



Returning Retiree Program: Overview and Metrics

Christina H. Cintron, Chief of Member Services

Agenda



- Background Information
- Evolution of SBCERA's Returning Retiree Policy
- Current Certification Requirements & Enforcement Criteria
- Program Metrics
- Potential Policy Considerations
- Conclusion

Background Information

- A Returning Retiree is:
 - An SBCERA Retiree who is receiving monthly benefit payments
 - Returning to work for an SBCERA-participating employer
- SBCERA Benefits Policy No. 032 –
Retirees Returning to Work
 - Allows limited, temporary employment under defined circumstances



San Bernardino County Employees'
Retirement Association

Evolution of SBCERA's Returning Retiree Policy

Overview of Benefits Policy No. 032 Revisions
(2015-2024)

2015 – Original Policy

- Introduced Limited Duration re-employment (PEPRA).
 - Limited duration period was 24 months.
- Allowed certification without a stated end date if it was genuinely limited in scope and expected to be completed within a foreseeable time.
- No Extreme Necessity requirement.
- No Board approval needed for extensions beyond 24 months.
- Early compliance monitoring:
 - Employer reporting at 700 hours; and/or
 - Within 6 months of their re-employment end date.

2018 – Major Changes

- Reduced the maximum limited duration period from 24 to 18 months.
- Extensions beyond 18 months must meet the following conditions:
 - Re-employment was necessary due to a genuinely extreme necessity that was unavoidable or unforeseen.
 - The work was limited to a discrete, genuinely limited assignment.
 - The Board of Retirement approved the request.
- First appearance of the term Extreme Necessity.
- First time Board approval was required for extension requests.

2020 - Stability

- No substantive changes from 2018.

2023 – Clarification & Categorization

- Specified 18 consecutive months.
 - Removed “no end date” language.
- Created two categories:
 - Presumed Compliance – Initial certification period (staff approved)
 - Greater than 18 Months – Extension requests (Board approved).
- Separated definitions related to Extreme Necessity and Completion of Work.
- Reinforced “No Part-Time Employment” rule with its own subheading.
- Added guidance for volunteer, independent contractor, and other roles.
- Annual employer reporting due within 10 business days of fiscal year end.

2024 – Enforcement Strengthening

- Enhanced violation language.
- Introduced explicit penalty provisions for employers and retirees.
- Focused on prompt, meaningful enforcement of compliance.

Current Certification Requirements

Initial Certification Requests

(Staff Approved)

The following conditions must be met:

- 960-hour limit per fiscal year
- 18 *consecutive* month duration limit
- Justification of operational need
- Pay range compliance
- Bona Fide separation from service
- Provide required documentation

Certification Extension Requests

(Board Approved)

Requests must be approved by the Board of Retirement and meet the following criteria:

- Extreme necessity – unanticipated or unavoidable circumstances
- Limited duration – clearly defined and temporary in nature
- Provide updated documentation



San Bernardino County Employees'
Retirement Association

Other Information

- The Returning Retiree program is not intended to solve long-term staffing issues or serve as a substitute for permanent recruitment.
- For extension requests, staff requests information surrounding recruitment efforts by the employer to present to the Board.



San Bernardino County Employees'
Retirement Association

Enforcement & Monitoring

- Employers must track hours, respond to SBCERA staff inquiries, and suspend work if limits are exceeded, or extensions are denied.
- Employer Annual Reporting – must report Returning Retirees to SBCERA within 10 business days of the new fiscal year.
 - Must report any retiree certified to return to work.
 - Must also report independent contractors.
 - Must also include total hours worked.
- Non-compliance may result in monthly benefit suspension, reinstatement to active service, and a \$200 per month administrative fee for late reporting.

