while receiving retirement benefits with CalPERS' written pre-approval. However, certain restrictions apply.

Your job duties must differ significantly from those required in the position from which you retired. The position should not be the same position from which you retired or in the same member classification, and the position should not include duties or activities you were restricted from performing at the time of your retirement. If you are approved to work, you will be required to report your earnings to CalPERS and your retirement allowance will be subject to an earnings limit.

To be eligible for employment, you must first meet the following requirements (refer to specific sections in this publication):

- The bona fide separation requirement, if applicable.
- The 180-day wait period requirement or an allowable exception.
- No receipt of unemployment insurance payments for previous retired annuitant employment for 12 months before the appointment.
- State Employer Civil Service Eligibility for employment with a state agency employer.

## Disability Retirees – Additional Requirements and Restrictions (continued)

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### Applying to Work Under Government

#### Code Section 21232

You must have CalPERS' written approval before beginning employment. To request approval to work for a CalPERS employer in a permanent part-time or full-time position while receiving disability or industrial disability benefits, you must submit the following required documents to CalPERS:

- **Request to Work While Receiving Disability/Industrial Disability Retirement Benefits** form

- You complete and sign Section 1.
- Your prospective employer completes and signs Section 2.

- **Physical Requirements of Position/Occupational Title** form

- You and your prospective employer must complete all sections and sign jointly.

- **Position duty statement**

- Submit to CalPERS a position duty statement provided by your prospective employer that describes the permanent position in which you wish to work.

- **Current medical report(s)**

- You must schedule an appointment with a specialist for the disabling condition(s) that precluded you from working, and you must provide the specialist with a copy of the position duty statement and the completed **Physical Requirements of Position/Occupational Title** form.

- Provide to CalPERS a current medical report from that specialist. If you had more than one disabling condition at the time of retirement, you must provide a medical report on appropriate letterhead from each medical specialist. The specialist(s) must include the following pertinent information in their medical report:

- Your name and the date of the most recent examination.
- Confirmation that the specialist reviewed and discussed with you the position duty statement (by title) and the **Physical Requirements of Position/Occupational Title** form.
- Whether you have any limitations or restrictions to performing all tasks involved.
- Specific details explaining the restrictions, if any.
- Specialist's signature, printed name, medical specialty, and contact information.

- **Additional required documents – local safety retirees**

- If you are a local safety disability or local safety industrial disability retiree, you must also submit the medical documentation used at the time of your retirement identifying the restrictions placed upon you. You must also submit a position duty statement describing the position you held when you became disabled.

- **Physician's Report on Disability** form is not required.

All the forms are available on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

## Disability Retirees – Additional Requirements and Restrictions (continued)

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For CalPERS to begin the determination process, which can take approximately three months to complete, you must submit all required documents with your request form. There are times when we may require additional information or an independent medical examination to supplement your medical specialist's report. If so, we will select the medical specialist, schedule the appointment, and pay for the examination.

All permanent employment under Government Code section 21232 requires CalPERS' written approval prior to employment; there are no exceptions. If you violate this law, you and your employer will be responsible for the unlawful employment. This could result in your mandatory reinstatement from retirement into the current position, whether or not the permanent position is part time or full time. See "Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment" on page 4 for details.

If you wish to change to a different employer, change job location, change to a different job (demotion, reclassification, lateral transfer, promotion, etc.), or restart employment in a previously approved position, you must reapply to CalPERS and await our written approval before beginning employment. If you do not receive prior written approval, you will be considered unlawfully employed and subject to reinstatement, i.e., termination of retirement. There are no exceptions to this requirement.

You cannot be concurrently employed in any other positions (retired annuitant, other temporary position, or another permanent position) with the employer you are approved to work for or any other CalPERS-covered employer(s). If you are found in violation of this requirement you will be subject to mandatory reinstatement from retirement into the approved position. See "Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment" on page 4 for details.

### **Once Approved Under Government Code Section 21232**

Retirees approved to work under Government Code section 21232 do not accrue service credit or otherwise acquire retirement rights for employment as a retiree.

You will be informed of the amount of your earnings limit and how to report your earnings. The total employer-paid portion of your monthly retirement benefit and your new earnings cannot be greater than the current compensation of the position from which you retired. If it is greater, your retirement benefit will be reduced. The earnings limitation continues as long as you are employed in the approved position; it does not end when you reach your service retirement age.

# How to Contact Us

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## Find Us Online

### **www.calpers.ca.gov**

Learn about your benefits and subscribe to email alerts. You'll also find all our publications and forms.

### **my.calpers.ca.gov**

Log in to access your account information or send us a secure message.

### **news.calpers.ca.gov**

Stay up to date on CalPERS news that matters to you.

## Call Us

Our offices are open Monday through Friday, 8:00 a.m. to 5:00 p.m. We're closed on state holidays.

Toll free: **888 CalPERS** (or **888-225-7377**)

TTY: (877) 249-7442

Fax: (800) 959-6545

International Calls: +1 916-795-3000

### **¿Hablas Español?**

Para servicio en español marque:

**888 CalPERS** (o **888-225-7377**)

## Write to Us

### **California Public Employees' Retirement System**

Employer Account Management Division

P.O. Box 942709

Sacramento, CA 94229-2709

## Experience CalPERS Through Social Media

Connect with us to get the latest CalPERS news.



# Visit Your Nearest CalPERS Regional Office

Go to [www.calpers.ca.gov/regionaloffices](http://www.calpers.ca.gov/regionaloffices) to learn how to make an appointment and prepare for your visit.



# Privacy Notice

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The privacy of personal information is of the utmost importance to CalPERS. The following information is provided to you in compliance with the Information Practices Act of 1977 and the Federal Privacy Act of 1974.

## Information Purpose

The information requested is collected pursuant to the Government Code (sections 20000 et seq.) and will be used to conduct CalPERS Board of Administration duties under the Public Employees' Retirement Law, the Social Security Act, and/or the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to submit the required information may result in CalPERS being unable to perform its functions regarding your status.

Please do not include information that is not requested.

## Social Security Numbers

Social Security numbers are collected either on a mandatory or voluntary basis. If this is CalPERS' first request for disclosure of your Social Security number, then disclosure is mandatory. If your Social Security number has already been provided, disclosure is voluntary. Due to the use of Social Security numbers by other agencies for identification purposes, we may be unable to verify eligibility for benefits without the number.

Social Security numbers are used for the following purposes:

1. Enrollee identification
2. Payroll deduction/state contributions
3. Billing of contracting agencies for employee/ employer contributions
4. Reports to CalPERS and other state agencies
5. Coordination of benefits among carriers
6. Resolving member appeals, complaints, or grievances with health plan carriers

## Information Disclosure

Portions of this information may be transferred to other state agencies (such as your employer), physicians, and insurance carriers, but only in strict accordance with current statutes regarding confidentiality.

## Your Rights

You have the right to review your membership files maintained by CalPERS. For questions about this notice, our Privacy Policy, or your rights, please write to:

CalPERS  
CalPERS Privacy Officer  
400 Q Street  
Sacramento, CA 95811

You may also call us at **888 CalPERS** (or **888-225-7377**).

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CalPERS is governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811.

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**California Public Employees'  
Retirement System**

400 Q Street

P.O. Box 942701

Sacramento, California 94229-2701

**888 CalPERS** (or **888-225-7377**)

**[www.calpers.ca.gov](http://www.calpers.ca.gov)**

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