

State of California  
Memorandum



**To:** College Deans: Phil Bailey; David Christy; Linda Halisky; Tom Jones; Bonnie Konopak; Peter Lee; David Wehner  
**Date:** January 11, 2005

**From:** Michael Suess *MHS*  
Associate Vice President for Academic Personnel

**Copies:** Department Chairs/Heads  
Robert Detweiler  
Hiram Davis  
Susan Opava  
Linda Dalton  
David Conn  
Manzar Foroohar  
David Hannings  
**File:** S:/ferp/post-retirement

**Subject:** Faculty Post-Retirement Employment

---

This is reminder of post-retirement employment limitations for faculty employees. Government Code provisions permit former California State University (CSU) academic employees who retire and receive retirement benefits from the California Public Employees' Retirement System (CalPERS) to accept limited CSU employment without jeopardizing retirement benefits or requiring reinstatement from retirement.

Government Code 21227 allows a retiree to accept a faculty assignment where such post-retirement employment does not exceed, in any fiscal year, 960 hours or 50 percent of the hours the member was employed during the last fiscal year prior to retirement. Recently, CalPERS advised the CSU that the retiree is required to select the option that provides the lesser employment. Every academic workday of a specific academic term (prorated by time base) counts toward the 960 hour or 50 percent limitation, regardless of the actual days teaching or whether the faculty member is working full or part-time during the term.

The Faculty Early Retirement Program (FERP) article in the CSU-CFA collective bargaining agreement is more restrictive and limits FERP employment to 90 days (720 hour equivalent) or 50 percent of the employee's regular time base in the year preceding retirement. The campus academic calendar identifies workdays. Every academic workday in a term (academic quarter) counts toward the FERP 90 day or 50 percent methodology maximum, regardless of actual days spent teaching.

FERP participants are not eligible for other CSU appointments except for appointments in CSU extension (Continuing Education) during the period of employment in FERP. For example, a FERP participant may not be appointed as a lecturer and may not be appointed to additional employment through the Foundation. The only exception allows a FERP participant assigned to work full-time for one academic quarter to also accept CSU extension (Continuing Education) on days that do not coincide with the period of FERP employment as long as the total of FERP plus CSU extension does not exceed 90 days in a fiscal year.

If post-retirement employment limits are exceeded, the CalPERS' retiree and Cal Poly are subject to penalties to include repaying the employee and employer contributions that would have been paid during any period of "unlawful" employment, plus interest and administrative expenses incurred by CalPERS in responding to this situation.