



## **POST RETIREMENT EMPLOYMENT POLICY**

**Authorizing Manager:** Director of Human Resources

**Effective Date:** July 7, 2023

**Last Updated:** November 4, 2020

**Mandatory Review:** July 2026 (Every Three Years)

**Policy Type:** Board

**Approval Level:** Board of Retirement

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### **1. PURPOSE**

The purpose of the Post Retirement Employment Policy (“Policy”) is to set forth the legal requirements for LACERA’s employment of or acceptance of contract work from members who have retired from any participating employers in LACERA and are receiving a pension from LACERA (referred to as “retired annuitants”). The goals of this Policy are to:

- Comply with relevant state and federal laws and other plan documents for the rehiring of retired annuitants and the use of retired annuitants by bona fide independent contractors while receiving a retirement benefit from LACERA;
- State the requirements for retired annuitants to (1) be rehired by LACERA for a limited duration, (2) be rehired by LACERA for emergency circumstances to prevent stoppage of LACERA business, or (3) work as the employee of a vendor under the vendor’s bona fide independent contract with LACERA, and establish a request, approval, and monitoring process for each of these three methods; and
- Establish a process to address violations of the Policy.

### **2. SCOPE**

This Policy applies to LACERA’s hiring of retired annuitants from any participating employer in LACERA or acceptance of services from retired annuitants to meet business needs in accordance with California Government Code Sections 31680, 31680.2, 31680.6, and 7522.56, the Internal Revenue Code and IRS regulations, and LACERA’s Board of Retirement Regulations. This Policy does not apply to employment of retirees or other acceptance of services from retirees by the County of Los Angeles or other participating employers.

To the extent that state law or federal law provides for additional restrictions or conflicts with this Policy, the law shall prevail over this Policy.

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### **3. LEGAL AUTHORITY**

This Policy is adopted pursuant to the Board of Retirement's plenary authority and exclusive fiduciary responsibility for administration of the system (Cal. Const., art. XVI sec 17) to facilitate LACERA's compliance with Sections 31680, 31680.2, and 31680.6 of the County Employees Retirement Law of 1937 (CERL), Section 7522.56 of the Public Employees' Pension Reform Act of 2013 (PEPRA), and other applicable law and LACERA governing documents and policy.

### **4. DEFINITIONS**

**4.1 960 hours** means 960 hours or equivalent limit of worked time and refers to the maximum permitted number of hours per fiscal year of all work performed by a retired annuitant rehired by LACERA and other participating employers as described in Section 6 of this Policy.

**4.2 Normal Retirement Age** is the age determined according to California Government Code Section 31485.21 of CERL, Internal Revenue Code Section 401(a), and Board of Retirement Regulation XV, which for LACERA members is currently:

Age 57 for general members of Plan A, B, C, D, or G

Age 65 for general members of Plan E

Age 55 for safety members

**4.3 Participating employers** refers to those agencies that participate in LACERA: the County of Los Angeles, LACERA, Los Angeles County Superior Court, Local Agency Formation Commission for the County of Los Angeles, Los Angeles County Office of Education, and South Coast Air Quality Management District.

**4.4 Retired annuitant** means a retiree from any participating employer in LACERA rehired as an at-will employee by LACERA without reinstatement from retirement or working under a vendor's bona fide independent contract with LACERA. Retired annuitants do not accrue service credit or otherwise acquire any additional retirement benefits as a result of work performed under this Policy.

### **5. POLICY STATEMENT**

Under Government Code Section 31680, 31680.2, and 31680.6, retired annuitants may be approved to be rehired by LACERA for no more than 960 hours per fiscal year, on a temporary basis, without affecting their retirement status or benefits. Section 31680(b) provides, in pertinent part, that "services rendered . . . shall not refer to services performed by a retired officer or employee as an independent contractor engaged by a county or district under a bona fide contract for services within the purview of Section 31000 of this code."

