

Revision Date: January 2020 – State Reference Guide
Chapter: Benefits Procedures

Section: Employment of a Retiree
Page: 107-108

Legend: Deleted/Replaced – **Added/Revised**

Civil Service Eligibility Requirement for Retired Annuitant Employment and Employment under Gov. Code section 21232

CalPERS service retirees can only be lawfully employed in retired annuitant compliant positions. CalPERS disability retirees can be lawfully employed in retired annuitant positions or upon CalPERS' pre-approval be employed in permanent positions with certain restrictions. ~~A state agency cannot hire a CalPERS retiree unless the retiree meets the Civil Service Act eligibility requirements to qualify as a state retired annuitant.~~

A CalPERS retired state civil service employee may be appointed as a retired annuitant to a position that is either (a) in the class in which the person had permanent or probationary status or a Career Executive Assignment (CEA) appointment at the time of retirement; or (b) in another class to which the person could have been permanently transferred, reinstated, or demoted at the time of retirement.

~~A CalPERS retiree who is not retired from state civil service, i.e. retired from a CalPERS public agency or school employer or a retired state employee exempt from civil service can only be appointed as a retired annuitant if they are either:~~

~~(a) Qualified for the appointment under other civil service provisions such as emergency appointment, temporary authorization (TAU) appointment, or~~

~~(b) Eligible for the position on a civil service employment list.~~

For more information on the civil service process refer to the CalHR Personnel Management Policy and Procedures Manual (pages 360.1 – 360.4) available from the [California Department of Human Resources](#) (CalHR).

~~**Exempt from Civil Service or Non-Testing Positions:** CalPERS retirees who are not civil service eligible to be hired as a state agency retired annuitant cannot be appointed to non-testing, exempt from civil service or any other state agency position without reinstatement from retirement, i.e., terminating their CalPERS retirement.~~

Section: Employment of a Retiree
Page: 112

Special Appointments – Retired Annuitant Requirements Do Not Apply

- **Elected and Appointed Officers:** As authorized by Gov. Code section 21231 (previously Gov. Code section 21221(d) and 21222), a CalPERS retiree may serve in an elected or appointed office while retired. However, if all or part of this retiree's retirement allowance is based on service credit in that office, the portion of the retirement allowance based on that service credit is suspended during the retiree's time in office. When the retiree leaves the office, their allowance is unsuspended prospectively. **Elected and Appointed Officers authorized by Gov. Code section 21231 do not have to be enrolled into myCalPERS.**
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