

**ASSEMBLY BILL**

**No. 2476**

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**Introduced by Committee on Public Employees, Retirement and Social Security (Bonta (Chair), Rendon, Ridley-Thomas, and Wieckowski)**

February 21, 2014

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An act to amend Section 7522.56 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2476, as introduced, Committee on Public Employees, Retirement and Social Security. Employment after retirement: eligibility.

Existing law, the California Public Employees' Pension Reform Act of 2013 (PEPRA) establishes various limits on retirement benefits generally applicable to a public employee retirement system in the state, except as specified, and among other things, prescribes limits on service after retirement without reinstatement into the applicable retirement system. Under PEPRA, a retired person is not eligible to be employed for a period of 180 days following the date of retirement unless he or she meets specified requirements, including a requirement that the state employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed state employment position before 180 days have passed and the appointment has been approved by the Department of Human Resources.

This bill would instead provide, for purposes of that requirement, that either the Senate Committee on Rules or the Assembly Rules Committee, the Trustees of the California State University, or the Administrative Office of the Courts makes those certifications and

approvals for legislative, California State University, and judicial employees, respectively, instead of the Department of Human Resources.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7522.56 of the Government Code is  
2 amended to read:

3 7522.56. (a) This section shall apply to any person who is  
4 receiving a pension benefit from a public retirement system and  
5 shall supersede any other provision in conflict with this section.

6 (b) A retired person shall not serve, be employed by, or be  
7 employed through a contract directly by, a public employer in the  
8 same public retirement system from which the retiree receives the  
9 benefit without reinstatement from retirement, except as permitted  
10 by this section.

11 (c) A person who retires from a public employer may serve  
12 without reinstatement from retirement or loss or interruption of  
13 benefits provided by the retirement system upon appointment by  
14 the appointing power of a public employer either during an  
15 emergency to prevent stoppage of public business or because the  
16 retired person has skills needed to perform work of limited  
17 duration.

18 (d) Appointments of the person authorized under this section  
19 shall not exceed a total for all employers in that public retirement  
20 system of 960 hours or other equivalent limit, in a calendar or  
21 fiscal year, depending on the administrator of the system. The rate  
22 of pay for the employment shall not be less than the minimum,  
23 nor exceed the maximum, paid by the employer to other employees  
24 performing comparable duties, divided by 173.333 to equal an  
25 hourly rate. A retired person whose employment without  
26 reinstatement is authorized by this section shall acquire no service  
27 credit or retirement rights under this section with respect to the  
28 employment unless he or she reinstates from retirement.

29 (e) (1) Notwithstanding subdivision (c), any retired person shall  
30 not be eligible to serve or be employed by a public employer if,  
31 during the 12-month period prior to an appointment described in  
32 this section, the retired person received any unemployment  
33 insurance compensation arising out of prior employment subject

1 to this section with a public employer. A retiree shall certify in  
2 writing to the employer upon accepting an offer of employment  
3 that he or she is in compliance with this requirement.

4 (2) A retired person who accepts an appointment after receiving  
5 unemployment insurance compensation as described in this  
6 subdivision shall terminate that employment on the last day of the  
7 current pay period and shall not be eligible for reappointment  
8 subject to this section for a period of 12 months following the last  
9 day of employment.

10 (f) A retired person shall not be eligible to be employed pursuant  
11 to this section for a period of 180 days following the date of  
12 retirement unless he or she meets one of the following conditions:

13 (1) The employer certifies the nature of the employment and  
14 that the appointment is necessary to fill a critically needed position  
15 before 180 days have passed and the appointment has been  
16 approved by the governing body of the employer in a public  
17 meeting. The appointment may not be placed on a consent calendar.

18 (2) ~~The~~ (A) *Except as otherwise provided in this paragraph,*  
19 *for state employees, the state employer certifies the nature of the*  
20 *employment and that the appointment is necessary to fill a critically*  
21 *needed state employment position before 180 days have passed*  
22 *and the appointment has been approved by the Department of*  
23 *Human Resources. The department may establish a process to*  
24 *delegate appointing authority to individual state agencies, but shall*  
25 *audit the process to determine if abuses of the system occur. If*  
26 *necessary, the department may assume an agency's appointing*  
27 *authority for retired workers and may charge the department an*  
28 *appropriate amount for administering that authority.*

29 (B) *For legislative employees, the Senate Committee on Rules*  
30 *or the Assembly Rules Committee certifies the nature of the*  
31 *employment and that the appointment is necessary to fill a critically*  
32 *needed position before 180 days have passed and approves the*  
33 *appointment in a public meeting. The appointment may not be*  
34 *placed on a consent calendar.*

35 (C) *For employees of the California State University, the*  
36 *Trustees of the California State University certifies the nature of*  
37 *the employment and that the appointment is necessary to fill a*  
38 *critically needed position before 180 days have passed and*  
39 *approves the appointment in a public meeting. The appointment*  
40 *may not be placed on a consent calendar.*

1     (D) For judicial employees, the Administrative Office of the  
2 Courts certifies the nature of the employment and that the  
3 appointment is necessary to fill a critically needed position before  
4 180 days have passed and approves the appointment in a public  
5 meeting. The appointment may not be placed on a consent  
6 calendar.

7     (3) The retiree is eligible to participate in the Faculty Early  
8 Retirement Program pursuant to a collective bargaining agreement  
9 with the California State University that existed prior to January  
10 1, 2013, or has been included in subsequent agreements.

11     (4) The retiree is a public safety officer or firefighter hired to  
12 perform a function or functions regularly performed by a public  
13 safety officer or firefighter.

14     (g) A retired person who accepted a retirement incentive upon  
15 retirement shall not be eligible to be employed pursuant to this  
16 section for a period of 180 days following the date of retirement  
17 and subdivision (f) shall not apply.

18     (h) This section shall not apply to a person who is retired from  
19 the State Teachers' Retirement System, and who is subject to  
20 Section 24214, 24214.5, or 26812 of the Education Code.

21     (i) This section shall not apply to (1) a subordinate judicial  
22 officer whose position, upon retirement, is converted to a judgeship  
23 pursuant to Section 69615, and he or she returns to work in the  
24 converted position, and the employer is a trial court, or (2) a retiree  
25 who takes office as a judge of a court of record pursuant to Article  
26 VI of the California Constitution or a retiree of the Judges'  
27 Retirement System or the Judges' Retirement System II who is  
28 appointed to serve as a retired judge.