

## **Reemployment of PERS-Retired Staff**

### 1. Current ESD Employees

- a. In the event that an ESD employee retires<sup>1</sup> and begins receiving benefits from the Public Retirement Employees System (PERS) prior to the end of the school year, he/she may be retained by the ESD in his/her current position or another position as deemed appropriate by the ESD until the end of the school year subject to the provisions of ORS 238.082 and the provisions of any applicable collective bargaining agreement.
- b. All requests for continued employment by the ESD must be submitted in writing to the superintendent no later than 60 calendar days before the individual retires from PERS. Requests will be considered based on the following criteria:
  - (1) Need. The individual must be licensed and have experience in a specialty area such as Special Education Communication Services, Autism Spectrum Disorder Services or other such areas of identified ESD shortage of qualified teachers or other ESD need or have specific training or skills in an area of identified shortage of classified personnel as determined by the ESD;
  - (2) Evaluations. The individual must have satisfactory performance evaluations. An individual who has been on a program of assistance for improvement or with written directives or written reprimands within the past five years will not be considered for retention by the ESD.
- c. A licensed employee's change in PERS status shall not, in and of itself, constitute a break in service. A classified employee's seniority will be determined as defined in the collective bargaining agreement, Board policy or individual employment contract.
- d. Decisions to retain the individual in his/her current position will be made by the Superintendent. The individual will not be required to submit to established ESD application and interview procedures. Decisions to retain the individual in a position other than the individual's current position, such as a new position or another vacant position will be made by the Superintendent, as appropriate. The individual may be required to submit to established ESD application and interview procedures for such positions, as determined by the Superintendent.
- e. A retired member who is employed as a classified employee or teacher, as defined by ORS 342.120, will remain in the same collective bargaining unit that included the member before

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<sup>1</sup>The period or periods of employment by one or more public employers of any person receiving a service retirement allowance shall not total 1,040 hours or more in any calendar year; but if the person is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act, the person may be employed for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled. The limitations on employment imposed above do not apply to a retired member who has attained normal retirement age and who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school ESD or education service ESD that has its administrative office located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census.

retirement, unless retirees or the assignments (e.g., temporary, substitute, etc.) are specifically excluded from the collective bargaining agreement.

- f. Salary, benefits and length of contract for early retirees who are excluded from the bargaining unit will be determined by the Superintendent.
- g. Employees who retire during the school year shall not serve past June 30. Decisions on continued employment past that date will be made by the ESD on a case-by-case basis.
- h. The maximum hours of work performed by an employee shall not exceed 1039 hours. The employee shall be responsible for submitting a record of his/her hours worked to payroll, at least monthly, to assure that the period of employment does not exceed the statutory maximum.
- i. The ESD will immediately submit an Employment of PERS Retiree form to the PERS office as required by law.

## 2. Former ESD Employees

An ESD employee who retired and left ESD employment may apply for a subsequent vacancy with the ESD under the same application and interview procedures as all other applicants for ESD employment.