California Government Code Section 7522.56 adds additional restrictions on the ability of a retired annuitant to work for an employer in a retirement system while also collecting a pension from that system. Section 7522.56 provides that a retired annuitant may be approved to be rehired by LACERA at will on a temporary basis while continuing to receive retirement benefits under the following circumstances:

- LACERA determines that the retired annuitant has skills based on their prior job classification needed to perform work of limited duration; or
- LACERA determines it is necessary to hire the retired annuitant during an emergency to prevent stoppage of LACERA's public business.

A retired annuitant returning for either of these two reasons shall not be eligible to be employed pursuant to this policy for a period of 180 days following the date of retirement unless the Board of Retirement determines the appointment is necessary to fill a critically needed position before 180 days have passed, in which case a break in service requirement of 90 days shall still apply if the retired annuitant is under Normal Retirement Age.<sup>1</sup>

Unlike Section 31680, Section 7522.56 does not address independent contractors directly. However, Section 7522.56's prohibitions apply only to retiree annuitants who "serve," are "employed by," or who are "employed through a contract directly by," the same public retirement system from which the retiree receives a benefit. LACERA interprets Section 7522.56 consistent with Section 31680, so as to exempt retiree annuitants who work for LACERA as an independent contractor engaged by LACERA under a bona fide independent contract for services within the purview of LACERA's authority, provided, however, that such contract must comply with the terms of this Policy.

Failure of a retired annuitant to comply with applicable law and this Policy in connection with their post retirement employment, including rehire by LACERA or contract work, may have adverse consequences on their retirement and benefits as described in this Policy.

This entire Policy must be read as a whole to understand all its requirements and other provisions.

## **6. REHIRE FOR 960 HOUR TEMPORARY ASSIGNMENTS**

### **6.1 Rehire When the Retired Annuitant has Special Skills to Perform Work of Limited Duration**

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<sup>1</sup> The 180 day waiting period does not apply to a public safety officer or firefighter hired to perform a function or functions performed by a public safety officer or firefighter. However, the 90-day break in service may still apply. LACERA does not expect to hire such retired annuitants for such work.

Subject to this section and the common requirements stated in Section 6.3 and completion of the request and approval process described in Section 6.4, retired annuitants may be rehired by LACERA without affecting their retirement status or benefits when they have special skills based on their prior job classification to perform work of limited duration. Assignments under this section shall be terminated upon completion of the work of limited duration for which they were rehired.

**6.1.1 Special Skills** means a demonstrated ability, based on the retired annuitant's prior job classification and work history, to perform the work for which the retired annuitant is being rehired at a high level without additional training and that cannot be performed by existing permanent staff members.

**6.1.2 Limited duration** is determined on a case-by-case basis subject to the limits in this subsection, but it is always expected to be the minimum period required to complete necessary work. The services must terminate when the limited-duration work is completed. Examples of necessary work of limited duration include but are not limited to the following circumstances: alleviating a backlog, working on a special project where the retired annuitant has special knowledge and skills, and transferring specialized knowledge and skills to permanent staff members. Limited-duration work must be necessary work in excess of what existing staff members are able and available to perform but that cannot be postponed until staff members are able and available.

Limited-duration work may be approved annually by the Executive Office for work totaling a maximum of two fiscal years. The Board of Retirement has the authority to approve additional work beyond two fiscal years; such approval must be given on an annual basis upon a finding by the Board of exceptional circumstances to meet a critical LACERA need. Exceptional circumstances require a memo of explanation from the Executive Office to the Board of the critical need that supports the retired annuitant's continued employment, why the transition of knowledge and planned work was not completed during previously approved periods, why permanent staff cannot meet the critical need, and a plan for completing the transition and work in the additional requested year. The years permitted under this subsection need not be continuous.

**6.2 Rehire Necessary During an Emergency**

Subject to this section and the common requirements stated in Section 6.3 and completion of the request and approval process described in Section 6.4, retired annuitants may be rehired by LACERA without affecting their retirement status or benefits when necessary during an emergency to prevent stoppage of LACERA's public business. Assignments under this section shall be

terminated when the retired annuitant's work to address the threat of stoppage of public business is completed.

