



AUTHORIZATION: EMERGENCY APPOINTMENT OF RETIRED STANCERA MEMBER

Gov't Code secs. 7522.56, 31680.2 and 31680.6 limit retired StanCERA members' ability to work for StanCERA-participating employers without being reinstated as active members.

On March 4, 2020, the Governor issued a Proclamation of a State of Emergency in response to the COVID-19 health crisis and, in Executive Orders N-25-20 and N-35-20, the Governor suspended all limitations under Gov't Code secs. 7522.56, 31680.2 and 31680.6, except for Gov't Code sec. 7522.56(e), which remains effective.

Gov't Code sec. 7522.56(e) provides that "any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to [the] appointment ... the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer."

StanCERA's "Regulations for IRC Section 401(a) Return to Work and Separation from Service" provide that StanCERA's regulatory limitations on retiree appointments (to ensure a bona fide separation under IRS rules) are suspended during an emergency. Nevertheless, an emergency should not be exploited by employees who (a) were not otherwise planning on retiring and/or (b) whose services are not essential during the COVID-19 health crisis. Such abuses will call into question whether there has been a bona fide separation, even under emergency circumstances.

CERTIFICATIONS

I, _____ (Member Name), certify that: (1) I am either age 50 or older (for Safety Members) or 62 or older (for General Members) OR I am under the Normal Retirement Ages above AND I made plans to retire on or about _____ (Retirement Date), before it was evident that my post-retirement services to _____ (Employer) were essential during the COVID-19 health crisis; and (2) during the 12-month period prior to _____ (Date of Appointment) I did not receive any unemployment insurance compensation prior to employment subject to Government Code §7522.56 with a public employer.

Member Signature

Social Security Number

I, _____ (Department Head), certify that the post-retirement services of _____ (Member Name) for _____ (Employer) are essential during the COVID-19 health crisis.

Department Head Signature

Title

Based on the above, _____ (Member Name) may return to employment with _____ (Employer) at any time. Such employment shall not operate to reinstate _____ (Member Name) as an active member of StanCERA or to terminate or suspend his/her retirement allowance, and no deductions shall be made from his/her salary as contributions to StanCERA. **This authorization is valid only during the COVID-19 emergency. When the emergency has concluded, employment of all retired StanCERA members must comply with then-applicable law and StanCERA's policies and procedures that apply in the absence of an emergency.**