

Employer Information Circular

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Post-Retirement Employment for Classified Employees

The purpose of this circular is to remind employers that certain restrictions apply to post-retirement employment in K-12 and community college districts.

Under Sections 45134 and 88033 of the Education Code, no person shall be employed by a school or community college district in a classified position who is receiving a retirement allowance as a result of prior school or community college employment, unless he or she meets criteria specified in the code.

Under Section 88001 of the Education Code, a classified position means that each position in the classified service shall have a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specified statement of the duties required to be performed by the employees in each such position, and the regular monthly salary ranges for each such position.

This restriction does not apply to those employed in classified positions that are:

- Hired as an aide in a K-12 district:
 - (1) in a class with a high pupil-teacher ratio, or
 - (2) to provide one-on-one instruction in remedial classes or for underprivileged students.
- Employed in a classified position of any school or community college district as of September 18, 1959, and still in its employ on September 15, 1961.
- Determined to be disabled per Chapter 8 of Part 3 of Division 5 of Title (commencing with Section 21150) of the Government Code.