

Reemployment of Retirees**3.1.5****PURPOSE**

This section covers the process for reemployment of retirees of the Federated Retirement System and Police and Fire retirees of the Police and Fire Department Retirement Plan. Federated retirees and Police and Fire retirees may be hired into the Unclassified Service for the purpose of performing duties of a temporary or intermittent nature.

The intent of this program is to help the City meet workload issues of a temporary nature. Retirees are to be used for special projects, seasonal or short-term work to supplement the regular Civil Service workforce. For specific duties that may be performed by Police and Fire retirees, refer to the Memorandum of Agreement between the City and the San Jose Police Officers' Association and the Memorandum of Agreement between the City and the International Association of Firefighters, Local 230.

This program is ***not*** to be used to circumvent the Civil Service testing and hiring process for positions that should appropriately be filled through an appointment in the classified Civil Service.

AUTHORITIES

San Jose Municipal Code, Part 9 of Chapter 3.28 of Title 3

3.28.1190 Limited Reemployment of Retired Person

- A. A person who has been retired under this System, for service or disability, may be employed by the City to perform City service on a temporary basis without reinstatement from retirement where the employment does not exceed one hundred twenty (120) working days or nine hundred sixty (960) hours, whichever is greater, in any payroll calendar year.
- B. A person who retired for disability shall be eligible for employment under this section only if employment is not available under Part 10A of this Chapter.

San Jose Municipal Code, Part 6 of Chapter 3.36 of Title 3

3.36.757 Limited Reemployment of Retired Person

- A. A person who has been retired under this system, for service or disability, may be employed by the City to perform City service on a temporary basis without reinstatement from retirement where the employment does not exceed one hundred twenty working days (120) or nine hundred sixty hours (960), whichever is greater, in any payroll calendar year. For the purposes of this provision, "payroll calendar year" means the twelve-month period commencing on the first day of the first pay period for active City employees.
- B. The procedures for the employment of a retired person under this section shall be in accordance with the procedures set forth in the City Administrative Policy Manual.

Reemployment of Retirees**3.1.5****POLICY**

Retirees may be returned to City employment through a request to their former department. Their former department may then submit a "Request to Hire a Temporary Employee (Unclassified)" form to Human Resources.

1. Employment Status

Retirees rehired under this program are temporary, unclassified, and unbenefited (job code 9984) employees.

2. Program Eligibility

Retired City employees are eligible for rehire under this program thirty (30) days after the effective date of their service retirement.

A retiree of the Federated Retirement System who retired for disability shall be eligible for employment under this program only if employment is not available under Part 10A of Chapter 3.28 (Reemployment of Disability Retiree) of the City of San Jose Municipal Code.

3. Time Limit

Appointments are limited by San Jose Municipal Code and the Federated Retirement System and Police and Fire Department Retirement Plan to a maximum of 960 hours in any payroll calendar year. "Payroll calendar year" means the twelve-month period commencing on the first day of the first pay period (01) for active City employees.

4. Departments are Responsible for Budget Accountability

The cost of wages paid to a rehired retiree is charged to the hiring department's budget. The hiring department is responsible for ensuring that the expenditure does not exceed its authorized budget.

Any proposal for appointment of a temporary employee that covers a period of more than two (2) weeks must be approved in writing by the Budget Office.

Registry assignments may not be extended beyond two (2) weeks without Budget Office approval.

5. Determination of Salary

If the rehired retiree is to perform work of the same type and level as his/her former job classification, the pay will be at the current rate for that classification which the retiree last occupied, and at the retiree's former pay step.

If the job duties of a rehired retiree are not substantially similar to his/her former City classification, the retiree shall be paid the current hourly rate of the classification that most closely matches the assigned duties. The maximum salary is the current top step of the designated classification. In no event shall a retiree be paid less than the City's living wage.

Reemployment of Retirees

3.1.5

The retiree's pay rate will be evaluated and may be reset at the beginning of each new assignment to reflect the current pay in effect for the retiree's designated classification. Rehired retirees are not eligible for general, step or merit increases.

