



A Guide to CalPERS

Employment After Retirement

TABLE OF CONTENTS

What All Retirees Should Know	2
What You Should Know Before Working after Retirement	2
Consequences of Unlawful Employment	3
CalPERS Employment in a Temporary Capacity	4
Third-Party Employer and Independent Contractor or Consultant Employment	4
Unemployment Insurance Payments for Work as a Retired Annuitant	5
Positions Not Subject to the 960 hour per Fiscal Year Limit	5
All Service Retirees	7
Employment with a Non-CalPERS Employer	7
Eligibility to Work for a CalPERS Employer in a Temporary Capacity	7
Temporary vs. Permanent Employment	8
All Disability Retirees	9
Employment with a Non-CalPERS Employer	9
Eligibility to Work for a CalPERS Employer in a Temporary Capacity	9
Temporary vs. Permanent Employment	10
Eligibility to Work for a CalPERS Employer in a Permanent Capacity	10
Once Approved under Government Code Section 21228	12
All Industrial Disability Retirees	13
Employment with a Non-CalPERS Employer	13
Eligibility to Work for a CalPERS Employer in a Temporary Capacity	13
Temporary vs. Permanent Employment	14
Eligibility to Work for a CalPERS Employer in a Permanent Capacity	14
Once Approved under Government Code Section 21228	16
<i>Request To Work While Receiving Disability/ Industrial Disability Retirement Benefits Form</i>	17
<i>Physical Requirements of Position/Occupational Title Form</i>	19
Become a More Informed Member	21
CalPERS On-Line	21
Reaching Us By Phone	21
my CalPERS	21
CalPERS Education Center	21
Visit Your Nearest CalPERS Regional Office	22
Information Practices Statement	23

WHAT ALL RETIREES SHOULD KNOW

The following contains general information regarding working after retirement. Please read this section and the section that applies to your specific type of retirement. If you have any questions after reading the contents of this publication, contact CalPERS prior to accepting employment.

What You Should Know Before Working after Retirement

After you have retired, you may think about becoming self employed, working in private industry or going back to work for your former CalPERS employer or another CalPERS employer (any employer who contracts with CalPERS for retirement benefits) as a “retired annuitant”. There are some restrictions you need to know about so you will not jeopardize your CalPERS service, disability or industrial disability retirement benefits.

Generally you may be self employed or work in private industry and continue to collect your CalPERS retirement allowance. Some restrictions may apply depending upon whether you are retired for service, disability or industrial disability.

If you wish to work for your former CalPERS employer, for another CalPERS employer, for any CalPERS employer through a third-party employer, or for any CalPERS employer as an “independent contractor” or “consultant,” please review all the pertinent information in this publication carefully.

A retiree can work for a CalPERS employer without reinstatement (1) as a temporary “retired annuitant” employee with certain restrictions or (2) if the position is specifically exempt from restrictions by CalPERS law.

As a retired annuitant, you do not accrue service credit or otherwise acquire any additional retirement benefits from the retiree employment. Appointment to a permanent position, whether part-time or full-time, requires reinstatement from retirement into active employment unless the employment qualifies you for membership in the University of California Retirement Plan (UCRP), the California State Teachers’ Retirement System (STRS), or any other public pension system.

Exception: Certificated employees who elect to remain in CalPERS and then retire and accept a temporary assignment in a classified or certificated position in a school are subject to the restrictions in the retirement law.

Before accepting employment with any employer, it is your responsibility to:

- Ask if they contract with CalPERS for retirement benefits.
- Inform the employer that you are receiving retirement benefits from CalPERS and specify the type of retirement, i.e., service, disability, or industrial disability.
- Ensure the employment will be in compliance with CalPERS law.

Once hired, it is your responsibility and your employer's is to ensure your employment remains in compliance and, therefore, does not jeopardize your retirement benefits during the course of your employment.

Consequences of Unlawful Employment

Retiree employment found to be in violation of CalPERS law and regulations (unlawful employment) can result in your mandatory reinstatement from retirement.

If you are employed by any CalPERS employer in either a permanent part-time or permanent full-time position not specifically permitted under CalPERS law, you will be considered unlawfully employed. Unlawful employment may result in mandatory reinstatement from retirement retroactive to the date the unlawful employment began.

If you are reinstated, you will be required to reimburse CalPERS the amount of retirement allowance you received during the period of unlawful employment.

In addition, through your employer, you will be required to pay the retroactive CalPERS member contributions, plus interest, equal to the amount that would have been paid had your reinstatement occurred timely. You could also be assessed the cost of any administrative expenses incurred to process your mandatory reinstatement, to the extent you are determined to be at fault.

Reinstatement due to unlawful employment could also jeopardize any health benefit entitlement you may have from your current retirement.

