



## Returning Retiree Certification Extension Request

P: 909.885.7980 | [sbcera.org](http://sbcera.org)

### Submit this Form:

Mail | 348 W. Hospitality Lane, Suite 100  
San Bernardino, CA 92408  
Online | [returningretirees@sbcera.org](mailto:returningretirees@sbcera.org)

Re-employment certification beyond the initial 18-month period requires approval from the SBCERA Board of Retirement. Use this form to submit a request for an extension.

To ensure timely review and Board consideration, **this form must be submitted approximately 6 to 8 weeks prior to the certification expiration date.**

### Section 1 Retiree Information

SBCERA ID/Employee ID [REDACTED]	Full Name Vos, Mark	
Date of Retirement with SBCERA 3/11/2023	Re-Employment Job Title Deputy District Attorney IV (Recurrent position)	
List all previously approved SBCERA Returning Retiree certification periods:		
Original Certification	Effective/Start Date 11/20/2023	End Date <del>5/16/2025</del> 5/19/2025 <sup>TF</sup>
Extension #1 – if applicable		
Extension #2 – if applicable		
Requested Extension Period	8/9/2025	2/5/2027

### Section 2 Employer Information

Employer Name County of San Bernardino	
Department District Attorney	Representative Name & Title Renee Rios, Personnel Technician
Phone Number [REDACTED]	Email Address [REDACTED]

### Section 3 Certification of Need for Re-Employment

Per SBCERA Board of Retirement Policy No. 032 (Retirees Returning to Work), the following two conditions **must** be met in order for a retiree to be re-employed beyond 18 consecutive months.

Please check both boxes to certify that these conditions apply:

- ☒ **Extreme Necessity:**  
Re-employment is necessary to ensure continued effective operations due to a genuinely extreme circumstance that is unavoidable or could not have been anticipated.
- ☒ **Limited Duration:**  
Re-employment is limited to completing a discrete quantity of genuinely limited work that is expected to be finished within a foreseeable timeframe, such as the completion of a special project.



## Section 4 Updated Employment Details

Please provide current updates to previously submitted information regarding this position.

What is the salary range for employees in similar roles, based on the Employer's publicly posted salary schedule?  
(If the salary range is listed as a monthly amount, divide it by 173.33 to determine the hourly rate.)

Comparable Job Title: Deputy District Attorney IV

Salary Minimum: \$ 72.14 (per hour)

Salary Maximum: \$ 96.89 (per hour)

Retiree's Hourly Pay Rate: \$ 96.89 (per hour)

Please provide an updated description of the specific duties the retiree will perform in this role.

Retiree will draft legal opinions; draft motions or oppositions to motions on a variety of topics including but not limited to immigration advisement and consequences, discovery, misconduct, recusals, admissibility of evidence, DNA, and Racial Justice Act; handle post-conviction litigation such as re-sentencing petitions, habeas petitions, writ petitions and appeals; and respond to requests made under the Public Records Act.

Are you currently recruiting for this role?

☒ Yes – If yes, please describe your recruitment efforts below:

We are actively testing, recruiting, and interviewing qualified candidates for the position. Our office recruits year-round to fill vacancies and usually test new applicants within a couple weeks of application submission.

☐ No



## Section 5 Supplemental Questions

Your responses to the questions below will help SBCERA determine whether the requested re-employment meets the required conditions for an extension.

**Note:** All re-employment beyond 18 consecutive months must be approved by the SBCERA Board of Retirement.

**1. How many hours per week does/will the retiree work?**

Approximately 16 hours per week on average.

**2. What special skills or qualifications does the retiree possess that are essential for this position?**

The retiree has worked over 20 years in our Appellate Services Unit performing the same type of work that will be assigned to him as a retiree. His previous work includes litigation relating to Public Records Act, appeals, habeas petitions, writ petitions, re-sentencing petitions, DNA, immigration consequences, misconduct, recusal, discovery, etc. This is highly specialized work that retiree has significant experience in performing.

**3. Why is continued re-employment of this retiree necessary?**

Many new laws have greatly increased our workload: for example, potential re-sentencing in cases (even those that are decades old), new grounds for challenging new and old convictions and prosecutions (such as the Racial Justice Act), and new habeas litigation in death penalty cases. The most complex matters are usually assigned to appellate experts such as the retiree.