6. Benefits Received by the Employee

Employees rehired under this plan will be placed in the Temporary Employee (Unclassified) - Retiree classification (job code 9984 or 9981), and are unbenefited employees.

Rehired retirees will not be eligible to make contributions into the Federated Retirement System or the Police and Fire Department Retirement Plan, the City's PTC 457 plan, or the 457 plan established under Chapter 3.48 of the Municipal Code. Hours worked as a rehired retiree do not increase the Retirement Benefit established at the time of retirement. **(Note: Retirement benefits will be suspended if a Rehired Retiree works more than 960 hours in a payroll calendar year).**

Rehired retirees shall not be entitled to a disability retirement from the position in which the person is reemployed.

Rehired retirees will be covered for all work related injuries under the City's Workers' Compensation program.

7. Status and Seniority

Rehired retiree employees are at-will and therefore subject to removal from assignment or placement eligibility at any time. Rehired retirees will automatically be placed on "inactive" status (ineligible to receive pay) for the remainder of the payroll calendar year after working a total of nine hundred and sixty (960) hours. There is no seniority credit associated with this program.

Retiree must have necessary skills and experience to fulfill the job. Rehired retirees will not be used as supervisors of permanent employees of the same or higher class. Rehired retirees will not have primary responsibility for performance appraisals of regular Civil Service employees.

8. Termination of Assignment

When the rehired retiree leaves employment with the City, the department should submit a completed Notice of Separation form for the employee.

9. Departments are Responsible for Avoiding Nepotism

The administration of this method of hiring has been simplified as much as possible to give departments flexibility to handle their unique temporary staffing needs. Therefore, it is essential that departments ensure that job-related criteria are used in all temporary employee-staffing decisions. Discrimination, favoritism, political interference, and nepotism are strictly prohibited in the selection and use of these employees.

10. Reporting Requirements

Reemployment of Retirees**3.1.5**

The Office of Employee Relations will track the names of rehired retirees, the assigned department(s), job title, and hours worked in the most recent quarter, and cumulative hours worked in the current payroll calendar year. This information will be transmitted to the bargaining unit representatives on a quarterly basis. In addition, Employee Relations will report the cumulative hours worked by retirees in the current and prior payroll calendar year to the bargaining unit representative by March 1st of each year.

PROCEDURES

- | | |
|---------------------------------|---|
| Retiree | 1. Submits a reemployment request to their former department indicating a desire to return to work under the "Rehire of Retiree" program. |
| Department Director or Designee | 2. Prepares "Request to Hire Temporary Employee (Unclassified)" form, which includes a description of the scope of work, recommended salary, and source of funding, and submits to Human Resources. |
| Human Resources | 3. Reviews information on Request form. Verifies that the scope of work is appropriate for a Temporary Employee Retiree Unclassified. Approves or adjusts salary. If approved, signs form and forwards to Budget Office. If disapproved, advises departments of other hiring alternatives. |
| Budget Office | 4. Reviews proposal for spending authorization. If approved, signs form and returns form to hiring department. |
| Department Director or Designee | 5. Upon receiving Human Resources and Budget Office approval, makes offer to candidate. Sends a completed Transmemo and a copy of the approved Request to Hire a Temporary Employee (Unclassified) form to Human Resources. |
| Human Resources | 6. Enters Retiree information into Retired Employee Registry database (for tracking purposes). If Rehired Retiree has already been "rehired" into PeopleSoft, reviews salary placement of retiree. If necessary, Transactions staff will enter a row to adjust to salary to reflect the hourly wage requested in "Request to Hire Temporary Employee (Unclassified) document. |
| Employee Relations | 7. Generates periodic reports to the bargaining unit representatives. |

Reemployment of Retirees

3.1.5

Approved:

/s/ Jennifer Schembri
Director of Employee Relations
Director of Human Resources

April 5, 2019
Date

Approved for posting:

/s/ Jennifer Maguire
Assistant City Manager

April 5, 2019
Date