An emergency means urgent and unforeseen circumstances outside those arising in the normal course of LACERA's business. To provide cause for rehire of a rehired annuitant under this subsection, existing staff must be unable to address the emergency and the rehire of the required annuitant must be necessary to prevent the stoppage of part of LACERA's public business, such as inability to serve members, pay benefits, invest funds, or meet other legal requirements that are part of LACERA's fiduciary duty. A retired annuitant rehired under this section must possess the demonstrated ability, based on the retired annuitant's work history, to assist LACERA in meeting the emergency and prevent the stoppage of public business.

### **6.3 Common Requirements**

In order for LACERA to rehire retired annuitants under Sections 6.1 and 6.2, the following additional requirements must be met:

#### **6.3.1 Work Hour Limitation (960 Hours)**

Retired annuitants may not work a combined total of more than 960 hours for LACERA and all other participating employers in any July 1 – June 30 fiscal year. Once the 960 hours limit is reached, a retired annuitant is not permitted to provide any additional services to LACERA or any other participating employer or to receive any additional compensation for such work for the remainder of the fiscal year.

#### **6.3.2 Retired Annuitant's Compensation**

The rate of pay for the employment of retired annuitants cannot be less than the minimum, nor exceed the maximum, paid by LACERA to staff performing comparable duties. Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly rate.

#### **6.3.3 No Unemployment Benefits**

Retired annuitants are not permitted to be rehired by LACERA if, during the 12 month period prior to the temporary appointment date, they received unemployment insurance payments arising from prior employment under Section 7522.56 with any public employer. A retired annuitant who accepts employment under this Policy after receiving unemployment insurance compensation as described in this subsection shall terminate that employment as soon as practicable, and not later than the last day of the pay period after receiving notice from LACERA of this prohibition and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment.

### **6.3.4 Waiting Period for Post Retirement Employment**

Retired annuitants must wait 180 days from their date of retirement before returning to work at LACERA on a temporary basis, except if it is necessary to fill a critically needed position and the hiring has been approved by the Board of Retirement in an open meeting on a non-consent item, in which case the retired annuitant may return earlier than 180 days. The approval may not be placed on the Board's consent calendar.<sup>2</sup>

If a retired annuitant who is hired to fill a critically needed position is under the Normal Retirement Age, a continuous 90-day waiting period nevertheless applies, subject to advice from tax counsel. This is a federal tax law requirement, included in the Board of Retirement Regulations.

### **6.3.5 No Prearranged Agreement**

LACERA members who retire before reaching Normal Retirement Age cannot have a prearranged agreement, either orally or in writing, before commencing retirement to return to work at LACERA in a position previously held prior to retirement or any other position.

### **6.3.6 Limitations if Retired Under Incentive Arrangement**

A retired annuitant who accepted a retirement incentive upon retirement shall not be eligible to be employed under this Policy, even for a critically needed position, for a period of 180 days following the date of retirement. The exceptions, including critical need, stated in Section 6.3.4, do not apply in this circumstance.

## **6.4 Request, Approval, and Monitoring Process**

### **6.4.1 Request**

Managers are required to submit requests and renewal requests to the Human Resources Division to rehire retired annuitants for a 960 hour temporary assignment using the applicable Request form attached hereto based on whether the assignment is for limited duration or to address an emergency (the "960 Hour Request"). The 960 Hour Request must include a full and complete description of the project, the retired annuitants' skills and abilities based on their prior job classification, a description of the plan to complete the retiree's work or transition it to a current staff member, the expected limited duration of the work, and when applicable, an explanation of the emergency that necessitated the hiring of the rehired retiree to prevent stoppage of

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<sup>2</sup> See footnote 1 with respect to a public safety officer or firefighter hired to perform a function or functions performed by a public safety officer or firefighter.