Likewise, the CalPERS employer who unlawfully employed you will be required to pay retroactive employer contributions, plus interest, equal to the amount of employer contributions that would have been paid had your reinstatement occurred timely. Your employer could also be assessed the cost of any administrative expenses incurred to process your mandatory reinstatement, to the extent the employer is determined to be at fault.

For more information about reinstatement from retirement into active employment, please review our publication *A Guide to CalPERS Reinstatement from Retirement*, which contains the application for reinstatement. This publication is available on the CalPERS website at www.calpers.ca.gov or you may request it by calling our toll free telephone number at 888 CalPERS (or 888-225-7377).

Your temporary employment can not exceed 960 hours in a fiscal year (July 1st through June 30th).

CalPERS Employment in a Temporary Capacity

CalPERS approval is **not** required for temporary, limited-term employment as a retired annuitant. Eligibility requirements can vary depending upon whether you are retired for service, disability, or industrial disability, and your age at retirement.

Eligible retirees can work for a state agency*, university, public employer, or school employer contracted with CalPERS without reinstatement from retirement into active employment, if all of the following conditions are met.

- You have specialized skills needed to perform work of limited duration or your employment is needed during an emergency to prevent stoppage of public business.
- Your temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
- The rate of pay received will not be less than the minimum nor exceed the maximum that is paid to other employees performing comparable duties.

* Retired annuitant employment with a State agency is limited to retirees who have civil service eligibility from previous State agency employment or who qualify for appointment under an applicable civil service employment list. Contact the Department of Personnel Administration (DPA) at www.dpa.ca.gov for additional information.

California State University (CSU) academic staff retirees can work as a retired annuitant academic staff for the CSU without reinstatement as long as the employment is temporary and does not exceed a total of 960 hours per fiscal year or 50 percent of the hours they were employed in the fiscal year prior to retirement, whichever is less.

Third-Party Employer and Independent Contractor or Consultant Employment

If you are considering employment or co-employment with a CalPERS employer who recruits employees or retirees through a third-party employment agency, be advised that if under common-law principles you will be an “employee” of the CalPERS employer, your employment is subject to CalPERS restrictions even though a third-party employer pays your wages or salary.

You can be hired as an “independent contractor” or “consultant” for a CalPERS employer. However, if under common-law principles you will be an “employee” of the CalPERS employer, your employment is subject to CalPERS restrictions.

CalPERS experience is that upon review many alleged “independent contractor” or “consultant” agreements or contracts provide for an employee-employer relationship and are, thus, subject to CalPERS restrictions. Therefore, we strongly advise that you contact CalPERS to review any proposed agreement or contract before you sign it and before you begin employment.

Unemployment Insurance Payments for Work as a Retired Annuitant

California law prohibits reappointment of a retired annuitant by a CalPERS employer if, during the 12-month period prior to reappointment, the retiree received unemployment insurance compensation for prior retired annuitant employment with the same employer.

If you are working as a retired annuitant and it is discovered that during the previous 12 months you were paid unemployment insurance based on prior retired annuitant employment with the same employer, your employment must be terminated on the last day of the current pay period. You will not be eligible for reappointment as a retired annuitant by that employer for 12 months following the termination date of the current employment. CalPERS auditors have incorporated this requirement into the random auditing criteria for CalPERS employers. Violation of this unemployment insurance restriction does not result in mandatory reinstatement from retirement.

Positions Not Subject to the Fiscal Year Limit of 960 Hours

- **Member of a Board, Commission, or Advisory Committee:** You can serve as a member of an advisory committee, board, or commission if you are appointed to that position by the Governor, Speaker of the Assembly, President Pro Tempore of the Senate, director of a State department, or governing board of the public agency.
- **Appointive Member of a Public Agency Governing Body:** You can serve as an appointive member of the governing body of a public agency. However, your compensation for that office cannot exceed \$100.00 per month.
- **Appointment by Legislative Committee or the Legislature:** you can serve in a position deemed temporary in nature upon appointment by the legislature, either legislative house, or a legislative committee.
- **Election Officer or Juror:** You can serve as an election officer or juror and receive fees for such service.
- **Elective Position:** You can serve in an elective office without effect on your retirement allowance **unless** all or a portion of your retirement allowance is based on previous service in the same elected office. If so, the portion of your retirement allowance based on that elected office service is suspended for as long as you serve in office while retired. If you are an active employee serving in an elective office and wish to retire before the expiration of your current term, you must resign from the position in order to retire. If you are re-elected or re-appointed to the same position after retirement, the portion of your retirement allowance based on service in that elected office will be suspended for as long as you serve in office while retired. You are required to notify CalPERS if you are elected, appointed, re-elected, or re-appointed to elective office to determine if a portion of your allowance should be suspended.

Note: If you did collect unemployment insurance benefits, the 12-month preclusion period begins the day after the issue date of your last unemployment insurance payment.

