



# Returning Retiree Program: Overview, Metrics, and Policy Update

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# Agenda



- Background Information
- Evolution of SBCERA's Returning Retiree Policy
- Current Certification Requirements & Enforcement Criteria
- Program Metrics
- Updates to Benefits Policy No. 032 for Board Review and Consideration
- Conclusion

# Background Information



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- 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

# 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



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## 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.



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# 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.

# Total Returning Retiree Certifications

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%

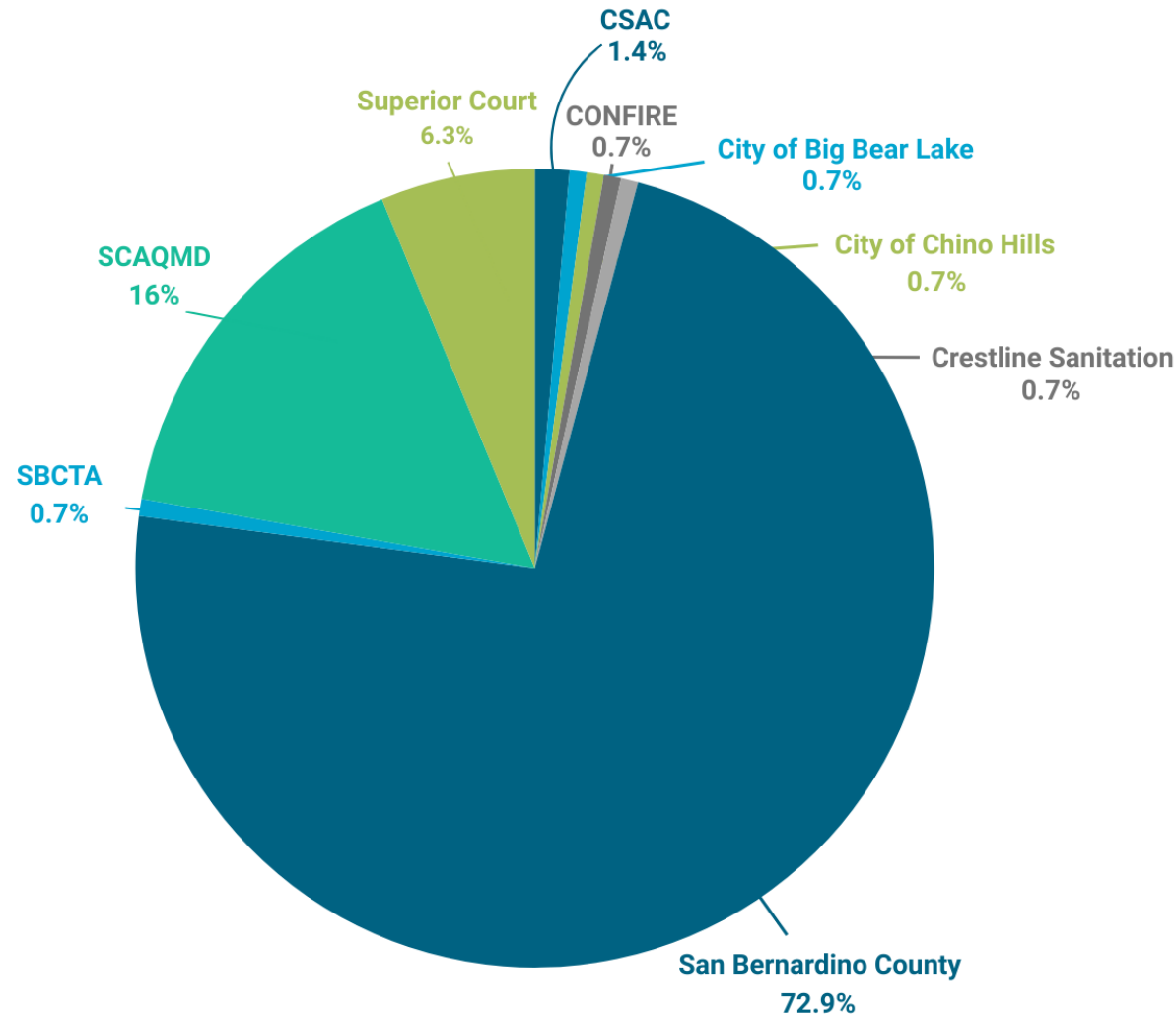
On average,  
**Returning Retirees**  
account for **0.07%**  
of all retirees  
receiving benefit  
payments.

# Average Duration of Requests



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

# Returning Retirees by Employer



**SBCTA | 1 retiree**  
**SCAQMD | 23 retirees**  
**Superior Court | 9 retirees**  
**CSAC | 2 retirees**  
**CONFIRE | 1 retiree**  
**City of Big Bear Lake | 1 retiree**  
**City of Chino Hills | 1 retiree**  
**Crestline Sanitation | 1 retiree**  
**San Bernardino County | 105 retirees**

# Updates to Benefits Policy No. 032

(for Board Consideration)

## Limited Duration (previous)

- Completion of Work  
Reemployment is limited a discrete, genuinely limited task expected to finish within a foreseeable time or with a special project.

## Limited Duration (expanded)

- Hard-To-Recruit Positions
  - Requires specialized certifications/skills;
  - Employer must show ongoing recruitment efforts;
  - Appointment ends with hire or onboarding.
- Prevent Stoppage of Public Business
  - Retiree's absence could compromise public safety, security, welfare, court operations, or justice administration.



# Hard-To-Recruit Positions

## Criteria for “Hard-to-Recruit” Positions

- Requires specialized certifications or technical skills not widely available.  
Examples include:
  - Peace Officer Standards and Training (POST) certification
  - Firefighter I/II certification
  - Emergency Medical Technician license
  - Commercial Driver’s License
  - Commercial Pilot’s License
- Documented unsuccessful recruitment efforts;
- Specialized expertise not easily transferable;
- Geographic or compensation barriers limiting candidate availability.

# Prevent Stoppage of Public Business

Continuation of essential government functions is critical. Any interruption could compromise public safety, security, or welfare; disrupt the orderly operation of courtrooms; or impede the effective administration of justice.

Examples include situations that:

- Absence of qualified individual significantly delays emergency, safety, or operational response functions;
- Leave the public or employees unprotected from imminent harm;
- Disrupt secure courtroom or facility operations;
- Delay review, preparation, or prosecution of criminal cases or other essential legal functions.

# Updates to Required Forms

- Certification request forms can be updated with more detailed, structured questions for the Board's consideration, including:
  - Information to assess specialized qualifications;
  - Recruitment efforts and barriers to hiring;
  - Service continuity risks;
  - Succession planning strategies;
  - Employer statement on why the extension is not permanent part-time employment.

# Conclusion

- Returning Retiree program has:
  - Low-participation compared to the total Retiree population
  - Rigorous certification standards
  - Active compliance monitoring and enforcement
  - Minimal risk to the integrity of SBCERA

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