

RETIREE RETURN-TO-WORK FLOWCHART

Retiree wants to return to work

EXTRA-HELP OR CONTRACT

Retirees may return to work for a VCERA employer as an Extra-Help or contract employee, up to max of 120 days or 960 hours in a fiscal year

ELIGIBILITY RULES (PEPRA §7522.56)

Retiree needs *bona fide separation from service* (IRC §401(a) Distribution Restrictions):

General member returning to any position:
180-day separation ("sit-out period")

Safety member returning to General position:
180-day separation

Safety member returning to Safety position:
no separation limit if employee is age 50+,
but 60-day separation if employee is < age 50

PEPRA Exceptions

&

IRS Exceptions

Appointment must be made in public meeting by governing board
AND
employer certifies appointment will fill critically needed position

60-day waiting period if retiree is under Normal Retirement Age (NRA)*
OR
No waiting period if appointment is made in "emergency situation" (G.C. §8558)

Return-to-work retirees may accept Extra-Help or contract employment if "separation from service" rules (or exceptions) are met

* Safety NRA: age 50
General NRA: age 62

Retirement benefit is **UNAFFECTED**

REGULAR EMPLOYEE

Retirees may return to work for a VCERA employer as a regular employee

A regular employee is considered a reinstated active member in VCERA

MEMBER CONTACTS VCERA TO PETITION BOARD OF RETIREMENT TO BE REINSTATED (G.C. §31680.4 and 31680.5)

IF APPROVED

Retirement benefit is **SUSPENDED**

Member begins new position and accrues new service (possibly in different benefit tier, depending on position)

When member retires again, VCERA calculates separate benefit for new period of service, then adds result to previous benefit

REINSTATEMENT CHECKLIST:

1. Written letter to Board requesting reinstatement
2. Written offer of employment from prospective employer
3. Physician statement indicating member is not incapacitated from performing job duties
4. Acknowledgement that hire date will be effective on/after pay period following Board approval to reinstate

EMPLOYEE

Retirees may work for any non-VCERA employer as an employee in any capacity

Retirement benefit is **UNAFFECTED**

Extra-Help Only: Members who have received unemployment insurance in the previous 12 months arising out of employment with a VCERA employer are not eligible to return to work for that employer in any capacity (PEPRA §7522.56).



Reinstatement to Active Employment Checklist (Government Code Sections 31680.4 and 31680.5)

- Written application (letter) to the Board of Retirement requesting reinstatement to active employment, as required by Government Code Section 31680.4.
- Physician's statement indicating member is not incapacitated from performing the duties of the position.
- Written offer of employment from the prospective employer.
- Acknowledgement that the hire date will be effective on or after the first day of the pay period following Board approval of the reinstatement.