- **Preparation for Litigation or Testimony for Former Employer:** You can be employed by your former employer if your services are required to prepare for anticipated or actual litigation or to testify in trial proceedings or hearings. You can be paid per diem and actual and necessary travel expenses. However, you cannot be paid a per diem rate higher than the rate paid by the employer to others for similar services. In addition, your employer must reduce the per diem amount paid to you by the daily equivalent of your monthly retirement annuity. Your employer must contact CalPERS to provide the amount of your monthly annuity to calculate the per diem payable to you. If you are a State retiree, your employment must be approved by the Department of Personnel Administration (DPA). If you are a public agency or school retiree, your employment must be approved by a governing body of the CalPERS employer.
- **School Crossing Guard:** you can be employed as a school crossing guard and receive wages for such service.

ALL SERVICE RETIREES

Below is information related to working after service retirement. Please read all of this section, along with the What All Retirees Should Know section at the beginning of this publication. If you have any questions after reading the contents of this publication, contact CalPERS prior to accepting employment.

Employment with a Non-CalPERS Employer

CalPERS approval is not required to work for a non-CalPERS employer. Service retirees can be self-employed or work for a private industry employer without restrictions and continue to receive their monthly retirement allowance. However, if you intend to work for a CalPERS employer as an “independent contractor,” a “consultant,” or through a third-party employer, please carefully review the section entitled Third-Party Employer and Independent Contractor or Consultant Employment.

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

CalPERS service retirees may seek temporary, limited-term employment as a “retired annuitant” without CalPERS approval. The following restrictions to employment apply:

Bona fide separation requirement: Temporary employment as a “retired annuitant” with a CalPERS employer is not allowed if you are younger than the normal service retirement age, unless both of the following conditions are met:

- There is no verbal or written agreement to return to work as a “retired annuitant” between you and any CalPERS employer before you retired.
- There is a termination of employment (separation in service) for 60 days between your retirement date and the date your temporary employment as a “retired annuitant” will begin.

Normal service retirement age for CalPERS purposes is the benefit formula age shown in your retirement formula, e.g., age 55 for the 2% @ 55 formula, age 60 for the 3% @ 60 formula, and 65 for the 1¼ % @ 65 formula. If your retirement allowance is based on more than one formula, regardless of when that formula was earned, the highest benefit age determines your eligibility. For service retirees under normal retirement age, the only exception to this restriction is for specific emergency conditions as defined in Government Code section 8558.

This bona fide separation (break) in service requirement is in California retirement law in order to comply with Internal Revenue Code (IRC) tax regulations which prohibit the in-service distribution of pension benefits.

After you have satisfied the bona fide break in service requirement, you may accept a temporary appointment to work as a “retired annuitant.” If you attained your normal retirement age prior to retiring on service, you are eligible to accept a temporary appointment to work as a “retired annuitant” the day after your retirement date.

Note: Temporary employment must not exceed the work limit of 960 hours per fiscal year. Both you and your employer are responsible for monitoring compliance with this work limit. If you exceed the work limit, both you and your employer will be held accountable for unlawful employment, the consequence of which can include mandatory reinstatement from retirement into active employment (membership) in the current position.

Temporary vs. Permanent Employment

If your intention is to remain retired, you may only accept a temporary appointment as a “retired annuitant” with any CalPERS employer unless the employment is specifically allowed by law. If you are a safety member on service retirement, you must reinstate from retirement to accept a permanent position in a miscellaneous category.

Because many permanent part-time positions require less than 960 hours per fiscal year, there is often confusion about retiree employment in such positions. If you intend to work as a permanent employee with any CalPERS employer, even if the position requires less than 960 hours per fiscal year, the retirement law requires reinstatement from retirement into active employment. To ensure compliance, confirm with your prospective employer whether the position is a temporary or permanent appointment.

For more information about reinstatement from retirement into active employment, please review the publication *A Guide to CalPERS Reinstatement from Retirement*, which contains the application for reinstatement. This publication is available on the CalPERS website at www.calpers.ca.gov or you may request it by calling our toll free telephone number at **888 CalPERS** (or **888-225-7377**).

ALL DISABILITY RETIREES

Below is information related to working after disability retirement. Please read all of this section, along with the What all Retirees Should Know section at the beginning of this publication. If you have any questions after reading the contents of this publication, contact CalPERS prior to accepting employment.

Employment with a Non-CalPERS Employer

CalPERS approval is not required to work for a non-CalPERS employer, but there are some restrictions and considerations. Generally, you may be self-employed or work for private industry and continue to collect your CalPERS retirement. There is no limit to the number of hours you can work.

Disability retirees can work with certain restrictions:

- Your employment must be in a position significantly different from the one from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your retirement.
- If you are under the service retirement age, you will be subject to an earnings limit. You are required to report your employment earnings to CalPERS either on a monthly or quarterly basis. The total employer-paid portion of your monthly retirement benefit and your new earnings cannot be greater than the current compensation of the position from which you retired (if it is greater, your retirement benefit will be reduced.) Contact CalPERS to request a *Disability Retiree's Report of Earnings* form.

