

Instructions for 180 Day Wait Period Exception for Public Agencies per GC 7522.56(f)(1)

Here are two sample resolutions for public agencies to use for approving an exception to the 180 day waiting period. All disability retirees are subject to 180 day waiting period.

The resolution entitled **180 Day Resolution 21224** is for extra help retired annuitants.

The resolution entitled **180 Day Resolution 21221(h)** is for retired annuitants appointed as an "interim" during recruitment for a permanent replacement.

The properly executed and signed resolution along with the following items should be emailed to the mailbox:

BNSD_Post_Disability_Retirement_Administration@calpers.ca.gov

- 1) Copy of the employment agreement or appointment paperwork
- 2) Copy of the salary schedule for the comparable position
- 3) Information on the recruitment status if the retiree is employed as an "Interim"
- 4) Copy of the written certification from the retiree that he/she hasn't received unemployment insurance compensation during the 12-month period prior to this appointment

In the email subject line state: **180 day exception (name of agency), (name of retiree)(retiree CID)**

If the email option is unavailable, the complete package of documents may be faxed to (916) 795-1522, or (916) 795-1280 or mailed to the address below:

CalPERS
Disability Retirement Unit
Benefit Services Division
PO Box 2796
Sacramento, CA 95812-2796

Resolution Number
Date of Resolution

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GC sections 7522.56 & 21224

WHEREAS, in compliance with Government Code section 7522.56 the (governing body name) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, (retiree name, CalPERS ID or last 4 digits of the social security number) retired from (employer from which retired) in the position of (title of position from which retired), effective (CalPERS retirement date); and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is (date of 181st day after retirement) without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the (governing body name), the (employer name) and (retiree name) certify that (retiree name) has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the (governing body name) hereby appoints (retiree name) as an extra help retired annuitant to perform the duties of the (title of position) for the (employer name) under Government Code section (21224 or 21227 or 21229 specify which), effective (date of appointment); and

WHEREAS, the entire employment agreement, contract or appointment document between (retiree name) and the (employer name or school district name) has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate), and the minimum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate); and

WHEREAS, the hourly rate paid to (retiree name) will be (hourly rate); and

WHEREAS, (retiree name) has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the (governing body name) hereby certifies the nature of the appointment of (retiree name) as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of (title of position) for the (employer name) by (date employment begins) because (describe the reasons and conditions that require this position be filled by the listed date).

(Signatures and other notations as per usual for resolution by governing body name including vote count)

Resolution Number
Date of Resolution

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GC sections 7522.56 & 21221(h)

WHEREAS, in compliance with Government Code section 7522.56 the (governing body name) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, (retiree name, CalPERS ID or last 4 digits of the social security number) retired from (employer from which retired) in the position of (title of position from which retired), effective (CalPERS retirement date); and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is (date of 181st day after retirement) without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the (governing body name), the (employer name) and (retiree name) certify that (retiree name) has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the (governing body name) hereby appoints (retiree name) as an interim appointment retired annuitant to the vacant position of (title of position) for the (employer name) under Government Code section 21221(h), effective (date of appointment); and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is (describe status of the recruitment); and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on (termination date of appointment); and

WHEREAS, the entire employment agreement, contract or appointment document between (retiree name) and the (employer name) has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate), and the minimum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate); and

WHEREAS, the hourly rate paid to (retiree name) will be (hourly rate); and

WHEREAS, (retiree name) has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the (governing body name) hereby certifies the nature of the appointment of (retiree name) as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of (title of position) for the (employer name) by (date employment begins) because (describe the reasons and conditions that require this position be filled by the listed date).

(Signatures and other notations as per usual for resolution by governing body name including vote count)