

HIRING OF RETIRED SCHOOL EMPLOYEES

The district shall 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 shall only be rehired pursuant to this district policy.

Until August 1, 2020, the district may employ teachers in TRS Plan 2 or 3 who have retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or RCW 41.32.875(3)(b).

Such employment is subject to the following conditions: 1) One calendar month must have elapsed since the retiree's accrual date; 2) the retiree must be employed exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) or in an instructional capacity (as opposed to an administrative or supervisory capacity); and 3) the district must compensate its substitute teachers at a rate that is at least 85% of the full daily amount allocated by the state to the district for substitute teacher compensation.

All retirees of TRS, SERS or PERS may work an annual threshold of eight hundred sixty-seven (867) hours per year while receiving retirement benefits. The annual threshold for TRS Plan 1 retirees is calculated per fiscal year. All other plans are calculated per calendar year. Qualified hours are determined by whether the retiree works in an eligible position as defined by the Department of Retirement Systems (DRS).

Effective January 1, 2012, ESHB 1981 limits PERS Plan 1 retirees to 867 hours in a calendar year and TRS Plan 1 retirees to 867 hours in a fiscal year, which is July thru June.

District Responsibilities

The district shall abide by the following process when considering a retiree for employment:

- A. The board of directors shall approve a process for recruitment and selection of employees, including those vacancies for which a retiree applicant may be considered.
- B. Applicant(s) shall be evaluated and considered equally, selecting the candidate who best meets the needs of the district.
- C. There shall 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 shall be limited to a maximum of a one-year, non-continuing contract or appointment.
- E. The district will maintain records of the process followed in seeking qualified candidates that resulted in the hiring of the retiree.
- F. The board of directors shall approve the hiring and document a justifiable need for choosing the retiree.

- G. Subject to any applicable bargaining agreements, vacancies filled by retirees shall be annually reviewed by the board to determine whether the retiree will be rehired for another year of employment.
- H. The district shall 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.
- I. The district shall report the number of hours worked by the retiree to DRS.

Retired Employee Responsibilities

The following conditions of employment shall apply to retirees that are re-employed:

- A. Retired applicants shall 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.

Cross References: 5612 - Temporary Administrators
 5610 - Substitute Employment
 5050 - Contracts

Legal References: Chapter 41.32 RCW Teachers' retirement
 Chapter 41.40 RCW Washington public employees' retirement system

Management Resources: 2016 - July Issue
 2011 - August Issue
 Policy News, June 2007 Revisions to Retire/Rehire Law

Adopted: March 8, 2010
Amended: October 14, 2013
Amended: October 24, 2016