If you are under the service retirement age and are determined to be performing duties similar to those from which you were previously found disabled, CalPERS can re-evaluate your medical condition to determine whether you should be reinstated from retirement back into your former position.

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

CalPERS disability retirees may seek temporary, limited-term employment as retired annuitants without CalPERS approval. However, certain restrictions apply.

All disability retirees are limited to working no more than 960 hours per fiscal year when working in a temporary capacity.

Note: Temporary employment must not exceed the work limit of 960 hours per fiscal year. Both you and your employer are responsible for monitoring compliance with this work limit. If you exceed the work limit, both you and your employer will be held accountable for unlawful employment, the consequence of which can include mandatory reinstatement from retirement into active employment (membership) in the current position.

CalPERS approval is not required to work for a non-CalPERS employer; however, your employment must be in a position that differs than the one from which you retired.

If you are a disability retiree, you may apply to work in a permanent part-time or full-time position with a CalPERS employer while receiving your retirement benefits; however you must have CalPERS written approval before beginning any permanent employment with a CalPERS employer.

Temporary vs. Permanent Employment

If your intention is to remain retired, you may only accept a temporary appointment as a retired annuitant with any CalPERS employer unless the employment is specifically allowed by law.

Because many permanent part-time positions require less than 960 hours per fiscal year, there is often confusion about retiree employment in such positions. **If you intend to work as a permanent employee with any CalPERS employer, even if the position requires less than 960 hours per fiscal year, the retirement law requires reinstatement from retirement into active employment.** To ensure compliance, confirm with your prospective employer whether the position is a temporary or permanent appointment.

For more information about reinstatement from retirement into active employment, please review the publication *A Guide to CalPERS Reinstatement from Retirement*, which contains the application for reinstatement. This publication is available at CalPERS On-Line at www.calpers.ca.gov or you may request it by calling our toll free telephone number at 888 CalPERS (or 888-225-7377).

Note: Disability retirees have another option other than reinstatement under the provision of Government Code Section 21228 for those who wish to work in either a permanent part-time or full-time position while continuing to receive their disability retirement benefits.

Eligibility to Work for a CalPERS Employer in a Permanent Capacity

Under Government Code Section 21228, disability retirees may seek permanent employment while receiving retirement benefits with CalPERS approval. However, certain restrictions apply.

All Disability Retirees

If you are a disability retiree you may apply to work in a permanent part-time or full-time position with a CalPERS employer while receiving your retirement benefits. You must submit the *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form and the *Physical Requirements of Position/Occupational Title* form located in the back of this publication and all required documents. You must have CalPERS written approval before beginning employment. Your job duties must differ significantly from those required under the position from which you retired. That is, the position should not include duties or activities you were previously restricted from performing at the time of your retirement. If you are approved to work, you will be required to report your earnings to CalPERS.

In order to request approval to work for a CalPERS employer in a permanent position while receiving disability retirement benefits, you must submit the following required documents: A *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form, a *Physical Requirements of Position/Occupational Title* form, a position duty statement and a medical report from a specialist for the disabling condition(s) that precluded you from working.

- You must submit all required documents to CalPERS.
- You must complete and sign Section 1 of the *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form. Your prospective employer must complete and sign Section 2 and provide you a position duty statement for the job.
- You and your employer must complete and sign the *Physical Requirements of Position/Occupational Title* form.
- If you have more than one disabling condition at the time of retirement, you must provide a medical report from each medical specialist for your disabling condition.
- You must schedule an appointment with a medical specialist for your disabling condition(s) and provide the specialist with a copy of the position duty statement and the completed *Physical Requirements of Position/Occupational Title* form.
- A *Physician's Report on Disability* form is **not** required.
- If you are a local safety disability retiree, you must also submit the medical documentation used at the time of your retirement identifying the restrictions placed upon you, plus a position duty statement describing the position you held when you became disabled.

CalPERS will require a current medical report from a specialist for your disabling condition(s) that precluded you from working. The specialist must include the following pertinent information, on appropriate letterhead, in the medical report:

- Indicate patient (name) and the date of the most recent examination.
- Indicate that the position duty statement (by title) and the *Physical Requirements of Position/Occupational Title* form were reviewed and discussed with patient.
- Indicate whether or not there are any limitations or restrictions to patient performing all tasks involved.
- Indicate if there are restrictions or limitations and specifically identify what the restrictions involve.
- Indicate doctor's signature, printed name, medical specialty, and contact information.

All required documents must be submitted with your request form in order for CalPERS to begin the determination process, which can take approximately three months to complete. There are times when CalPERS may require an independent medical examination to supplement your medical specialist's report.

