

CAMPBELL UNION SCHOOL DISTRICT
RESOLUTION 2018-19-55

EXEMPTION TO THE SEPARATION-FROM-SERVICE REQUIREMENT
FOR CALSTRS RETIREES

BE IT RESOLVED BY THE Governing Board of the Campbell Union School District and hereby ordered:

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,

WHEREAS, if the retired CalSTRS member or participant performed retired member or participant activities during this period, CalSTRS will reduce his or her retirement benefit or annuity one dollar for each dollar earned for performing retired member or participant activities during the 180-day period; and,

WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the Assistant Superintendent must complete the Request for Separation-From-Service Requirement Exemption form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of qualified certificated substitutes due to an ongoing shortage;

AND BE IT FURTHER RESOLVED that the Board wishes to meet this critical need by hiring Susan Evans, Judith Hutchison, Lynn Rowe, Pam Schultz, Kim Sisemore, members or participants who retired from service less than 180 days ago or who will retire;

AND BE IT FURTHER RESOLVED that these appointments are needed to fill this critical need before the 180 calendar day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that these members or participants did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired members' or participants' termination of employment is not the basis for the need to acquire their services;

AND BE IT FURTHER RESOLVED that the earnings for retired members' activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED that these members or participants will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the employer in a public meeting as reflected in a resolution and approved by CalSTRS;

NOW, THEREFORE, BE IT RESOLVED that these members or participants will not commence to perform retired member or participant activities before the Assistant Superintendent, Human Resources completes the Request for Separation-From-Service Requirement Exemption form and this is transmitted to and approved by CalSTRS.

The foregoing Resolution was adopted by the Governing Board of the Campbell Union School District on the 27th day of June, 2019 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Governing Board Clerk