

Employment After Retirement

After you have retired, you may think about going back to work part-time with a StanCERA employer to earn some extra money or to occupy your time. There are some basic rules you need to know about working after retirement with a StanCERA employer so you will not jeopardize your StanCERA retirement benefits – so be sure to review this information carefully.

On September 12, 2012, the Governor approved Assembly Bill 340. This new legislation effects retired members working part time while receiving a retirement benefit from StanCERA.

A retiree may work for a StanCERA employer (an employer who contracts with StanCERA for retirement benefit administration) as a temporary employee without reinstatement as long as requirements meet the criteria of AB 340 effective January 1, 2013.

In general, retirees receiving a benefit from StanCERA and not already working part time for a StanCERA employer on or before December 31, 2012, will not be allowed to return to work for a StanCERA employer after December 31, 2012 however, there are some exceptions to this rule:

- *If 180 days have passed since your retirement effective date and your employer certifies to StanCERA that your skills are needed to perform work of a limited duration or to prevent an emergency stoppage of public business, then you may be able to return to work for a period not to exceed 960 hours per calendar year.*
- *If 180 days have not passed since your retirement effective date and the governing body of your employer declares in a public meeting that your skills are necessary to fill a critically needed position, then you may be able to return to work for a period not to exceed 960 hours per calendar year.*
- *Public safety officers or firefighters are exempt from the “less than 180-day rule”.*

Employment with a StanCERA employer cannot exceed 960 hours in a calendar year, while receiving a monthly retirement benefit from StanCERA.

Assembly Bill 775 approved in 2008 prohibits a StanCERA retiree from being re-employed with a StanCERA employer if, during the 12-month period prior to the appointment, the retiree received unemployment insurance payments arising out of prior temporary or part time employment with a StanCERA employer. This bill does not change unemployment insurance eligibility standards, but does prohibit StanCERA employers from employing any retiree who receives unemployment benefits for a period of 12 months from the last date of unemployment compensation.

This new law does not prohibit you from working for a StanCERA employer or any other entity however, this law does prohibit StanCERA employers from employing a retiree in the future if the retiree was granted any unemployment compensation benefits based on prior employment as a retiree with a StanCERA employer.

Retirees do not accrue service credit or otherwise acquire retirement rights for temporary employment as a retiree.

Once hired, it is the responsibility of both you and the employer to ensure your employment remains in compliance during your term of employment and does not jeopardize your retirement benefits.

StanCERA law permits retiree employment in certain positions without reinstatement and without the 960-hour limit per year. A partial list of these positions is as follows:

Any person who has retired may serve as a juror, election officer, field deputy for registration of voters, member of the board of the association or temporarily as a judge when assigned by the Chairman of the Judicial Council and receive fees payable for such service. Any member may serve who is subsequently elected to county office after retirement.

If you are considering employment with a StanCERA employer who recruits employees and retirees through a third party employment agency, please contact StanCERA for clarification of any restrictions.

Employment with an employer who does not use StanCERA for administration of retirement benefits whether private or public will not affect your StanCERA retirement benefits.

Note: If you retire from StanCERA and wish to request employment into another 1937 Act, CalPERS or any other government agency, you may do so, however, reciprocity rules will not apply.

 You are encouraged to call StanCERA's retirement office should you have any questions about employment after retirement.

 While reading this material, remember that we are governed by the County Employees Retirement Law of 1937. The statements in this article are general. The 1937 Act is complex and subject to change. If there is a conflict between the law and this article, any decisions will be based on the law and not this article.

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