Required Documents

A completed ***Request to Work While Receiving Disability/Industrial Disability Retirement Benefits*** form. A completed ***Physical Requirements of Position/Occupational Title*** form. A position duty statement for the prospective job. A current Medical Report from a medical specialist.

Local safety disability retirees must also submit the duty statement describing the position you held when you were found disabled and the medical documentation showing the job restrictions placed upon you due to your disability.

All required documents must be submitted with your request form in order for CalPERS to begin the determination process which can take approximately three months to complete.

Once approved, you will be informed of the amount of your earnings limit and how to report your earnings.

Note: All permanent employment under Government Code Section 21228 requires approval prior to employment; there are no exceptions. If violated, both you and your employer are responsible for the unlawful employment, and mandatory reinstatement from retirement into the current position could result, whether or not the permanent position is part-time.

Once Approved under Government Code Section 21228

Retirees approved to work under Government Code Section 21228 do not accrue service credit or otherwise acquire retirement rights for employment as a retiree.

You will be informed of the amount of your earnings limit and how to report your earnings. The total employer-paid portion of your monthly retirement benefit and your new earnings cannot be greater than the current compensation of the position from which you retired. If it is greater, your retirement benefit will be reduced. The earnings limitation continues as long as you are employed in the approved position; it does not end when you reach your service retirement age.

Note: If you wish to change to a different employer or a different position (lateral transfer or with promotion) or if you wish to restart employment in a previously approved position, you must reapply to CalPERS and await our approval before beginning employment. If you do not receive prior approval, you will be considered unlawfully employed. There are no exceptions to this requirement.

ALL INDUSTRIAL DISABILITY RETIREES

Below is information related to working after industrial disability retirement. Please read all of this section, along with the What All Retirees Should Know section at the beginning of this publication. If you have any questions after reading the contents of this publication, contact CalPERS prior to accepting employment.

Employment with a Non-CalPERS Employer

CalPERS approval is not required to work for a non-CalPERS employer, but there are some restrictions and considerations. Generally, you may be self-employed or work for private industry and continue to collect your CalPERS retirement. There is no limit to the number of hours you can work.

Industrial disability retirees can work with certain restrictions:

- Your employment must be in a position that is significantly different from the one from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your retirement.
- You are **not** subject to an earnings limit, even if you are under the service retirement age.

If you are under the service retirement age and are determined to be performing duties similar to those from which you were previously found disabled, CalPERS can re-evaluate your medical condition to determine whether you should be reinstated from retirement back into your former position.

Eligibility to Work for a CalPERS Employer in a Temporary Capacity

CalPERS industrial disability retirees may seek temporary, limited-term employment as a retired annuitant without CalPERS approval. However, certain restrictions apply.

All industrial disability retirees are limited to working no more than 960 hours per fiscal year when working in a temporary capacity.

Note: Temporary employment must not exceed the work limit of 960 hours per fiscal year. Both you and your employer are responsible for monitoring compliance with this work limit. If you exceed the work limit, both you and your employer will be responsible for the unlawful employment, which can include mandatory reinstatement from retirement into active employment (membership) in the current position.

CalPERS approval is not required to work for a non-CalPERS employer; however, your employment must be in a position that differs significantly from the one from which you retired.

If you are an industrial disability retiree you may apply to work in a permanent part-time or full-time position with a CalPERS employer while receiving your retirement benefits; however you must have CalPERS written approval before beginning any permanent employment with a CalPERS Employer.

Temporary vs. Permanent Employment

If your intention is to remain retired, you may only accept a temporary appointment as a retired annuitant with any CalPERS employer unless the employment is specifically allowed by law.

Because many permanent part-time positions require less than 960 hours per fiscal year, there is often confusion about retiree employment in such positions. If you intend to work as a permanent employee with any CalPERS employer, even if the position requires less than 960 hours per fiscal year, the retirement law requires reinstatement from retirement into active employment. To ensure compliance, confirm with your prospective employer whether the position is a temporary or permanent appointment.

For more information about reinstatement from retirement into active employment, please review the publication *A Guide to CalPERS Reinstatement from Retirement*, which contains the application for reinstatement. This publication is available on CalPERS On-Line at www.calpers.ca.gov or you may request it by calling our toll free telephone number at 888 CalPERS (or 888-225-7377).

Note: Industrial disability retirees have another option other than reinstatement under the provision of Government Code Section 21228 for those who wish to work in either a part-time or full-time permanent position while continuing to receive their industrial disability retirement benefits.

Eligibility to Work for a CalPERS Employer in a Permanent Capacity

Under Government Code Section 21228, industrial disability retirees may seek permanent employment while receiving retirement benefits with CalPERS approval. However, certain restrictions apply.

