

Title 2. Administration

Proposed Adoption of Section 574.1 of Article 4 of Subchapter 1 of Chapter 2 of Division 1 of Title 2 of the California Code of Regulations

§ 574.1. Definition of Limited Duration Employment

(a) For purposes of clarifying Government Code sections 7522.56, 21224, and 21229, "limited duration" is defined as a limit of twenty-four consecutive months per appointment of a retired person serving after retirement for a CalPERS-covered employer.

(1) For purposes of this subdivision, an appointment is defined as either a position involving work that is substantially different from work that the retired person performs after retirement in another position for the same CalPERS-covered employer, or a position for a different CalPERS-covered employer from any previous CalPERS-covered employer the retired person performed work for after retirement.

(2) The appointment start date initiates time counted towards the limit of twenty-four consecutive months. Time served by retired persons after retirement but prior to the effective date of this subdivision will not count towards the limit of twenty-four consecutive months.

(3) CalPERS-covered employers must notify CalPERS of an appointment end date not to exceed twenty-four consecutive months from the appointment start date or the effective date of this subdivision, whichever date is later, and any changes to the appointment end date.

(4) The board will grant a CalPERS-covered employer no more than two separate extensions beyond the initial limit of twenty-four consecutive months, not to exceed twelve consecutive months each, per appointment if the board determines that each of the following conditions are met for each extension:

(A)(1) For an appointment with a CalPERS-covered contracting agency or school employer, the employer certifies that the appointment extension has been approved by its governing body at a public meeting and the reason the work required under the appointment cannot be performed satisfactorily by non-retired employees. The appointment extension may not be placed on a consent calendar.

(A)(2) For an appointment with the California State University, the Trustees of the California State University certifies that the appointment extension has been approved by the Trustees at a public meeting and the reason the work required under the appointment cannot be performed satisfactorily by non-retired employees. The appointment extension may not be placed on a consent calendar.

(A)(3) For an appointment with the state, the state employer certifies that the appointment extension has been approved by the Department of Human Resources and the reason the work required under the appointment cannot be performed satisfactorily by non-retired employees.

(B) CalPERS receives the approved extension request for review by the end date of the initial appointment, or the end date of the first extension, as applicable.

(5) The date on which the first extension request is granted by the board, or the first day following the end of the initial limit of twenty-four consecutive months for which the first extension request is granted by the board, whichever is later, initiates time counted towards the limit of twelve consecutive months for the first extension.

(6) The date on which the second extension request is granted by the board, or the first day following the end of the first extension limit of twelve consecutive months for which the second extension request is granted by the board, whichever is later, initiates time counted toward the limit of twelve consecutive months for the second extension.

(7) A retired person who has served in an appointment for twenty-four consecutive months or an additional twelve consecutive months where the first extension request has been granted by the board, as applicable, must not continue to serve in that appointment until a subsequent extension request is granted by the board.

(8) Retired persons and CalPERS-covered employers in violation of this subdivision will be subject to Government Code sections 21202, 21220, and 7522.56, as applicable.

(b) For purposes of clarifying paragraph (3) of subdivision (a) of section 571, "limited duration" is defined as a limit of twenty-four consecutive months per appointment of an employee to an upgraded position/classification.

(1) For purposes of this subdivision, an appointment must be immediately subsequent to a permanent appointment held by an individual for the same upgraded position/classification.

(2) The appointment start date initiates time counted towards the limit of twenty-four consecutive months. Time served by an employee in an appointment to an upgraded position/classification prior to the effective date of this subdivision will not count towards the limit of twenty-four consecutive months.

Authority Cited: Sections 7522.02(j) and 20121, Government Code.
Reference: Sections 7522.56, 20636, 20636.1, 21202, 21220, 21224, and 21229, Government Code; section 571 of Title 2, California Code of Regulations.