LACERA's public business, and such other information as is required under Section 6.1, 6.2, and 6.3. Renewal requests must include an explanation on the 960 Request Form as to the continuing need and why the work was not completed during the prior period.

If the retired annuitant retired fewer than 180 days before the Request (as limited by the required 90-day period if the retired annuitant is under Normal Retirement Age), the 960 Hour Request must also include an explanation of the critical need that must be met and the retired annuitant's relevant skills based on their work history.

All 960 Hour Requests must include the signed applicable Conditions and Waiver form ("Conditions"), attached to this Policy, acknowledging the retired annuitant's understanding of and agreement to this Policy and its requirements, including the consequences for violation. The Conditions shall also confirm that they will comply with all other LACERA policies, including but not limited to conflict, ethics, and Human Resources policies. All 960 Hour Request and Conditions forms shall be maintained by the Human Resources Division.

#### **6.4.2 Approval and Offer of Employment**

Prior to offering employment, the 960 Hour Request must be approved by the Division Manager, Assistant Executive Officer, Human Resources Director, and the Chief Executive Officer or Deputy Chief Executive Officer. No approvals shall be granted for a period in excess of 960 hours in one fiscal year. All requests are subject to renewal every fiscal year, submission of a new and updated 960 Hour Request form, and re-approval, subject to the limits of Section 6.1.2 of this Policy. 960 Hour Requests may be renewed by management only upon good cause, including a showing that there was compliance with the terms of this Policy during the prior period and that the retired annuitant has skills based on their prior job classification needed to perform additional work of limited duration that cannot be performed by permanent staff members or the appointment is needed during an emergency to prevent stoppage of LACERA's public business.

Offers of employment, including renewal offers, may only be communicated to retired annuitants by the Human Resources Division.

#### **6.4.3 Board Approval**

All 960 Hour Requests for more than two fiscal years must be approved annually by the Board of Retirement in open session on the non-consent calendar on an annual basis, subject to Section 6.1.2. Board approval must be based on a finding that grounds continue to exist for continued appointment under Sections 6.1 and 6.2. Board approval of an

exemption from the 180-day waiting period shall be made as described in Section 6.3.4.

#### **6.4.4 Monitoring**

LACERA, including through the requesting Division Manager and the Benefits and Systems Divisions, is responsible for monitoring and tracking compliance of retired annuitants approved under a 960 Hour Request with the legal requirements set forth in this Policy. Monitoring shall include review of a retired annuitant's worked hours on at least a monthly basis throughout the retired annuitant's employment based on the most recent pay records and timesheets and regular communication with the retired annuitant about the progress of their work and hours spent. Once a retired annuitant has worked 700 hours in a fiscal year, hours worked shall be monitored on at least a weekly basis, and there shall be communication on a weekly basis between the retired annuitant and their Division Manager regarding completion of work within the 960 hour limit and the need to stop work when the limit is met. Any non-compliance shall be reported to the Chief Executive Officer, Deputy Chief Executive Officer, and Human Resources Director.

The Executive Office shall ensure that the Board of Retirement is provided with an annual report at the end of each fiscal year of all retired annuitants working under 960 Hour Requests, including the name, the number of fiscal years of post retirement employment with LACERA, summary of limited duration work performed, estimated completion date, status of transition plan, status of any emergency or critical need that the retired annuitant was rehired to address, and the history of hours performed in each fiscal year of employment.

#### **6.4.5 Retired Annuitant's Responsibility**

The retired annuitant has the responsibility, as stated in the Conditions and Waiver form they sign before beginning employment, to have truthfully made the representations stated in the Conditions form and to adhere to the requirements of this Policy, including but not limited to the responsibility to monitor their work so that it is no more than 960 hours in a fiscal year, and all other LACERA policies, including but not limited to conflict, ethics, and Human Resources policies.

