



California Public Employees' Retirement System  
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## Announcements

# Circular Letter

January 29, 2018

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Distribution: IV, V, VI, X, XII, XVI

**To:** All CalPERS Employers  
**Subject:** Governor's Executive Orders B-43-17 and B-46-18

### Purpose

The purpose of this Circular Letter is to inform you of the impact of Executive Orders B-43-17 and B-46-18 on CalPERS retirees employed as retired annuitants with a CalPERS contracting employer.

### Work Hour Limitations

Governor Edmund G. Brown Jr. declared a state of emergency for the counties of Solano, Napa, Sonoma, Yuba, Butte, Lake, Mendocino, Nevada, Orange, Santa Barbara, and Ventura due to the impacts of numerous wildfires and mudslides. Governor Brown issued Executive Orders B-43-17 and B-46-18 to help streamline and expedite recovery efforts in communities impacted by the devastating wildfires and mudslides. Consistent with applicable federal law and to ensure adequate state staffing to expedite disaster response and recovery, the work hour limitations for retired annuitants were suspended from the date the state of emergency was declared for the county where the retired annuitant is deployed until the state of emergency for each of the impacted counties is lifted. The intent of the executive order is to suspend the retired annuitant work hour limitation of 960 hours per fiscal year. Any hours worked as a retired annuitant in an impacted county to expedite disaster recovery efforts during the state of emergency will not be counted toward the 960-hour limit for the fiscal year. CalPERS will continue to monitor the work hours for retired annuitants covered by this order and send communication to confirm when a violation is found and if it is accepted under the exception.

## **Wait Period Exception**

In addition, the state of emergency exemptions in Government Code sections 21220.5 and 7522.56(f) pertaining to the 60-day bona fide separation and 180-day break in service requirement will apply. Retired annuitants hired to expedite disaster recovery during the state of emergency are exempt from these two requirements.

## **Start Dates**

The start date for the state of emergency in the counties of Napa, Sonoma, Yuba, Butte, Lake, Mendocino, Nevada, and Orange is October 9, 2017. The start date for the state of emergency in the county of Solano is October 10, 2017. The start date for the state of emergency in the county of Ventura is December 5, 2017. The start date for the state of emergency in the county of Santa Barbara is December 7, 2017. The suspension of the retired annuitant work hour limitation will remain in place until the state of emergency is lifted.

## **Continued Compliance**

Agencies shall continue to enroll and report retired annuitants to CalPERS. The remaining working after retirement provisions in Government Code sections 21221(h), 21224(a), and 7522.56(b) will continue to apply. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. Also, a retired annuitant shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

The executive order applies to work performed by a retired annuitant helping to expedite recovery efforts in one of the impacted counties. The director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers. Notification should be sent to [wildfirerecovery2017@calhr.ca.gov](mailto:wildfirerecovery2017@calhr.ca.gov).

## **Questions**

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

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Employer Account Management Division