

Personnel

POSTRETIREMENT EMPLOYMENT

When necessary, the district may, subject to specific legal requirements, hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform specialized work or service for the district, as an employee, the employee of a third party, or an independent contractor/consultant.

(cf. 3600 - Consultants)

(cf. 4112 - Appointment and Conditions of Employment)

Any retired certificated individual who is a member of the defined benefit program of the State Teachers' Retirement System (STRS) and who is hired by the district to perform any service pursuant to Education Code 22119.5 or 26113 shall be paid at a rate commensurate with that of other district employees performing comparable duties. However, such a retired individual shall not make contributions to the retirement fund or accrue service credits based on compensation earned from that service. (Education Code 24214)

No retired certificated individual who is a member of STRS shall be hired by the district for at least six calendar months after his/her retirement from service unless he/she has attained the normal retirement age. Such hiring shall only be made with Governing Board approval in a public meeting, as reflected in a resolution that shall include information about the nature of the appointment and the following findings: (Education Code 24214.5)

1. The appointment is necessary to fill a critically needed position before 180 days have passed.
2. The retired individual is eligible for this exemption because he/she did not receive additional service credit pursuant to Education Code 22714 or 22715 or a financial inducement to retire.
3. The retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual.

(cf. 9320 - Meetings and Notices)

Postretirement Compensation Limitation

Whenever the district retains the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24214 or 24214.5 or any other applicable law

2. Maintain accurate records of the retired individual's compensation and report it monthly to STRS and the individual, regardless of the method of payment or the fund from which the payments are made

When employing a retired individual who is eligible for any exemption from the postretirement compensation limitation, the Superintendent or designee shall submit to STRS all required documentation to substantiate eligibility for the exemption. (Education Code 24214, 24214.5)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22461 Notice of earnings limitation

22714 Encouragement of retirement

22715 Additional service credit

22716 Unpaid services

24116 Service at California State University

24214 Creditable service by retiree

24214.5 Postretirement compensation limit; members below normal retirement age

24215 Service at California State University

26113 Creditable service, definition

35046 Consultancy contracts

41320.1 Appointment of trustee

42120-42129 Budget completion

44830 Employment of certificated employees

44830.3 Employment of district interns

44929 Service credit under STRS; additional two years

44929.1 2+2 service and year credit option under STRS

52055.57-52055.60 Local Educational Agency Intervention program

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

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ORCUTT UNION SCHOOL DISTRICT
Orcutt, California