### **7. WORK UNDER A BONA FIDE INDEPENDENT CONTRACT**

A retired annuitant's work as the employee of a vendor under a bona fide independent contract is not subject to the provisions and limitations stated in Section 6 if the contract and the retired annuitant comply with this section and will not affect their LACERA pension and benefits. Work under a contract in violation of this section may subject the retired annuitant to consequences under Section 8.



**7.1 Standard**

A retired annuitant may not perform work pursuant to a contract unless, in LACERA's discretion: the retired annuitant is approved to perform work under a bona fide independent contract; the proposed scope of work is not a continuation of the retired annuitant's work as an employee of a participating employer before retirement; the terms of employment, means and methods of the retired annuitant's work, and supervision of the work is controlled by the contractor, not LACERA; the contracting entity is substantial in terms of its business, history, and make up to demonstrate that the entity is legitimate; the contract is not proposed to evade the 960 hour and other limits of Sections 7522.56 and 31680.6, or other applicable law; the retired annuitant's role in the contract will not violate conflict of interest and ethics laws, regulations, and policies; and, if the retired annuitant was under Normal Retirement Age at the time of their retirement, there was no prearranged agreement that the retired annuitant would become employed by the contractor for the purpose of performing work on a contract with LACERA. Contracts directly with a retired annuitant or with a business entity controlled, directly or indirectly, in whole or in part, by a retired annuitant are prohibited. Work for LACERA under a contract that does not comply with this subsection are not permitted because they are deemed by LACERA to not be bona fide independent contracts.

**7.2 Request and Management Approval**

Managers are required to submit requests for retired annuitants to perform work under a bona fide independent contract using the attached Contract Request form. The Contract Request must be approved by the Division Manager, Assistant Executive Officer, Human Resources Director, and the Chief Executive Officer or Deputy Chief Executive Officer. If approved, it is the responsibility of the manager to ensure that the retired annuitant does not perform any work for LACERA except under the contract.

**7.3 Limitations**

A retired annuitant's work under a bona fide independent contract shall be limited to the scope of work described in the contract; no work for LACERA outside of the contract is permitted. Retired annuitants working under a Contract Request must sign the attached Conditions and Waiver form in which the retired annuitants accept the requirements of this Policy and truthfully represent the facts needed to demonstrate compliance with this section. All Contract Request and Conditions forms shall be maintained by the Human Resources Division.

**8. ENFORCEMENT**

The scope of this Section 8 is limited to enforcement of Sections 7522.56 and 31680.6, and other applicable law, with respect to the eligibility under that statute of a retired annuitant, in accordance with and subject to and in compliance with this Policy, to provide service to LACERA and the consequences for violation as described in

Section 8.2. This section does not address other matters arising from the employment of a retired annuitant or their work for LACERA. Issues relating to all other employment matters, including but not limited to job duties and assignments, compensation, performance evaluation, compliance with other LACERA policies and procedures, and discipline, up to and including termination, remain the responsibility of the Chief Executive Officer, the Deputy Chief Executive Officer, the Human Resources Director, or their designees.

### **8.1 Standard**

California Government Code Section 7522.56 provides that a retired annuitant shall not serve or, be employed by, or be employed through a contract directly by, an employer in the same public retirement system from which the retiree receives a benefit without reinstatement from retirement, except as provided in that section. California Government Code Sections 31680, 31680.2 and 31680.6 may also impose requirements on retired annuitants. LACERA's standards with respect to retired annuitants performing work under a 960 Hour Request or a Contract Request are set forth in this Policy and are intended to be consistent with and not in conflict with applicable state and federal law, which shall control this Policy.

### **8.2 Notice of Violation and Consequences**

If a retired annuitant works in violation of this Policy, LACERA shall provide the person with notice of violation and recommended consequences, which will include, as LACERA determines is appropriate given the nature of the violation, reinstatement from retirement, offset, loss, or interruption of retirement benefits, recovery of improperly paid benefits, benefit adjustments or other methods to collect overpaid salary in violation of the 960 hour limit, the hourly rate limit, and any other appropriate action. The notice of violation shall include all documents supporting the violation and recommended consequences.