**4. If this re-employment is unavoidable or could not have been anticipated, please explain why.**

It is unavoidable. We have ongoing vacancies because recruitment and retention has been difficult, despite year-round recruitment efforts. Further, retiree's expertise is highly specialized and therefore more difficult to recruit for. Finally, the need was precipitated by many new laws that added to the workload without providing funds for any additional human resources.

**5. If the retiree cannot continue in this role, how will your organization address the staffing need?**

We continue to recruit year-round with the hope that a qualified candidate will apply. As explained, however, this is a highly specialized function which is difficult to recruit for. If the retiree is not retained, existing appellate staff must take on more work, some matters that would ordinarily be sent to a specialist such as the retiree will remain with general staff, and the effectiveness of our overall operations may be impacted.

**6. What would be the impact on the public, programs, projects, or services if the retiree's employment is not extended?**

The work the retiree would perform is highly specialized. Without his services, some matters which should be sent to a specialist will not be. This places at risk criminal prosecutions, new and old convictions and sentences, the rights of victims of crime, and the effectiveness of our office's overall operations.



**Section 5 Supplemental Questions (Continued)****7. Is anyone else currently able to perform the retiree's duties?**

No. The office has ongoing vacancies. Assigning an existing employee to perform the retiree's duties would simply create a need elsewhere. Additionally, the retiree's duties is highly specialized. Few people in our office have the required skills or experience, whereas the retiree has 20 plus years of experience.

**8. What measures is your organization taking to ensure qualified staff will be in place when the retiree's extension ends?**

We are actively testing, recruiting, and interviewing qualified candidates for the position. Our office recruits year-round to fill vacancies and usually test new applicants within a couple weeks of application submission.

**9. Would the retiree's absence result in a stoppage or disruption of public business? Please explain.**

While work will not stop, serious matters which might ordinarily be directed to the retiree or someone with similar skills and experience may not receive that specialized attention. Further, the work would simply increase the workload on existing staff. It would also impact the effectiveness of our office's overall operations.

**10. Who would perform the retiree's duties if they were unavailable?**

The retiree was most recently a member of our Appellate Services Unit. The Unit has several attorneys. Those attorneys would assume the duties of the retiree by adding to their already high workload. However, the workload and complexity of issues has increased in the past several years requiring the retiree's services.

**11. Is there anyone else within the agency currently capable of performing these functions? Please explain.**

As explained above, staff within the Appellate Services Unit can perform the functions. However, their workload has increased significantly too. There are no other available individuals nearly as qualified, in skill and experience, as the retiree to perform the functions. Further, assigning other staff to perform the function would merely create a need elsewhere.



## Section 6 Employer Acknowledgements

As a SBCERA participating employer, please read and acknowledge the following statements:

- The returning retiree will not work more than **960 hours** during any fiscal year (July 1–June 30) for any single or combined SBCERA-participating employer. Tracking of these hours is the responsibility of both the retiree and the employer.
- The returning retiree's pay will not be less than the minimum and no more than the maximum paid to employees performing comparable duties. Any changes in pay shall be reported to SBCERA immediately.
- While SBCERA and the employer will cooperate to facilitate compliance with the terms of California Government Code sections 7522.56, 31680.6, 31680.7, 31680.9, and SBCERA Board Benefits Policy No. 032, compliance is ultimately **the retiree's responsibility**.
- A retiree who retires before the normal retirement age must observe a continuous 60-day break in service from their last day of employment before being re-employed at any SBCERA-participating employer.
- Failure to comply with the returning retiree requirements may result in reinstatement from retirement, with serious consequences for both the retiree and the employer, effective from the date of non-compliance. These include:
  - Suspension of retiree's monthly benefit payments and repayment of any benefits received during the period of violation.
  - Collection of retirement contributions, with interest, from the retiree and employer on any compensation received during unlawful re-employment.
  - The retiree will accrue a new subsequent retirement benefit for the period of re-employment that was not in compliance with applicable law.
  - Employers will be subject to a \$200 fine per retiree, per month if:
    - SBCERA does not receive an approved Returning Retiree Certification Request form within 30 days of the hire date; or
    - The employer fails to report the retiree's pay rate and total hours worked within 30 days of the final pay period in which the retiree performed work.
- Additional penalties as provided by law.

