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SERVICE:	Certificated and Unclassified	CERTIFICATED RETIREE
ISSUED BY:	Pers. Research (11-26-14)	
REPLACES:	PG: E 15 (9-10-13)	
REFERENCE:	Education Code Sections 24214, 24216, 24216.5, 24216.6, 44830, 44839.5, and 45134, 88033. Government Code Sections 21220 and 21224. CalSTRS Employer Directive 2014-03. CalSTRS Fact Sheet "Working After Retirement".	
CHANGES:	The annual postretirement earnings limit for the 2014-2015 fiscal year increased from \$39,903 to \$40,173. Retiree Employment Information section expanded.	

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Certificated persons who are currently retired and receiving a retirement allowance from the California State Teachers' Retirement System (CalSTRS) may be employed as substitute teachers or accept other part-time certificated or unclassified employment with the District under the conditions described below. A certificated retiree cannot however, be employed in a classified position except as a K-12 aide.

Under specific limited circumstances, some retirees may be contracted to perform services as an independent contractor or as an employee of a third party. Such retirees are limited to the same requirements and benefits as an employee of a public school system unless the third party employer does not participate in a California public pension system, the activities performed are not normally performed by LAUSD employees, and the activities are performed for 24 months or less.

1. Requirements.

- a. Must be approved for employment as a retiree substitute teacher by the Certificated Human Resources Division.
- b. Must be fingerprinted (Livescan) and cleared through the California Department of Justice. No new employee or former employee returning to District employment may begin work until fingerprints are processed and the employee is cleared to work by the Employee Relations Department. Cost of fingerprinting shall be at the retiree's expense.
- c. Must provide the District a signed Certificate of Medical Examination (Form 8457) in the manner prescribed by Education Code Section 44839.5 for employment approval as a retiree. The District may require a retiree to complete a periodic medical examination. The retiree shall submit evidence that within sixty days prior to employment, the retiree was found to be free from active tuberculosis (Tuberculosis Clearance Form 8459). This clearance shall be obtained from a licensed physician or health agency and must be determined through a Mantoux skin test. A tine test is not acceptable. The skin test, if found positive, shall be followed by an X-ray of the lungs. Cost of the initial medical examination and tuberculosis test shall be at the retiree's expense.
- d. Must file Employment Authorization for California State Teachers' Retirement System Retirant (Form 1440) with the County Superintendent of Schools for approval for first year employment as a retiree substitute teacher.
- e. Must possess or qualify for a credential authorizing the service to be rendered, as appropriate.

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1. Requirements. (Cont'd)

- f. Pursuant to Education Code Section 44830, applicants (retirees) who have been employed in a position requiring certification in a California public school district within 39 months prior to employment with the LAUSD are not subject to demonstrating success on the California Basic Educational Skills Test (CBEST). The CBEST is not required for applicants who return after more than 39 months and are employed in a certificated position utilizing their California credential if all of the following criteria is met:
- Taught 15 or more years in a California public school,
  - Employed at least 5 of those 15 years in the same school district where employment is sought, and
  - Has been employed as a teacher or administrator within the last 10 years.

Those not exempt under the criteria above, are required to pass the CBEST or take the Teacher Training Academy (TTA) training.

2. Retiree Employment Information.

- a. Approvals for service will be on a year-to-year basis.
- b. Separation-From-Service Requirement: Effective January 1, 2013, pursuant to the California Public Employees' Pension Reform Act of 2013, retired CalSTRS members retirement benefit will be reduced dollar-for-dollar by any compensation earned from CalSTRS-covered employment during the first 180 calendar days following the members most recent retirement effective date, up to the members benefit payable during that period. This restriction is in addition to the annual postretirement earnings limit. Both restrictions apply simultaneously.
- i. A retiree who retires on or after January 1, 2013, may be exempt from the Separation-From-Service Requirement if a request and documentation of the retiree's eligibility is submitted and approved by CalSTRS prior to beginning work. To be eligible the submitted request and documentation must demonstrate all of the following conditions have been met:
- The retiree has reached normal retirement age.
  - The School Board approved appointment of the retiree to a critically needed position by resolution at a public meeting.
  - The retiree did not receive any financial inducement to retire.
  - The retiree's termination of service was not the cause of the need to acquire services.
- Note: If approved by CalSTRS, this exemption only applies to the Separation-From-Service Requirement.
- c. Annual Postretirement Earnings Limit: The maximum a retiree may earn as an employee in a certificated position in the California public school system is \$40,173 for the 2014-2015 school year, with no exceptions. Retirees who earn more than the maximum amount will have their retirement allowance reduced dollar-for-dollar in the amount of such excess. Salary earned in one school year, but received in the following school year, is included in the limit for the school year in which it was earned.

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2. Retiree Employment Information.

- d. Re-retirement: Effective July 17, 2012, certificated persons who terminate their retirement and are reinstated may now re-retire within the same year. Reinstating members should plan accordingly and must address all CalSTRS retirement benefit questions regarding termination and reinstatement, retirement option(s), future retirement benefits, benefits effect upon subsequent retirement, beneficiaries, and all other benefits with CalSTRS prior to accepting employment.
  - e. Retirement Incentive Restrictions: Any LAUSD retiree who retires under the CalSTRS Retirement Incentive Program and reinstates or returns to work as a certificated retiree in any job with LAUSD within five years of retirement will lose his/her ongoing increase in his/her benefit from the incentive.
3. Compensation. Salary rate for retirees shall be the same as for other employees performing comparable duties.
4. Re-approval. Retirees who wish to work should notify the appropriate Human Resources office. Depending on the length of time since the last assignment with the District, a retiree may be required to reapply for employment, be fingerprinted, and/or process and meet all requirements for employment.
5. Employment in Classified Positions. CalSTRS retirees may not be employed in a classified position in the public school system except under certain circumstances, i.e., in a K-12 school as an aide in a class with a high pupil-teacher ratio, or to provide for one-on-one instruction in remedial classes or for underprivileged students, pursuant to CalPERS law as specified in Government Code Section 21220. (Education Code Sections 45134 and 88033)
6. California Public Employees Retirement System (CalPERS). A certificated employee, who remains in CalPERS, then retires and accepts a classified or certificated position in a California school district, generally will have the retirement allowance terminated if the employment exceeds 960 hours in a calendar year. (Government Code Section 21224)
7. Return to Full-time Employment. Certificated persons returning to full-time employment from retirement must terminate their retirement allowance prior to returning to full-time status.

All forms cited in this policy guide and retiree employment packets are available online at [http://www.teachinla.com/retirement/reemployment\\_info.html](http://www.teachinla.com/retirement/reemployment_info.html)