All Industrial Disability Retirees

If you are an industrial disability retiree you may apply to work in a permanent part-time or full-time position with a CalPERS employer while receiving your retirement benefits. You must submit the *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form and the *Physical Requirements of Position/Occupational Title* form located in the back of this publication and all required documents. You must have CalPERS written approval before beginning employment. The position and required duties must differ significantly from those required under the position from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your retirement. If you are approved to work, you will be required to report your earnings to CalPERS.

In order to request approval to work for a CalPERS employer in a permanent position while receiving industrial disability retirement benefits, you must submit the following required documents: A *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form, a *Physical Requirements of Position/Occupational Title* form, a position duty statement that describes the physical requirements of the job, and a medical report from a specialist for the disabling condition(s) that precluded you from working.

- You must submit all required documents to CalPERS.
- You must complete and sign Section 1 of the *Request to Work While Receiving Disability/Industrial Disability Retirement Benefit* form. Your prospective employer must complete and sign Section 2 and provide you a position duty statement for the job.
- You and your employer must complete and sign the *Physical Requirements of Position/Occupational Title* form.
- If you have more than one disabling condition at the time of retirement, you must provide a medical report from each medical specialist for your disabling condition.
- You must schedule an appointment with a medical specialist for your disabling condition(s) and provide the specialist with a copy of the position duty statement and the completed *Physical Requirements of Position/Occupational Title* form.
- A *Physician's Report on Disability* form is **not** required.
- If you are a local safety disability retiree, you must also submit the medical documentation used at the time of your retirement identifying the restrictions placed upon you, plus a position duty statement describing the position you held when you became disabled.

CalPERS will require a current medical report from a specialist for the disabling condition(s) that precluded you from working. The specialist must include the following pertinent information, on appropriate letterhead in the medical report:

- Indicate patient (name) and the date of the most recent examination.
- Indicate that the position duty statement (by title) and the *Physical Requirements of Position/Occupational Title* form were reviewed and discussed with patient.
- Indicate whether or not there are any limitations or restrictions to patient performing all tasks involved.
- Indicate if there are restrictions or limitations and specifically identify what the restrictions involve.
- Indicate doctor's signature, printed name, medical specialty, and contact information.

All required documents must be submitted with your request form in order for CalPERS to begin the determination process, which can take approximately three months to complete. There are times when CalPERS may require an independent medical examination to supplement your medical specialist's report.

Required Documents

A completed ***Request to Work While Receiving Disability/Industrial Disability Retirement Benefits*** form. A completed ***Physical Requirements of Position/Occupational Title*** form. A position duty statement for the prospective job. A current Medical Report from a medical specialist.

Local safety industrial disability retirees must also submit the duty statement describing the position you held when you were found disabled and the medical documentation showing the job restrictions placed upon you due to your disability.

All required documents must be submitted with your request form in order for CalPERS to begin the determination process which can take approximately three months to complete.

Once approved, you will be informed of the amount of your earnings limit and how to report your earnings.

Note: All permanent employment under Government Code Section 21228 requires approval prior to employment; there are no exceptions. If violated, both you and your employer are responsible for the unlawful employment, and mandatory reinstatement from retirement into the current position could result, whether or not the permanent position is part-time.

Once Approved under Government Code Section 21228

Retirees approved to work under Government Code Section 21228 do not accrue service credit or otherwise acquire retirement rights for employment as a retiree.

You will be informed of the amount of your earnings limit and how to report your earnings. The total employer-paid portion of your monthly retirement benefit and your new earnings cannot be greater than the current compensation of the position from which you retired. If it is greater, your retirement benefit will be reduced. The earnings limitation continues as long as you are employed in the approved position; it does not end when you reach your service retirement age.

Note: If you wish to change to a different employer or a different position (lateral transfer or with promotion) or if you wish to restart employment in a previously approved position, you must reapply to CalPERS and await our approval before beginning employment. If you do not receive prior approval, you will be considered unlawfully employed. There are no exceptions to this requirement.



Request To Work While Receiving Disability / Industrial Disability Retirement Benefits

888 CalPERS (or 888-225-7377) • TTY for Speech and Hearing Impaired: (916) 795-3240

You must complete this form in order to request approval to work for a CalPERS employer in any permanent position while continuing your disability / industrial disability retirement benefits.

Section 1

Member Certification

Please clearly print the requested information.

A *Physician's Report on Disability* form is not required.

Be sure to have your employer fill out **Section 2** on the reverse side of this form.

Local safety disability or industrial disability retirees must also submit the position duty statement and qualifying medical documentation used at the time of their retirement.

Name of Member (First Name, Middle Initial, Last Name) | Social Security Number

Address

City | State | ZIP Code | Country

Daytime Phone () | Fax Number () | E-Mail Address

I understand this is a formal request for permanent employment under Government Code Section 21228 and that my employment offer is contingent upon written approval from CalPERS. I must advise CalPERS of any changes to my salary or employment (for e.g. lateral transfer or promotion) and receive approval before beginning any new permanent position. A consequence of unlawful employment may result in mandatory reinstatement from retirement into the position I am currently working, retroactive to my hire date.