In addition to the terms and conditions herein, the employer agrees to comply with:

- (1) California Government Code § 7522.56
- (2) California Government Code § 31680.6
- (3) California Government Code § 31680.7
- (4) California Government Code § 31680.9
- (5) SBCERA Board Benefits Policy No. 032

**Annual Reporting:** Employers are required to report to SBCERA, no later than 10 business days after the end of each fiscal year, a list of all SBCERA retirees working in any capacity, including direct employment, independent contractors engaged directly by the employer, volunteers, or individuals serving on Boards or Commissions. The report must also include the total number of hours worked by each retiree during the fiscal year.

**Notice of Violation:** An employer shall notify SBCERA within two business days of the discovery that a retiree has exceeded 960 hours worked in a fiscal year or the limited duration period.

**Recruitment Prior to and During the Return to Work of a Retiree:** An employer shall be actively recruiting for a permanent replacement for the regular position being occupied by a retiree unless the position is temporary or seasonal.

**Substantial Compliance:** If genuine documentation regarding the re-employment of a retiree is submitted as required by this Policy and accepted by SBCERA as adequate at the time of the re-employment, this shall be considered conclusive evidence that the re-employment was commenced in compliance with applicable law. The CEO or designee shall notify the employer in writing of the acceptance of the documentation required by this policy.

I have read and understand the Employer Acknowledgments above, including the limitations placed on SBCERA retirees returning to work for SBCERA-covered employers. I further certify that all statements provided in this form are true and complete to the best of my knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on 7/6/25 at SAN BERNARDINO CA  
date City, State

X Jason Anderson

Employer Representative's Printed Name

X [Redacted Signature]

Employer Representative's Signature



## Section 7 Retiree Acknowledgements

As a returning retiree, please read and acknowledge the following statements:

- You shall not work more than **960 hours** during any fiscal year (July 1–June 30) for any single or combined SBCERA-participating employer. You are responsible for tracking any hours worked to maintain compliance.
- Your pay will not be less than the minimum and no more than the maximum paid to employees performing comparable duties. Any changes in pay shall be reported to SBCERA immediately.
- While SBCERA and your employer will cooperate to facilitate compliance with the terms of California Government Code sections 7522.56, 31680.6, 31680.7, 31680.9, and SBCERA Board Benefits Policy No. 032, compliance is ultimately **YOUR responsibility**.
- If you retire before the normal retirement age, you must observe a continuous 60-day break in service from your last day of employment before being re-employed at any SBCERA-participating employer.
- Failure to comply with the returning retiree requirements may result in reinstatement from retirement, with serious consequences for both you and your employer, effective from the date of non-compliance. These include:
  - Suspension of your monthly benefit payments and repayment of any benefits received during the period of violation.
  - Collection of retirement contributions, with interest, from you and the employer on any compensation received by you during any period of unlawful re-employment.
  - You will accrue a new subsequent retirement benefit for the period of re-employment that was not in compliance with the applicable law.
  - Your employer and/or you will be subject to any other consequence as provided by law.

In addition to the terms and conditions herein, you agree to comply with:

- (1) California Government Code § 7522.56
- (2) California Government Code § 31680.6
- (3) California Government Code § 31680.7
- (4) California Government Code § 31680.9
- (5) SBCERA Board Benefits Policy No. 032

**Substantial Compliance:** If genuine documentation regarding the re-employment of a retiree is submitted as required by this Policy and accepted by SBCERA as adequate at the time of the re-employment, this shall be considered conclusive evidence that the re-employment was commenced in compliance with applicable law. The CEO or designee shall notify the employer in writing of the acceptance of the documentation required by this policy.

