

80-1980

31671.03

**THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

Date: December 9, 1980

In Re: Rules for Continued Employment
of Members of the County Employees
Retirement Law of 1937 Who Attain Age
70

RESOLUTION

WHEREAS, Government Code Section 31671 provides for retire-
ment of certain members of the Stanislaus County Retirement
Association who have attained age 70; and

WHEREAS, Government Code Section 31671.03 provides for the
continued employment of such members pursuant to rules adopted
by this Board; and

WHEREAS, by resolution dated October 18, 1977, this Board
established a policy concerning employee requests to continue
to work beyond the mandatory retirement age; and

WHEREAS, the mandatory retirement age has now been changed
from 67 to age 70;

THEREFORE, BE IT RESOLVED that the Rules for continued
employment adopted October 18, 1977 are rescinded and the following
rules for continued employment beyond age 70 are adopted:

Every member of the Stanislaus County Employees Retirement
Association who has attained age 70 shall be retired except that
a member, other than a safety member, may have the right to
continue in employment upon submission of a written request, and

favorable recommendation contained in written performance evaluation by the members' department head and certification by the Personnel Director that the members' continuation in employment is considered to be in the best interests of the County. The Personnel Director may require such evaluation and certification annually thereafter. The department head may at any time submit a request that an employee so certified be retired forthwith pursuant to Government Code Section 31671.

Any member seeking to continue employment after the age of 70, shall have the right to appeal an adverse recommendation by the department head or the Personnel Director pursuant to the County grievance procedures.

The Personnel Director may further require, as a condition for permitting continued employment, that the member complete a physical examination at the expense of the County. The report of the physical examination shall be considered by any person required to review the members' request for continued employment.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 1980, by the following called vote.

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

ATTEST:

LLOYD R. BROUILLARD, Clerk of the
Board of Supervisors of the County
of Stanislaus, State of California

By _____



Stanislaus County

D-9

Personnel Department

Administration Building
1100 H Street
Modesto, California 95354
Phone (209) 526-6341


31671.03

November 26, 1980

Board 12/9/80

MEMO

TO: Gardner Hutchins
Chief Administrative Officer

FROM: Philip A. Rosenberg
Director of Personnel 

SUBJECT: COUNTY POLICY ON ELIMINATION
OF MANDATORY RETIREMENT

On April 2, 1976, the County's mandatory retirement age was changed from age 70 to age 67 by virtue of the County having implemented Government Code Section 31676.12 on April 2, 1974.

Government Code Section 31671.03 became effective on September 16, 1977. This section would allow a member to continue working beyond age 67 under certain conditions involving proof of performance capability to do the job. A resolution was adopted by the Board of Supervisors in October of 1977 to implement that option. Since that time there has been only one case where a County employee member remained at work past age 67.

On January 1, 1979, the mandatory retirement age was changed from 67 back to age 70. Mr. de Camp, County Counsel and I recommend that the policy of the County be continued. However, it is necessary to update and improve our policy for the "remain on the job" option. The attached resolution is recommended for approval to replace the October 18, 1977 resolution.

In addition to recognizing that the mandatory retirement age has changed, the attachment streamlines the process and provides for an appeal through the existing procedure for members whose retention past age 70 might not be recommended.