Title: **Hiring of Retired School Employees**
Code: 5001
Section: WSSDA Model Policies
Section: 5000 - Personnel

The district will recruit, select, and employ the best-qualified individuals as employees. The district may employ persons retired from the Teachers' Retirement System (TRS), the School Employees' Retirement System (SERS), or the Public Employees' Retirement System (PERS). A retired employee will only be rehired pursuant to this district policy.

TRS Plan 1 Retirees
TRS Plan 1 retirees who reenter employment more than one calendar month after their accrual date may be employed in a non-administrative position for up to 867 hours in a school year without suspension of their pension benefits.

Until ~~July 1, 2025~~January 1, 2030, TRS Plan 1 retirees who enter reemployment more than one calendar month after their accrual date may work in a school district in a non-administrative position for up to 1,040 hours in a school year and continue to receive their pension payments.

[If your district is a second-class district as defined in RCW 28A.300.065, you can include this language in addition to what's above: Until January 1, 2030~~July 1, 2025~~, TRS Plan 1 retirees who retired before January 1, 2022, may be employed as a superintendent or an in-school administrator for up to 1,040 hours in a school year and continue to receive pension payments.]

TRS Plan 2 & Plan 3 Retirees
TRS Plan 2 and Plan 3 retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

TRS Plan 2 and Plan 3 retirees who have retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) and who reenter employment more than one calendar month after their accrual date and after June 9, 2016, may be employed in a non-administrative capacity for up 867 hours in a calendar year without suspension of their pension benefits.

Until January 1, 2030~~July 1, 2025~~, TRS Plan 2 and Plan 3 retirees who enter reemployment more than one calendar month after their accrual date may work in a school district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments.

[If your district is a second-class district as defined in RCW 28A.300.065, you can include this language in addition to what's above: Until January 1, 2030~~July 1, 2025~~, TRS Plan 2 and Plan 3 retirees who retired before January 1, 2022, may be employed as a superintendent or an in-school administrator for up to 1,040 hours in a calendar year and continue to receive pension payments.]

If a rehired retiree under TRS plan 2 or plan 3, opts to reestablish TRS membership under RCW 41.32.044 they will no longer be eligible to retirement benefit accrual and shall make contributions to receive membership credit.

SERS Plan 2 & 3 Retirees
SERS Plan 2 and Plan 3 retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

~~SERS Plan 2 and Plan 3 retirees who have retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) and who reenter employment more than one calendar month after their accrual date may be employed in a non-administrative capacity for up 867 hours in a calendar year without suspension of their pension benefits.~~

Until ~~July 1, 2025~~January 1, 2030, SERS Plan 2 and Plan 3 retirees who enter reemployment more than one calendar month after their accrual date, including those who have retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b), may work in a school district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments.

If a rehired retiree under SERS plan 2 or plan 3, opts to reestablish SERS membership under RCW 41.35.030 they will no longer be eligible to retirement benefit accrual and shall make contributions to receive membership credit.

PERS Retirees
PERS retirees who reenter employment more than one calendar month after their accrual date may be employed in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010 for up to 867 hours in a calendar year without suspension of their pension benefits.

Until ~~July 1, 2025~~January 1, 2030, PERS retirees who enter reemployment more than 100 days after their accrual date, including those who have retired under the alternate early retirement provisions of RCW 41.40.630(3)(b) or 41.40.820(3)(b), may work in a school district in a non-administrative position for up to 1,040 hours in a calendar year and continue to receive their pension payments.

If a rehired retiree under PERS plan 1, opts to reestablish PERS membership under RCW 41.40.023(12), they will no longer be eligible to retirement benefit accrual and shall make contributions to receive membership credit.

District Responsibilities
The district will abide by the following process when considering a retiree for employment:

A. The board of directors will approve a process for recruitment and selection of employees, including those vacancies for which a retiree applicant may be

considered;

B. Applicant(s) will be evaluated and considered equally, selecting the candidate who best meets the needs of the district;

C. There will be no prearranged employment agreement or commitment to rehire an employee after retirement. Mere inquiries about post-retirement employment do not constitute an agreement;

D. Employment will be limited to a maximum of a one-year, non-continuing contract or appointment;

E. Subject to any applicable bargaining agreements, vacancies filled by retirees will be annually reviewed by the board to determine whether the retiree will be rehired for another year of employment;

F. The district will provide the retiree with the same terms and conditions of employment as other appointees or employees in comparable positions with the exception of sick-leave cash-out; and

G. The district will report the number of hours worked by the retiree to DRS.

Retired Employee Responsibilities
The following conditions of employment will apply to retirees that are re-employed:

A. Retired applicants will disclose to the district whether they are retired from a Washington state retirement plan.

B. Employees must satisfy the DRS requirement for separation and retirement from service prior to accepting a retire/rehire position with the district.

C. Retirees are subject to the same collective bargaining membership as other one-year temporary employees.
D. Retirees are responsible for tracking service hours during post-retirement employment among multiple employers.

Last Revised: ~~**April 10, 2023**~~
Classification: **Critical**
Prior Revised Dates: **06.07; 08.11; 07/01/2016; 06/29/2022; April 10, 2023**

Legal References:

- RCW 28A.405.900 Certain certificated employees exempt from chapter provisions
- Chapter 41.32 RCW Teachers' retirement
- RCW 41.32.570 Post-retirement employment - Reduction or suspension of pension payments
- RCW 41.32.802 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 Reestablishment of membership

- RCW 41.32.862 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 Reestablishment of membership
- Chapter 41.35 RCW Washington school employees□□□ retirement system
- RCW 41.35.060 Reduction of retirement allowance upon reemployment or if covered by plan under RCW 28B.10.400 Reestablishment of membership
- Chapter 41.40 RCW Washington public employees' retirement system
- RCW 41.40.037 Service by retirees - Break in employment requirement - Reduction of retirement allowance upon reemployment - Reestablishment of membership

Management Resources:

- 2023 - April Issue
- 2022 - June June
- 2016 - July Issue
- 2011 - August Issue
- Policy News, June 2007 Revisions to Retire/Rehire Law

Cross References:

- 5610 - Substitute Employment
- 5612 - Temporary Administrators
- 5050 - Contracts

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