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Membership

Circular Letter

January 31, 2022

Circular Letter: 200-017-22

Distribution: XII, XVI

To: All School Employers
Subject: Governor's Executive Order N-3-22

Purpose

The purpose of this Circular Letter is to inform you of the impact of Executive Order N-3-22 on CalPERS retirees employed as retired annuitants who return to work in a prekindergarten through grade 12 school district, county office of education, or charter school. This Circular Letter supplements [Circular Letter 200-056-21 \(PDF\)](#).

Background

On January 11, 2022, Governor Newsom issued [Executive Order N-3-22 \(PDF\)](#) in response to the recent surge of COVID-19 cases. Due to the omicron variant, schools are experiencing short-term staffing shortages causing a strain on school operations. Executive Order N-3-22 provides relief to school employers by allowing additional staffing flexibility and eliminating barriers for retired teachers and classified personnel to return to work to support safe, in-person learning during the 2021-22 school year.

Summary of Impact

Prior to this order, if a retirement incentive was received by an eligible school employee, the retiree was prohibited from returning to work prior to waiting 180 days. Effective January 11, 2022, Executive Order N-3-22 suspends the 180-day break in service requirement under Government Code section 7522.56(g) for retired classified and certificated school personnel who had attained the normal retirement age at the time the retirement incentive was earned.

This order:

- Applies to retired annuitants who return to work in a prekindergarten through grade 12 school district, county office of education, or charter school
- Does not apply to community college districts
- Is set to expire March 31, 2022

For information on continued compliance when hiring retired annuitants to ensure adequate staffing in response to COVID-19 under Executive Order N-12-21, refer to [Circular Letter 200-056-21 \(PDF\)](#).

CalPERS will continue to monitor the work hours for retired annuitants. If a violation is found of the Working After Retirement policies, we will send communications to you and the member.

Questions

If you have any questions, call our CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

Renee Ostrander, Chief
Employer Account Management Division