

Personnel

RETIREMENT CONSULTANCY CONTRACTS

Retired certificated employees serving as consultants shall be retained as employees, and their services shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a retirement consultancy contract, the certificated employee must have served the district or the county superintendent of schools for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

Retirees employed under this program shall not make contributions to the retirement fund or accrue service credit based on compensation earned from program service. (Education Code 24214)

Retirees employed under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The employee may earn compensation for creditable service up to the limitation specified by law and adjusted annually in accordance with the All Urban California Consumer Price Index. This limit applies only to earnings for service that would be creditable for State Teachers' Retirement System purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

Emergency Exemptions from Postretirement Compensation Limitation

A retiree shall be exempt from the above limitation for a maximum period of two years if appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1 or if assigned to a position by the County Superintendent of Schools pursuant to Education Code 42120-42129. (Education Code 24216)

A retiree shall also be exempt from the above limitation when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.

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2. The retiree is employed for up to one-half of the full-time equivalent for the position.
3. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
4. The employment is reported in a public meeting of the Governing Board.

A retiree employed in an emergency situation to fill an administrative position as described above may be exempt from the earnings limitation up to an additional one-half of the full-time equivalent for the same position provided that neither the retiree nor any other retiree has received an exemption pursuant to Education Code 24216 for the same position. The district shall submit documentation to substantiate that the district has unsuccessfully attempted to permanently fill the position while the position was occupied by the retiree and that the vacancy continues to exist due to circumstances beyond the control of the district. (Education Code 24216)

The above exemptions shall not apply to any retiree who has received additional retirement service credit pursuant to Education Code 22714, 22715 or 22716. (Education Code 24216)

When employing a retiree eligible for the above exemption, the Superintendent or designee shall submit documentation required by the State Teachers' Retirement System to substantiate this eligibility. (Education Code 24216)

(cf. 4117.13 - Early Retirement Option)

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7/00
12/19/01