I also understand that the position I am applying for must be significantly different than the one from which I retired. I am subject to an earnings limitation so that the total of the pension portion of my retirement allowance and employment earnings will not exceed the current (gross) salary of the position from which I retired.

I have attached a position duty statement of the job and a completed *Physical Requirements of Position/Occupational Title* form. I have also attached a current medical report completed and signed by a physician specializing in the condition for which I retired on disability/industrial disability retirement. The physician is a medical specialist who certifies that he/she has examined me, reviewed the attached position duty statement and *Physical Requirements of Position/Occupational Title* form and indicates whether or not I am able to perform all of the tasks without any restrictions or limitations.

Member Signature | Date (mm/dd/yyyy)

This form continues on the back.

Put your name and Social Security number at the top of every page.

_____ Your Name	_____ Social Security Number
--------------------	---------------------------------

Section 2

Employer Certification

Permanent employment or changes in employment status (e.g., lateral transfer or promotion) that begins prior to written approval from CalPERS may result in mandatory reinstatement.

It is the intent of: _____ to hire: _____
Employer CalPERS Member
in the position of: _____ pursuant of Government Code Section 21228;
Job Title
and contingent upon written approval from CalPERS.

Employer Address (City, State, ZIP Code)

_____ Daytime Phone	_____ Fax Number	_____ E-Mail Address
------------------------	---------------------	-------------------------

We understand that reinstatement of the retiree, due to unlawful employment, to any position within our agency, may result in penalties and payment of contributions to CalPERS, retroactive to retiree's date of hire.

The salary range for this position is: _____ hourly/monthly.

_____ Employer Signature	_____ Date (mm/dd/yyyy)
-----------------------------	----------------------------

_____ Print Name of Authorized Personnel	_____ Classification Title
---	-------------------------------



Physical Requirements of Position/Occupational Title

888 CalPERS (or 888-225-7377) • TTY for Speech and Hearing Impaired: (916) 795-3240 • Fax: (916) 795-1280

Section 1

Member Information

This form must be completed by the member and their employer to supplement the physical requirements listed on the member's job duty statement/job description.

Name of Member (First Name, Middle Initial, Last Name)		Social Security Number	
Position/Occupational Title		Name of Employer	
Worksite Street Address			
City	State	ZIP	

Section 2

Physical Requirements Information

Indicate with a check mark (✓) the frequency required for each activity listed at the right.

Activity	Never	Occasionally Up to 3 hours	Frequently 3–6 hours	Constantly Over 6 hours	Distance/ Height
Sitting					
Standing					
Running					
Walking					
Crawling					
Kneeling					
Climbing					
Squatting					
Bending (neck)					
Bending (waist)					
Twisting (neck)					
Twisting (waist)					
Reaching (above shoulder)					
Reaching (below shoulder)					
Pushing & Pulling					
Fine Manipulation					
Power Grasping					
Simple Grasping					
Repetitive use of hand(s)					
Keyboard Use					
Mouse Use					
Lifting/Carrying					
0 – 10 lbs.					
11 – 25 lbs.					
26 – 50 lbs.					
51 – 75 lbs.					
76 – 100 lbs.					
100 + lbs.					

Continued on page 2.

Put your name and Social Security number at the top of every page.

Your Name

Social Security Number

Section 2 (continued)

Physical Requirements, continued

Indicate with a check mark (✓) the frequency required for each activity listed at the right.

If there is not enough space to enter all your additional requirements or comments, attach a separate sheet. Be sure to use a label, or clearly write your name and Social Security number on each attachment.

Activity	Never	Occasionally Up to 3 hours	Frequently 3–6 hours	Constantly Over 6 hours	Distance/ Height
Walking on uneven ground					
Driving					
Working with heavy equipment					
Exposure to excessive noise					
Exposure to extreme temperature, humidity, wetness					
Exposure to dust, gas, fumes, or chemicals					
Working at heights					
Operation of foot controls or repetitive movement					
Use of special visual or auditory protective equipment					
Working with bio-hazards (e.g., blood-borne pathogens, sewage, hospital waste, etc.)					

Section 3

Signature of Employer and Member

This form must be completed and signed by you and your employer and sent to a medical specialist along with other documentation.

If you are a Disability Retirement Election applicant, your employer must provide you a copy of this completed form. Your employer must send the signed original to CalPERS.

Also, you must attach your current job duty statement /job description and a copy of the *Physical Requirements of Position/Occupational Title* form to the *Physician's Report on Disability* form prior to sending them to a medical specialist. Complete document submittal requirements are described in *A Guide to Completing Your CalPERS Disability Retirement Election Application*.

The medical specialist must be the treating physician specializing in your disabling condition.

