



## Rehire Documentation Requirements - Contract

- I. **Contract employees returning *within* 18 months since separation:**
  - A. If separated *within* 18 months, the employee's personnel file would still be on site and available. The returning employee would need to consider if any updates to their record are needed, such as address, tax withholdings, direct deposit, beneficiaries, investment accounts, etc.
  - B. If an employee has voluntarily resigned – per the California Education Code §88128, the former employee can re-apply and competitively compete for a position within the District, the same as any other person who has not worked for the District in the past.
  - C. If the employee returns to a vacant position in the same or lower classification within 39 months of their resignation, they would receive the same:
    1. Rate of seniority
    2. Vacation accrual rate (not balance)
    3. Accrued sick leave
    4. Salary step and range placement as when they departed from the same classification.
- II. **Contract employees returning *after* 18 months since separation:**
  - A. If separated for *more than* 18 months, each person would need to be treated like a new employee:
    1. Complete a new online application package;
    2. Complete a new hire packet via Equifax (remember that new forms and mandated regulations are added to the new hire packets regularly). This includes a new 19 form.
    3. Regarding Live Scan – A hiring manager needs to confirm that the individual has a Live Scan clearance on file.
      - a. If hired before Live Scan existed, then Live Scan would now be required.
      - b. If Live Scan clearance is on file, the hiring manager needs to confirm there have been no Subsequent Arrest Reports received since separation from District, and that the conviction is not one that would otherwise prevent the individual's rehire.
    4. Regarding Academic MQs – Deans need to confirm that the individual qualifies under the current MQ Handbook, or has a new approved Equivalency Determination.
  - B. If an employee has voluntarily resigned – per the California Education Code §88128, the former employee can re-apply and competitively compete for a position within the District, the same as any other person who has not worked for the District in the past.
  - C. If the employee returns to a vacant position in the same or lower classification within 39 months of their resignation, they would receive the same:
    1. Rate of seniority
    2. Vacation accrual rate (not balance)
    3. Accrued sick leave
    4. Salary step and range placement as when they departed from the same classification.



## **Rehire Documentation Requirements - Adjuncts**

- III. Adjuncts returning from a *true separation*, such as 18 months of no pay or resignation:**
- A.** If formally separated, each person would need to be treated like a new employee:
    - 1.** Complete a new online application package;
    - 2.** Complete a new hire packet via Equifax (remember that new forms and mandated regulations are added to the new hire packets regularly). This includes a new I9 form.
    - 3.** Regarding Live Scan – A hiring manager needs to confirm that the individual has a Live Scan clearance on file.
      - a.** If hired before Live Scan existed, then Live Scan would now be required.
      - b.** If Live Scan clearance is on file, the hiring manager needs to confirm there have been no Subsequent Arrest Reports received since separation from District, and that the conviction is not one that would otherwise prevent the individual's rehire.
    - 4.** Regarding Academic MQs – Deans need to confirm that the individual qualifies under the current MQ Handbook, or has a new approved Equivalency Determination.
- IV. Adjuncts returning from a short work break or who haven't worked with the District for 60 or more days:**
- A.** Since there has been no break in service, this doesn't qualify as a re-hire and does not get reported to the EDD as such.
  - B.** However, the employee needs to consider if any updates to their record are needed, such as address, tax withholdings, direct deposit, beneficiaries, investments accounts, etc.



## **Rehire Documentation Requirements - Retirees**

### **V. Retirees returning *less than 18 months* since retirement:**

- A.** Per AP 4260.1 & California Education Code § 87408.5 – Health Evaluation and Medical Examination – all retirees (regardless if Classified or Academic) must undergo a pre-employment medical examination (including TB clearance), at their own expense, prior to returning to work the first time – regardless of the time span since retirement. Retirees who have previously returned as a retiree and have supplied medical clearance, do not need to provide it again.
- B.** If separated *within 18 months*, the employee’s personnel file would still be on site and available. The returning employee would need to consider if any updates to their record are needed, such as address, tax withholdings, direct deposit, beneficiaries, investment accounts, etc.
- C.** CalPERS retired annuitants are prohibited from returning to work in any classified or NANCE position due to regulatory guidelines and compliance. However, a CalPERS retired annuitant can return to work in an academic/CalSTRS covered position, subject to earnings limitations.
- D.** CalSTRS retired annuitants cannot return in a classified position except under certain circumstances, such as a teacher’s aide. However, a CalSTRS retired annuitant is subject to earnings limitations.
  - 1.** Cannot earn any pay without it affecting their retirement benefit if they return to work before the 180-calendar day separation-from-service requirement is met.
  - 2.** Any impact to their monthly retirement benefit is handled directly through CalSTRS, not SDCCD.

### **VI. Retirees returning *more than 18 months* since retirement:**

- A.** Per AP 4260.1 & California Education Code § 87408.5 – Health Evaluation and Medical Examination – all retirees (regardless if Classified or Academic) must undergo a pre-employment medical examination (including TB clearance) at their own expense, prior to returning to work the first time – regardless of the time span since retirement. Retirees who have previously returned as a retiree and have supplied medical clearance, do not need to provide it again.
- B.** If separated for *more than 18 months*, each person would need to be treated like a new employee:
  - 1.** Complete a new online application package;
  - 2.** Complete a new hire packet via Equifax (remember that new forms and mandated regulations are added to the new hire packets regularly). This includes a new 19 form.
  - 3.** Regarding Live Scan – A hiring manager needs to confirm that the individual has a Live Scan clearance on file.
    - a.** If hired before Live Scan existed, then Live Scan would now be required.
    - b.** If Live Scan clearance is on file, the hiring manager needs to confirm there have been no Subsequent Arrest Reports received since separation from District, and that the conviction is not one that would otherwise prevent the individual’s rehire.
  - 4.** Regarding Academic MQs – Deans need to confirm that the individual qualifies under the current MQ Handbook, or has a new approved Equivalency Determination.



## Ineligible for Rehire

### **VII. Employees who were terminated or have a Job Indicator of “Ineligible for Rehire” regardless of time lapse:**

- A.** If terminated – first consult with Director of Employee Relations if the termination was justified and if consideration of re-employment would be permitted with, or without, caution/restrictions, or prohibition altogether.
  
- B.** If “Ineligible for Rehire”, re-employment is not permitted.

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#### **RESOURCES:**

California Education Code [§88128](#)

Administrative Procedure [4260.1](#)

California Education Code [§87408.5](#)