### **8.3 Appeal**

If the retired annuitant disagrees with the consequences determined and imposed by staff, they may seek review under LACERA's Administrative Appeal Procedure for Retirement Benefits.

## **9. EFFECTIVE DATE AND APPLICATION**

This Policy shall be effective immediately upon approval by the Board of Retirement.

This Policy shall be applicable to all retired annuitants employed by LACERA as of the effective date ("Existing Retired Annuitants") based on their years of such employment as of that date. If an Existing Retired Annuitant's total period of employment by LACERA as of the effective date for special skills to perform work of limited duration exceeds the four fiscal year maximum permitted under Section 6.1.2, the Board of Retirement may annually grant an extension in one fiscal year increments

based on an annual explanation by the Executive Office of exceptional circumstance as defined in Section 6.1.2.

## **10. REFERENCES**

These references are intended to help explain this policy and are not an all-inclusive list of policies, procedures, laws, and requirements. The following information complements and supplements this document:

### **Related Policies:**

- Administrative Appeal Procedure for Retirement Benefits

### **Related Procedures:**

- Retired Annuitant Hours Tracking Method

### **Related and Conditions Forms/Templates:**

- Request for Employment of Retiree to a 960 Hour Temporary Assignment Form
- Conditions of Post Retirement Employment and Waiver for 960 Hour Temporary Assignment Form
- Request for Post Retirement Work Under a Bona Fide Independent Contract Form
- Conditions of Post Retirement Work and Waiver Under a Bona Fide Independent Contract Form

### **Other Related Information:**

- California Government Code Section 7522.56
- California Government Code Section 31680, 31680.2, and 31680.6
- Board of Retirement Regulation XV

Human Resources Division shall revise its procedures consistent with this Policy.

## **11. VERSION HISTORY**

**Policy Issue Date:** First approved by the Board of Retirement on November 4, 2020, with an immediate Effective Date.

Reviewed and current revised version approved by the Board of Retirement and effective on July 7, 2023.

## **12. POLICY REVIEW AND APPROVAL**

This Policy is effective on the day adopted by the Board of Retirement. This Policy shall be reviewed by the Board every three years.

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## POST RETIREMENT EMPLOYMENT POLICY

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### **Attachments:**

1. Request for Employment of Retiree to a 960 Hour Temporary Assignment Form
2. Conditions of Post Retirement Employment and Waiver for 960 Hour Temporary Assignment Form
3. Request for Post Retirement Work Under a Bona Fide Independent Contract Form
4. Conditions of Post Retirement Work and Waiver Under a Bona Fide Independent Contract Form



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**REQUEST FOR EMPLOYMENT OF RETIREE TO A 960 HOUR  
TEMPORARY ASSIGNMENT**

RETIREE NAME:

EMPLOYEE NUMBER:

DATE OF BIRTH:

DIVISION:

PAYROLL TITLE:

ASSIGNED SUPERVISOR:

START DATE OF ASSIGNMENT:

END DATE OF ASSIGNMENT:

ESTIMATED HOURS:

(Attach additional pages for each section below, as necessary)

Description of work of limited duration (or emergency to prevent stoppage of LACERA business) & explanation of why work cannot be performed by a permanent staff member and state how many hours are required to complete the work:

Retiree's applicable knowledge, skills, and abilities, based on their prior job classification and work history, needed for the work and plan to transition knowledge to permanent staff:

Description of work of limited duration (or emergency to prevent stoppage of LACERA business) and plan to complete the work, including explanation as to why work was not already completed if the request is for a renewal, if the request requires Board approval, describe the good cause or exceptional circumstances:

**Request for Employment of Retiree to a 960 Hour Temporary Assignment**  
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If this is a renewal, explain why the work was not completed during the prior approval period:

If there is a critical need that supports an exception to the 180-day waiting period after the retiree's retirement, explain in full:

SUBMITTED BY:

\_\_\_\_\_  
Division Manager Name

\_\_\_\_\_  
Division Manager Signature

\_\_\_\_\_  
Date

APPROVAL:

\_\_\_\_\_  
Assistant Executive Officer

\_\_\_\_\_  
Assistant Executive Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Human Resources Director Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Chief Executive Officer Signature

\_\_\_\_\_  
Date

<b>HR STAFF REVIEW:</b>	<b>DATE PROCESSED:</b>
<b>DATE REVIEWED:</b>	<b>DIVISION NOTIFIED:</b>
<b>DATE OF RETIREMENT:</b>	<b>CALCULATED ON CALENDAR DAYS:</b>
<b>REMARKS:</b>	

**CONDITIONS OF POST RETIREMENT EMPLOYMENT AND WAIVER  
FOR 960 HOUR TEMPORARY ASSIGNMENT****Retiree Name:****Employee Number:**

I, \_\_\_\_\_, retired on \_\_\_\_\_ from \_\_\_\_\_, a participating employer in LACERA. I desire to perform post-retirement work for LACERA as provided in Government Code Section 7522.56 and other applicable law and LACERA policies while remaining on retired status. During this employment with LACERA, there will be no suspension or termination of my LACERA retirement allowance and benefits if I comply with the requirements of LACERA's Post Retirement Employment Policy. As conditions of my post retirement employment, I understand and acknowledge as follows: **(Each line must be initialed to indicate understanding and agreement with these conditions.)**

\_\_\_\_\_ 1. That the duration of this employment with LACERA is limited to a maximum of 960 hours during the fiscal year ended June 30, \_\_\_\_, and that I will monitor my own compliance with this limit on a regular and ongoing basis so that my work does not exceed the limit by any amount of time.

\_\_\_\_\_ 2. That I have no right to continued employment and that my employment may be terminated by LACERA at any time without cause.

\_\_\_\_\_ 3. That I will not accrue service credit or otherwise acquire any additional retirement benefits from the employment, and I will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly rate I am paid for my work.

\_\_\_\_\_ 4. That violation of the 960 hour work hour limit and other provisions of the Policy and applicable law may cause reinstatement from retirement, the suspension of my LACERA retirement allowance and healthcare benefits, and collection of amounts by which I have been overpaid over the 960 hour limit.

\_\_\_\_\_ 5. That I have no right to continued employment and that my employment may be terminated by LACERA at any time without cause.

\_\_\_\_\_ 6. That, as a condition of this post retirement employment, I certify that I have not received any unemployment insurance benefits within the last 12 months resulting from prior employment as a retiree with LACERA. If I have received such benefits, I shall immediately resign and will not be eligible for reappointment for 12 months.

\_\_\_\_\_ 7. That, if I retired before reaching Normal Retirement Age, I did not have a prearranged agreement, either orally or in writing, before commencing retirement to return to work at LACERA in a position previously held prior to retirement or any other position.

\_\_\_\_\_ 8. That I received, read, understand, and will abide by LACERA's Post Retirement Employment Policy and LACERA's other policies, including conflict, ethics, and Human Resources policies.

\_\_\_\_\_ 9. That I did not receive an incentive upon retirement.

I have received and read, understand, and agree to LACERA's Post Retirement Employment Policy and the above conditions of my rehire by LACERA. The statements herein are all true and correct. I understand the consequences of violating the Policy.

\_\_\_\_\_  
Employee Signature  
Print Name \_\_\_\_\_

\_\_\_\_\_  
Date



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**REQUEST FOR EMPLOYMENT OF RETIREE TO A 960 HOUR  
TEMPORARY ASSIGNMENT**

RETIREE NAME:

EMPLOYEE NUMBER:

DIVISION:

SECTION:

PAYROLL TITLE:

ASSIGNED CONTRACT SUPERVISOR:

INDEPENDENT CONTRACTOR NAME:

Attach a copy of entire contract with independent contractor, including scope of work, if separate.