If you are a Request to Work While Receiving Disability/Industrial Disability Benefits applicant or a Reinstatement from Disability/Industrial Disability Retirement applicant, you must attach the job duty statement/job description of the prospective job to a copy of the completed *Physical Requirements of Position/Occupational Title* form prior to sending them to a medical specialist. You must submit the resulting medical report and other required documents to CalPERS. The *Physician's Report on Disability* form is not required.

Signature of Employer Representative

Date (mm/dd/yyyy)

Title

Phone Number

Signature of Member

Phone Number

Date (mm/dd/yyyy)

Mail to:

CalPERS Benefit Services Division • P.O. Box 2796, Sacramento, California 95812-2796

BECOME A MORE INFORMED MEMBER

CalPERS On-Line

Visit our website at www.calpers.ca.gov for more information on all your benefits and programs.

Reaching Us By Phone

Call us toll free at **888 CalPERS** (or **888-225-7377**).
Monday through Friday, 8:00 a.m. to 5:00 p.m.
TTY: For Speech & Hearing Impaired (916) 795-3240

my|CalPERS

Stay informed and be in control of the information you want and need—
with my|CalPERS!

my|CalPERS is the personalized and secure website that provides all your retirement, health, and financial information in one place. Take advantage of the convenience of 24/7 access to learn more about CalPERS programs and services that are right for you in your career stage. With my|CalPERS, you can:

- Get quick and easy access to all your account information.
- Manage and update your contact information and online account profile.
- Access information about your health plan and family members enrolled in your plan.
- See all the information you need to make health plan decisions.
- View, print, and save online statements.
- Go “green” by opting out of receiving future statements by mail.
- Use financial planning tools to calculate your retirement benefit estimate, estimate your service credit cost, and even request a staff-prepared retirement estimate.
- Check statuses of requests to purchase service credit or applications for disability retirement.
- Keep informed with CalPERS News so you don't miss a thing.

CalPERS Education Center

my|CalPERS is your gateway to the CalPERS Education Center. Whether you're in the early stages of your career, starting to plan your retirement, or getting ready to retire, visit the CalPERS Education Center to:

- Take online classes that help you make important decisions about your CalPERS benefits and your future.
- Register for instructor-led classes at a location near you.
- Download class materials and access information about your current and past classes.
- Browse our retirement fair schedule.
- Make a personal appointment with a retirement counselor.

Log in today at my.calpers.ca.gov.

Visit Your Nearest CalPERS Regional Office

Visit the CalPERS website for directions to your local office.
Monday to Friday, 8:00 a.m. to 5:00 p.m.

Fresno Regional Office

10 River Park Place East, Suite 230
Fresno, CA 93720

Glendale Regional Office

Glendale Plaza
655 North Central Avenue, Suite 1400
Glendale, CA 91203

Orange Regional Office

500 North State College Boulevard, Suite 750
Orange, CA 92868

Sacramento Regional Office

Lincoln Plaza East
400 Q Street, Room E1820
Sacramento, CA 95811

San Bernardino Regional Office

650 East Hospitality Lane, Suite 330
San Bernardino, CA 92408

San Diego Regional Office

7676 Hazard Center Drive, Suite 350
San Diego, CA 92108

San Jose Regional Office

181 Metro Drive, Suite 520
San Jose, CA 95110

Walnut Creek Regional Office

1340 Treat Blvd., Suite 200
Walnut Creek, CA 94597

INFORMATION PRACTICES STATEMENT

The Information Practices Act of 1977 and the Federal Privacy Act require the California Public Employees' Retirement System to provide the following information to individuals who are asked to supply information. The information requested is collected pursuant to the Government Code (Sections 20000, et seq.) and will be used for administration of the CalPERS Board's duties under the California Public Employees' Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to supply the information may result in the System being unable to perform its function regarding your status and eligibility for benefits. Portions of this information may be transferred to State and public agency employers, State Attorney General, Office of the State Controller, Teale Data Center, Franchise Tax Board, Internal Revenue Service, Workers' Compensation Appeals Board, State Compensation Insurance Fund, County District Attorneys, Social Security Administration, beneficiaries of deceased members, physicians, insurance carriers, and various vendors who prepare the microfiche or microfilm for CalPERS. Disclosure to the aforementioned entities is done in strict accordance with current statutes regarding confidentiality.

You have the right to review your membership file maintained by the System. For questions concerning your rights under the Information Practices Act of 1977, please contact the Information Practices Act Coordinator, CalPERS, 400 Q Street, P.O. Box 942702, Sacramento, CA 94229-2702.

While reading this material, remember that we are governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to CalPERS.



California Public Employees' Retirement System

400 Q Street
P.O. Box 942701
Sacramento, CA 94229-2701

888 CaPERS (or 888-225-7377)

www.calpers.ca.gov

PUB 33
January 2011

2011.1.1