

**EL DORADO COUNTY BOARD OF EDUCATION  
RESOLUTION NO. 2016-09**

**RESOLUTION FOR EXEMPTION TO THE SEPARATION-FROM-SERVICE REQUIREMENT  
PURSUANT TO SECTION 24214.5 AND 26812 OF THE EDUCATION CODE**

WHEREAS, pursuant to Education Code Section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by Education Code Section 22164.5 or retired participant activities as defined by Education Code Section 26135.7, during the first 180 calendar days after their most recent retirement; and

WHEREAS, if the retired CalSTRS member or participant performed retired member or participant activities during this period, CalSTRS will reduce his or her retirement benefit or annuity one dollar for each dollar earned for performing retired member or participant activities during the 180 day period; and

WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and

WHEREAS, this approval by the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and

WHEREAS, the County Superintendent for the El Dorado County Office of Education must complete the Request for Separation-from-Service Requirement Exemption form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities;

NOW, THEREFORE, BE IT RESOLVED that public notice has been provided that the El Dorado County Office of Education is in critical need of a Speech-Language Pathologist to provide speech-language pathology services because a statewide shortage of Speech-Language Pathologists exists, and the El Dorado County Office of Education has been unable to recruit a sufficient number of Speech-Language Pathologists to fill vacancies;

AND, BE IT FURTHER RESOLVED, that the County Board and County Superintendent of Schools wish to meet this critical need by hiring MARY HOMELVIG, a member or participant who retired for service less than 180 days ago, or who will retire;

AND, BE IT FURTHER RESOLVED, that the County Board and County Superintendent of Schools find that this appointment is needed to fill this critical need before the 180 calendar day separation-from-service requirement is fulfilled;

AND, BE IT FURTHER RESOLVED, that the County Board and County Superintendent of Schools find that this member or participant is not ineligible due to receipt of a retirement incentive or any financial inducement to retire from any public employer;

AND, BE IT FURTHER RESOLVED, that the County Board and County Superintendent of Schools find that the retired member's or participant's termination of employment is not the basis for the need to acquire his or her services;

AND, BE IT FURTHER RESOLVED, that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND, BE IT FURTHER RESOLVED, that this member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the employer in a public meeting as reflected in a resolution and received by CalSTRS;

AND, BE IT FURTHER RESOLVED, that this member or participant will not commence to perform retired member or participant activities before the County Superintendent of Schools completes the Request for Separation-from-Service Requirement Exemption form and this is transmitted to and received by CalSTRS.

I hereby certify the foregoing to be a full, true, and correct copy of a resolution duly adopted by the El Dorado County Board of Education at a regular meeting of said board held at Placerville, California, on September 6, 2016.

PASSED AND ADOPTED by the El Dorado Board of Education on this 6<sup>th</sup> day of September, 2016.

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Rich Fischer, President  
El Dorado County Board of Education

ATTEST:

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Ed Manansala, Ed.D.  
El Dorado County Superintendent of Schools