(Attach additional pages for each section below, as necessary)

Description of work to be performed by retiree, including an explanation as to how the retiree's work under the contract will be substantially different from their work as an employee before retirement, and that this request is not to evade the 96 hour limit for rehired retirees:

Confirm that the terms of the retiree's employment, the means and methods of the retiree's work, and supervision of the work will be controlled by the contractor, not LACERA:

Confirm that the retiree does not control or own the independent contractor, directly or indirectly, in whole or in part:



**Request for Post Retirement Work Under a Bona Fide Independent Contract**  
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Explain how the independent contractor was selected, and provide information showing that the contractor is substantial in terms of its business, history, and make up:

SUBMITTED BY:

\_\_\_\_\_  
Division Manager Name

\_\_\_\_\_  
Division Manager Signature

\_\_\_\_\_  
Date

APPROVAL:

\_\_\_\_\_  
Assistant Executive Officer

\_\_\_\_\_  
Assistant Executive Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Human Resources Director Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Chief Executive Officer Signature

\_\_\_\_\_  
Date

<b>HR STAFF REVIEW:</b>	<b>DATE PROCESSED:</b>
<b>DATE REVIEWED:</b>	<b>DIVISION NOTIFIED:</b>
<b>DATE OF RETIREMENT:</b>	<b>CALCULATED ON CALENDAR DAYS:</b>
<b>REMARKS:</b>	

**CONDITIONS OF POST RETIREMENT WORK AND WAIVER UNDER  
A BONA FIDE INDEPENDENT CONTRACTOR****Retiree Name:****Employee Number:**

I, \_\_\_\_\_, retired on \_\_\_\_\_ from \_\_\_\_\_, a participating employer in LACERA. I desire to work on LACERA's contract with \_\_\_\_\_ (the "Independent Contractor") as an employee of the Independent Contractor. During this contract work, there will be no suspension or termination of my LACERA retirement allowance and benefits if my contract work complies with the requirements of LACERA's Post Retirement Employment Policy. As conditions of my contract work, I understand and acknowledge as follows: **(Each line must be initialed to indicate understanding and agreement with these conditions.)**

\_\_\_\_\_ 1. That LACERA's contract with the Independent Contractor is a bona fide independent contract under California law, such that the terms of my employment, the means and methods of my work, and supervision of the work must be controlled by the contractor, not LACERA, and that the Independent Contractor is substantial in terms of its business, history, and make up so as to demonstrate that the entity is legitimate. I will not accept non-contract work directly from LACERA.

\_\_\_\_\_ 2. That I will not receive any compensation or benefits directly from LACERA for my work on LACERA's contract with the Independent Contractor, and I will be compensated by the Independent Contractor.

\_\_\_\_\_ 3. That my work under LACERA's contract with the Independent Contractor is not intended to evade the 960 hour and other limits of California Government Code Sections 7522.56 and other applicable law, and that my work under the contract is not a continuation of my work as an employee for a participating employer in LACERA.

\_\_\_\_\_ 4. That my work under LACERA's contract with the Independent Contractor will not violate conflict of interest and ethics laws, regulations, and policies.

\_\_\_\_\_ 5. That I do not control or own the Independent Contractor, directly or indirectly, in whole or in part.

\_\_\_\_\_ 6. That, if I was under Normal Retirement Age at the time of my retirement, there was no prearranged agreement that I would become employed by the contractor to perform on a contract with LACERA.

\_\_\_\_\_ 7. That, if any of the conditions stated above are not true or if my contract work for any reason does not meet the requirements of employment for a bona fide independent contractor, it may cause reinstatement from retirement, the suspension of my LACERA retirement allowance and healthcare benefits, and collection, including offset of my LACERA benefit payments for amounts due for work in violation of the law.

I have received and read, understand, and agree to LACERA's Post Retirement Employment Policy and the above conditions of work for the Independent Contractor. The statements herein are all true and correct. I understand the consequences of violating the Policy.

\_\_\_\_\_  
Employee Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Print Name