Returning Retiree Certifications by Fiscal Year

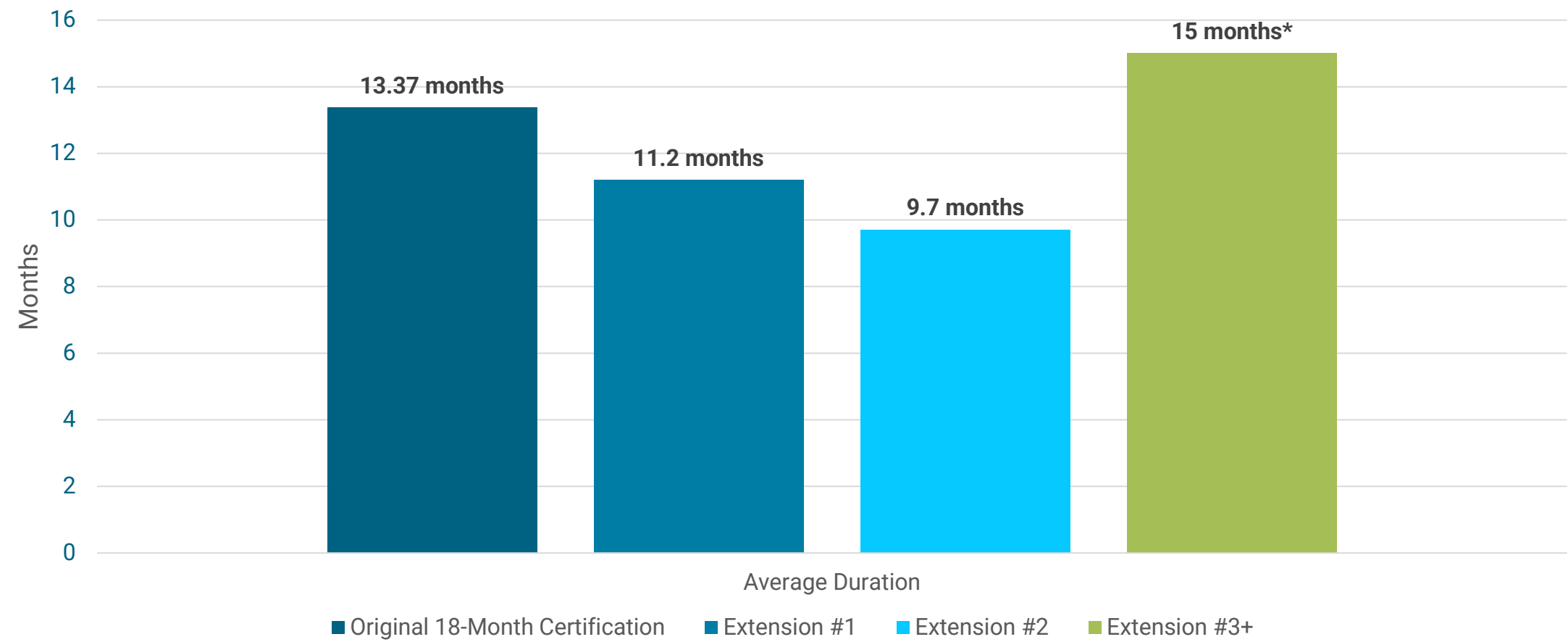
Fiscal Year	Original 18-Month Certification	Board-Approved Extension #1	Board-Approved Extension #2	Board-Approved Extension #3	Total per Fiscal Year
FY 20/21	11	0	2	0	13
FY 21/22	22	5	0	0	27
FY 22/23	33	2	2	1	38
FY 23/24	23	12	1	1	37
FY 24/25	21	7	1	0	29
Total	110	26	6	2	144

