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Introduction Date	9/27/2017
Enactment Number	17-1418
Enactment Date	9/27/17 <i>OR</i>



LABOR MANAGEMENT & EMPLOYEE RELATIONS

Memo

To Board of Education

From Marion McWilliams, General Counsel
Jenine Lindsey, Director of Labor Strategy

Board Meeting Date September 27, 2017

Subject **Resolution No. 1718-0024 – Exemption to the Separation-From-Service Requirement - California State Teachers Retirement System (CalSTRS)**

Action Requested Approval by the Board of Education of Resolution No. 1718-0024, authorizing the District to request an exemption to the Separation-From-Service Requirement on behalf of seven teachers who retired from the District and are members of the California State Teachers Retirement System (CalSTRS).

Summary Pursuant to Education Code sections 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants receiving an annuity, during which the postretirement compensation limit for the performance of retired member and participant activities is zero dollars (\$0).

To circumvent the teacher shortage while the District continues its' efforts to recruit qualified teachers to ensure each student is prepared for college, career and community success, the District intends to seek exemptions to allow seven retired teachers to return to the District as substitute teachers to fill critically needed teaching positions.

Fiscal Impact No financial impact.

Recommendation Approval by the Board of Education of Resolution No. 1718-0024, authorizing the District to request an exemption to the Separation-From-Service Requirement on behalf of seven teachers who retired from the District and are members of the California State Teachers Retirement System (CalSTRS).

Attachments • Resolution No. 1718-0024

RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 1718-0024

**EXEMPTION TO THE SEPARATION-FROM-SERVICE
REQUIREMENT PURSUANT TO SECTION 24214.5 OR 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 section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, 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 governing body of 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 Superintendent 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 the Board of Education does provide public notice that the District is in critical need of qualified substitute teachers to ensure each student is prepared for college, career, and community success by providing rigorous instruction in every classroom because there is a shortage of qualified teachers.

AND BE IT FURTHER RESOLVED that the Board wishes to meet this critical need by hiring the following individuals, who retired for service less than 180 days ago or who will retire;

1. Allison McGuirk (teacher)
2. Carlus Harris (teacher)
3. Catherine Mahoney (teacher)
4. Donald Carter (TSA)
5. Julianne Moscovitz (teacher)
6. Patrick LeCourt (teacher)
7. Samuel Martinez, (TSA)

AND BE IT FURTHER RESOLVED 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 members or participants did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED 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 the members or participants 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 Superintendent completes the *Request for Separation-from-Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

PASSED AND ADOPTED this ___27th___ day of September, 2017, by the following vote:

AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Jumoke Hinton Hodge, Jody London, Vice President
Nina Senn, President James Harris

NOES: None

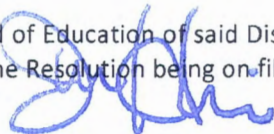
ABSTAIN: None

ABSENT: None

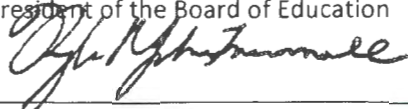
CERTIFICATION

We, James Harris, President, and Kyla Johnson-Trammell, Secretary of the Governing Board of the Oakland Unified School District, respectively, do hereby certify that the foregoing Resolution was duly approved and adopted by

the Board of Education of said District at its Regular Meeting held on the 27th day of September, 2017, with a copy of the Resolution being on file in the Office of the Board of Education of the District.



James Harris
President of the Board of Education



Kyla Johnson-Trammell
Secretary, Board of Education