



SISC

SELF-INSURED SCHOOLS OF CALIFORNIA

July 5, 2011

TO: District Superintendents and Key Contact Personnel
Kern County School Districts

FROM: Nick Kouklis, Chief Executive Officer
Self-Insured Schools of California

SUBJECT: Authorization for Release of Unemployment Insurance Records for Retired Annuitant

As the Unemployment Insurance Administrator for Kern County districts, we would like to provide you with a copy of form DE 1181. This is an Employment Development Department (EDD) form that may be used to receive confirmation from EDD if a retired annuitant has received Unemployment Insurance (UI) benefits within the last 12 months. EDD has confirmed that this form may be used for classified or certificated employees.

A district may choose to use this form to confirm if a retired annuitant has collected UI benefits within 12 months before hiring the retiree to work temporarily after retirement. If a retired annuitant has collected UI benefits within 12 months and is working temporarily for the same district, Government Code Section 21224 should be reviewed carefully.

Enclosures include the following:

1. DE 1181 form
2. Government Code Section 21224
3. Guide to CalPers, Page 5

Please be aware that a district may incur a liability under Government Code Section 21220(c) if a retiree is hired after receiving unemployment insurance compensation in violation of Government Code Section 21224. Districts should consult competent legal counsel if they believe that a violation of Section 21224 has occurred.

If you have any questions about the EDD form, please contact Carmen Gonzales at (661) 636-4416 or cagonzales@kern.org. If you have any questions regarding Government Code Section 21224, we recommend consulting with your legal advisor or with Schools Legal Service.

NK/cg
Enclosures

**AUTHORIZATION FOR RELEASE OF UNEMPLOYMENT INSURANCE
RECORDS FOR RETIRED ANNUITANT**

**To: Employment Development Department
Orange County Primary Call Center
P.O. Box 5007
Buena Park, CA 90622**

I, _____, authorize the Employment Development
Department (EDD) to release my Unemployment Insurance (UI) information for purposes related to
Government Code section 21224 [Retired Annuitant (RA) return to work prohibition for a CalPERS
employer if UI benefits collected within the last 12 months] to:

*Fold
Here*

TO:

	Appointing entity must include a stamped self-addressed return envelope with each request.
NAME AND TITLE	
STATE AGENCY	
MAILING ADDRESS	
CITY, STATE, AND ZIP CODE	

*Fold
Here*

Date: _____ **Signature:** _____
MONTH/DAY/YEAR RETIRED ANNUITANT SIGNATURE

(This Authorization shall remain in effect for 12 months from the date signed.) **Social Security Number:** _____
Date of Appointment: _____

Failure to sign this consent does not preclude the appointing entity authority from obtaining this information from the EDD after you are hired, pursuant to California Unemployment Insurance Code section 322.

**RA Declined to Sign
Consent Authorization** _____
APPOINTING AGENCY REPRESENTATIVE SIGNATURE PRINT NAME

TO BE COMPLETED BY EDD

Were UI benefits paid to the above individual in the last 12 months?
 YES NO If yes, date last paid: _____ For week ending: _____

If yes, base period employer names:

S
T
A
M
P
DATE RECEIVED BY EDD

CONFIDENTIALITY NOTICE: This notice is for the sole use of the intended recipients. It contains confidential or sensitive information. Under Penal Code 502 and Civil Code 1798.53, any unauthorized review, use, disclosure, or distribution of the content of this document is prohibited and subject to criminal penalties/fines. If you are not the intended recipient, please contact the EDD.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 21224

21224. (a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing work of limited duration. These appointments shall not exceed a total for all employers of 960 hours in any fiscal year, and the rate of pay for the employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties.

(b) (1) This section shall not apply to any retired person otherwise eligible if during the 12-month period prior to an appointment described in this section the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with the same employer.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment. The retired person shall not be subject to Section 21202 or subdivision (b) of Section 21220.

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 960-hour per Fiscal Year Limit

- **Member of an Advisory Committee, Board or Commission:** 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 officer 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.