

Human Resources Branch Memorandum

SUBJECT: Retired Annuitants Policy	NUMBER: HRB 21-019
	DATE ISSUED: September 27, 2021
DISTRIBUTION: CDFW Managers and Supervisors	EXPIRES: Until Superseded

Action Required

Informational Only

Control Agency Directive

Purpose

The purpose of this memorandum is to update California Department of Fish and Wildlife (CDFW) Managers and Supervisors of requirements to return a retired employee as a Retired Annuitant (RA). All RA Appointments will be a maximum term of 12 months with the possibility of extension with justification. No RA Appointment shall exceed a maximum of 960 hours in any fiscal year (July 1 – June 30). RA's who exceed the 960 hours cap face loss of retirement status and reinstatement to state service, loss or interruption of benefits, and possibility of repayment of retirement benefits to the California Public Employees Retirement System (CalPERS).

Authority

California Department of Human Resources (CalHR)
California Public Employees Retirement System (CalPERS)

Retired Annuitant Definition

RAs are persons retired from a state agency who are appointed to perform mission critical work that is temporary in nature. The CDFW has the authority to hire RAs after the RA has been retired for a period of at least 180 days, to perform duties that have been deemed by the department to be critical to the department's core mission.

Examples of the proper use of a RA include:

- Mentoring new employees,
- Transferring knowledge,
- Providing expertise to other employees,
- Completing a time limited project.

RAs cannot be appointed to a budgeted position on a permanent basis; instead, RAs should be appointed in the temporary help blanket.

RA duties are always to be temporary in nature. If the assigned project comes to an end or the use of an RA changes a new RPA shall be required and approved by HRB before the RA can begin work in the new assignment. Failure to submit a new RPA puts both the RA and the Department at risk of being in violation of CalPERS laws and regulations.

Please see [CalPERS Retired Annuitant page for more information.](#)

Appointment Lengths

All Retired Annuitant appointments will be for a maximum term of 12-months with the possibility of extension. In order to extend the appointment, Hiring Supervisors must annually certify the continued need for the Retired Annuitant and submit a justification to the C&P Analyst.

Justifications must be submitted 21 days prior to the listed end date of the RA Appointment in the Human Resources Management System. The HRB will send out reminders of the upcoming end date 4 weeks in advance.

Exception to the 180-Day Rule

Please contact your [C&P Analyst](#) to discuss the possibility of returning an RA as an exception to the 180 days since their retirement.

The 180-day waiting period does not apply to:

- A retired peace officer hired to perform functions regularly performed by a peace officer.

RPA Process

Hiring supervisors must submit the following documents in the Human Resources Management System (HRMS) to initiate the hiring process for an RA:

1. [RPA Cover Sheet \(DFW 242\)*](#)
2. [Duty Statement](#)
3. [Hiring Justification Request](#)
4. Organizational Chart
5. Proposed appointee's application

An Executive Manager must be included as a Program Approver for all RA RPA requests.

Additional forms are needed for all RAs who have been previously appointed as an RA:

1. [CalHR Form 715](#) self-certification that no unemployment insurance benefits have been received by the RA:
 - a. If a person applies for reemployment as a retired annuitant with the state, and self certifies that he/she received unemployment insurance based on prior state employment as a retired annuitant, this person is ineligible for employment with the state for 12 months after the date of the last unemployment insurance payment.
 - b. If a person already has been appointed as a retired annuitant with the state on or after January 1, 2005, and this employee certifies that he/she received unemployment insurance from a CalPERS-covered employer prior to the appointment (or EDD later verifies that the person received unemployment insurance), you must separate this employee at the end of the pay period; this person will be ineligible to return to work with the state for 12 months.
2. [EDD Form 1181](#) authorizing EDD to release to state employers the retired annuitant's records regarding unemployment insurance payments.

EDD anticipates it will take 10 to 30 days to process each Form DE 1181 and return the information to the inquiring department. While the EDD form is being processed, your department may hire a retired annuitant who certifies on CalHR Form 715 that he/she has not received unemployment insurance payments.

RA Hiring Justification Request

The Hiring Justification Request must address the following questions:

- An in-depth explanation of why the RA being hired is the only person that can provide the expertise needed.
- A detailed plan of how this will be resolved or met in the future, along with an anticipated end date for the RA appointment
- A detailed explanation of the critical need justifying the use of the RA*. This explanation shall include one of the four proper uses of an RA listed below.

*Critical need is defined as an immediate need for a particular skill set that only the RA can provide to complete a function for the department to meet one of the requirements outlined below and that cannot be met by a current state employee:

- Legislative Mandate
- Court Ordered Mandate
- Health and Safety Emergencies
- Fiscal Impact – Loss of Funding
- Any Disruption in Normal Business that may Result in Failure of Business Operations

Tracking 960 Hours

RA, Supervisors and managers are responsible for tracking all time worked monthly for each RA to ensure the 960 hour fiscal year cap is not exceeded (July 1 – June 30). Supervisors and managers shall not assign work to RAs that will exceed the 960 hour fiscal year cap and must monitor all hours worked.

Resources

- [CalHR Manual Section 1206 – Retired Annuitants](#)
- [CalHR Retired Annuitant Self Certification](#)
- [EDD DE 1181 Authorization for Release Unemployment Insurance Records for Retired Annuitant](#)
- [Retired Annuitant Acknowledgement Notice](#)

Contact

If you have any questions about this process, please contact your [C&P Analyst](#).

For all questions regarding individual impacts that an appointment as a Retired Annuitant may have on retirement or benefits, please contact CalPERS.