I have read and understand the Retiree Acknowledgments above, including the limitations placed on me as an SBCERA retiree returning to work for SBCERA-covered employer. I further certify that all statements provided in this form are true and complete to the best of my knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on 7/8/25, at LAKE POINT, UT

x MARK VOS  
Retiree Printed Name

City, State

x

Retiree Signature





## Section 8 Instructions for Returning This Form

Return this completed form as follows, based on your employer:

### San Bernardino County Departments:

Email this form to San Bernardino County Human Resources at [ebisd@hr.sbcounty.gov](mailto:ebisd@hr.sbcounty.gov).

### All other SBCERA Employers:

Submit this form directly to SBCERA for processing.

#### Mailing Address:

San Bernardino County Employees' Retirement Association  
ATTN: Member Services  
348 W. Hospitality Lane, Suite 100  
San Bernardino, CA 92408

Phone: (909) 885-7980

Email: [ReturningRetirees@SBCERA.org](mailto:ReturningRetirees@SBCERA.org)

## FOR SBCERA INTERNAL USE ONLY

This Returning Retiree Certification request has been reviewed and approved by **SBCERA**.

**Certification Period End Date:** \_\_\_\_\_

Reviewed and Authorized By:

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approval of this form by SBCERA serves as conclusive evidence that the retiree's re-employment has commenced in compliance with applicable law, provided all statements made herein are true and accurate. A copy of the approved form will be returned to both the employer and the retiree for their records.



Reference	Additional Information and Instructions
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**Section 1: Retiree Information**

Provide the retiree's SBCERA ID or Employee ID, full name, retirement date, re-employment job title, all previously approved certification periods, and the requested extension period.

**Important:**

- The retiree's re-employment **must not continue** until the extension is approved by the SBCERA Board of Retirement; Continuing work without approval may result in suspension of pension benefits.
- Board of Retirement approval is required for any extension beyond the original 18-month certification period.
- The 18-month limit applies to the retiree, not just the employer. If the retiree has previously returned to work for another SBCERA-covered employer, Board approval is still required for any additional employment.

**Section 2: Employer Information**

Provide the name of the SBCERA-covered employer and the contact information for the employer representative.

**Note:** If the retiree is being hired through a staffing agency or third-party organization, do not list the agency in this section. Only SBCERA-covered employers may be listed here.

**Section 3: Certification of Need for Re-Employment**

For re-employment beyond the original 18-month period, both conditions outlined in SBCERA Board of Retirement Policy No. 032 must be met. Please ensure this section is completed accurately to support compliance with applicable legal and policy requirements.

**Section 4: Updated Employment Details**

Returning retirees are subject to the limitations outlined in Government Code §7522.56.

- **Salary Range Requirements:** Per Government Code §7522.56(d), provide the salary range for employees performing comparable duties, based on the employer's publicly posted salary schedule. The job title of the comparable position may differ from the retiree's re-employment title; however, the duties must be substantially similar to those the retiree will perform. *If your salary schedule lists monthly rates, divide the monthly amount by 173.33 to determine the hourly rate.*
- **Summary of Duties:** Provide an updated summary of the duties the retiree will perform during their re-employment period. This summary should reflect the specific tasks and responsibilities assigned to the retiree and should be consistent with the nature of the position described in Section 1.
- **Recruitment Requirements:** Employers must actively recruit for a permanent replacement unless the position is temporary or seasonal.

**Section 5: Supplemental Questions**

Please provide detailed responses to the supplemental questions. Your answers will be included in the materials presented to the SBCERA Board of Retirement as part of their evaluation of this extension request.

**Note:** The Board relies on this information to determine whether the request meets the requirements of SBCERA Board Policy No. 032. Incomplete or vague responses may delay the review process or result in denial of the request.

Be as specific and thorough as possible when describing the need for continued re-employment.

**Section 5: Employer Acknowledgments**

This section must be completed and signed by a representative of an SBCERA-covered employer.

- Review and acknowledge the employer requirements.
- Do **not** complete this section if the retiree is being hired by a third-party organization (not directly by the employer).

**Section 6: Retiree Acknowledgments**

This section must be completed and signed by the retiree.

- Review and acknowledge understanding of the requirements for returning to work.
- Sign to confirm **responsibility for compliance**.
- **Note:** Some rules may not apply to Board Members, Commissioners, or Volunteers, but retirees should still review all requirements in case their role changes.