77%

23%

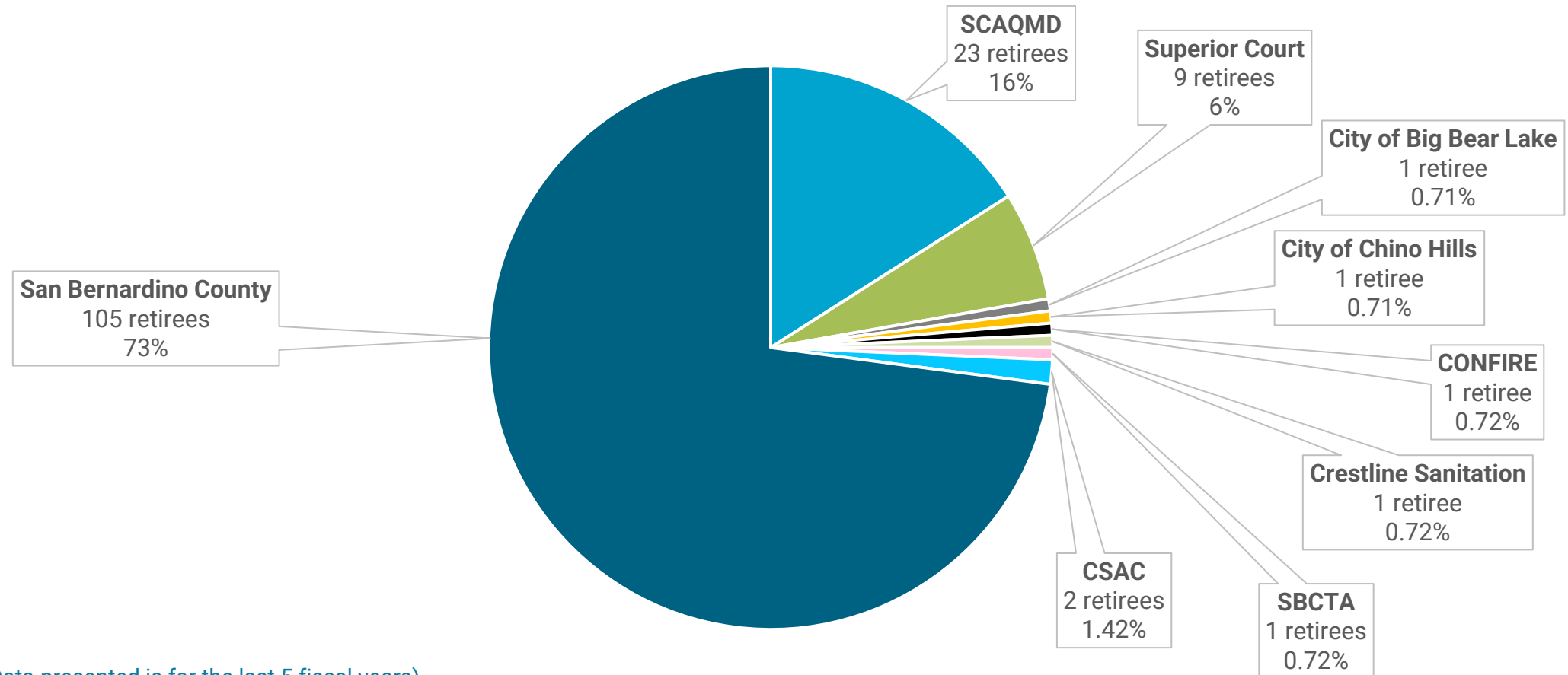
On average, Returning Retirees account for **0.07%** of all retirees receiving benefit payments.

Average Duration of Requests



* Two retirees in this population (hard-to-recruit for positions)

Returning Retirees by Employer



(Data presented is for the last 5 fiscal years)

Potential Policy Considerations

Clarify definition of Limited Duration

- Acknowledgement of Retirees temporarily filling hard-to-recruit positions.
 - Employer documentation of ongoing recruitment efforts.
 - Limited duration has an expected end point, such as upon hiring or upon onboarding.
- Identifying criteria for what a hard-to-recruit position would include:
 - Specialized certifications, licenses, or technical skills not readily available in the labor pool.
 - Demonstrated history of failed recruitment efforts.
 - Technical or knowledge-based expertise that is classification-specific and not easily transferable.
 - Geographic or compensation limitations that impact candidate availability.
 - High vacancy rates or turnover in the job classification.

Potential Policy Considerations

(continued)

Define Stoppage of Public Business

- Current policy language:
The re-employment is necessary during an emergency to prevent stoppage of public business.
- Proposed Definition for Board Consideration:
Continuation of essential government functions whose interruption would directly compromise:
 - Public safety, security, or welfare.
 - Safe and orderly operation of courtrooms or other public facilities.
 - Effective administration of justice.
- Examples of Applicability:
 - Absence of qualified personnel delaying/impeding emergency, safety, or operational responses.
 - Lack of protection from imminent harm for public, employees, or court participants.
 - Disruption to secure court or facility operations.
 - Delays hindering prosecution or other essential judicial functions.

Implementation Options

- Staff can return with proposed updates to Benefits Policy No. 032 for the Board's consideration.
- Staff can update required Certification Request forms to include more detailed, structured questions:
 - Eliciting information relevant to assessing specialized qualifications.
 - Recruitment barriers.
 - Service continuity risks.
 - Efforts to fill the position permanently.

Conclusion

- Returning Retiree program has:
 - Low-participation compared to the total Retiree population.
 - Rigorous certification standards.
 - Active compliance monitoring.
 - Minimal risk to the integrity of SBCERA.
- If the Committee would like to implement changes to Benefits Policy No. 032, staff is ready to update the policy as directed.
- Staff can update any certification request form.

THANK YOU!

Christina H. Cintron, Chief of Member Services

Christina H. Cintron
Chief of Member Services

Phone Number
909.763.4383

Email Address
ccintron@SBCERA.org



San Bernardino County Employees'
Retirement Association

348 W. Hospitality Lane Suite 100
San Bernardino, CA 92408