

RESOLUTION NO. 6

DETERMINATION OF A RETIREE'S VOLUNTARY REINSTATEMENT FROM DISABILITY RETIREMENT BY THE GOVERNING BODY

INSTRUCTIONS:

1. Use this clause when the reinstatement is approved, and provide a return-to-work date if the retiree returns to the same employer who retired them. CalPERS will follow up with the prospective employer for a return-to-work date if the retiree is to reinstate with a different employer.
2. Use this clause when the reinstatement is denied and provide reasons for the denial.

SAMPLE RESOLUTION NO. 6

RESOLUTION OF

(governing body)

(agency)

(Government Code section 21192 and 21193)

WHEREAS, the _____ (hereinafter referred to as Agency) is a
(name of agency)

Contracting agency of the California Public Employee's Retirement System (CalPERS):

WHEREAS, the California Public Employee's Retirement Law requires that a contracting agency to furnish to the Board of the change in status of any retiree in which he/she is classified as a local safety retiree resulting from reinstatement and any additional information concerning any retiree that the Board may require:

WHEREAS, an application for Reinstatement from Disability/Industrial Disability Retirement has been filed with the Agency by _____, who was retired by the Agency for the
(retiree's name)

position of _____ due to _____ condition(s),
(job title) (disabling conditions and body part(s))

requesting to be reinstated with _____ in the position of _____; And
(employer's name) (job title)

WHEREAS, the _____ has reviewed the duty statement, physical
(name of governing body)

requirements and medical report(s) for the prospective position and other evidence relevant to such approved condition(s) and certify under the penalty of perjury that this determination was made based on competent medical opinion.

1. NOW, THEREFORE, BE IT RESOLVED:

That the _____ find and determine and it does hereby find
(name of governing body)

and determine that _____ is approved for his/her
(retiree's name)

reinstatement application within the meaning of the California Public Employee's Retirement

Law for the position of _____ with _____
(prospective job title) (employer's name)

and _____'s return to work date is _____.
(retiree's name) (date)

His/Her disability retirement benefit will stop thereafter per Government Code section 21193.

OR

2. NOW, THEREFORE, BE IT RESOLVED:

That the _____ find and determine and it does hereby find
(name of governing body)

and determine that _____ is denied for his/her
(retiree's name)

reinstatement application within the meaning of the California Public Employee's Retirement

Law for the position of _____ with _____
(prospective job title) (employer's name)

due to _____.
(reason)

_____'s disability retirement benefit will be continued.
(retiree's name)

(Signature and other notations by the governing body named including vote count)