

# **Returning Retiree Certification**

(Pursuant to SBCERA Board Benefits Policy No. 032)

P. 909.885 7980 | E: returningretirees@sbcera.org | sbcera.org

Submit this Form:

Mail | 348 W Hospitality Lane Suite 100,

San Bernardino, CA 92408

ax | 909 884.1904

Online | SBCERA org/mySBCERA

### All SBCERA retirees returning to work in any capacity must be authorized by SBCERA using this form.

Government Code section 7522.56 provides specific employment restrictions for retirees who return to work with an employer in the same public retirement system from which they receive a benefit. These restrictions are intended to prevent the "double-dipping" of a retiree receiving a monthly SBCERA retirement benefit while also receiving compensation for employment with an SBCERA-covered employer.

Employer. Use this form to report the details of any return-to-work arrangement with an SBCERA retiree prior to the retired member commencing re-employment. Once you have completed the sections that apply, provide the form to the retiree for review and signature.

Retiree: You are required to review and sign this form prior to your commencement of re-employment with an SBCERA-covered employer.

### Section 1 Retiree Information For security and SBCERA ID identification purposes, we require an SBCERA ID. Last Name Middle Initial **First Name** Hargrove Ellen D Retiree's pension benefit may be subject to Date of Retirement Re-Employment Job Title suspension if Retiree's 3/9/2024 Special Districts Project Manager Effective Date of Re-Effective Date of Re-Employment Anticipated End Date of Re-Employment **Employment commences** 10/7/2024 1/2/2026 prior to SBCERA's approval Has retiree previously returned to work If yes, please indicate the dates of the prior of this Certification form. under a separate SBCERA certification? certification below. (Only complete if there was a prior certification.) No If your anticipated end date of re-employment will be From beyond 18 consecutive Is this an initial request or a request to extend employment beyond 18 consecutive months? months, this approval will be at the discretion of the Board Initial Request of Retirement, if you meet Request to Extend the requirements stated in the policy.

# Section 2 Employer Information

eable)	
ecial Districts	
Representative's Title	
Division Manager	
	Representative's Title



Last Name	Hargrove	Page 2 of 9

Section 3	Return to Work - Type of Employment	
Returning retiree is subject	Choose the nature of the employment relationship (select only one):	
to the limitation of Government Code Sec. 7522.56.	Direct Hire (If selected, proceed to Section 4)	
Note: A direct hire is	☐ Hired through Staffing/Temp Agency, or other third-party (If selected, proceed to Section 4)	
someone who is employed directly by or employed through a contract with your organization.	Independent or Sub-Contractor (If you checked this box because the retiree is being hired as an independent contractor or sub-contractor, proceed directly to Section 9, then sign and return this form to SBCERA immediately. Do not complete the rest of this form at this time. SBCERA will provide you and the employee with an "Employment Relationship Questionnaire." Additionally, you must attach any analysis and/or determination your organization has performed to indicate why you consider this role an independent contractor or sub-contractor. If you have already completed the questionnaire and received your determination, complete the rest of this form as instructed in your determination.)	
	☐ Board Member or Commissioner (STOP and proceed to Sections 7—9 only)	
	☐ Volunteer (STOP and proceed to Section 7—10 only)	
Section 4	Certification of Need for Re-Employment	
	Please certify that one or both of the following are true. State law requires at least one of these conditions for a retiree to return to work. Check all that apply.	
	The re-employment of the retiree is necessary during an emergency to prevent stoppage of public business.	
	The retiree has skills needed to perform work for a limited duration.	
	Is the anticipated end date of employment (listed in Section 1) more than 18 consecutive months from the initial start date of the retiree's re-employment?	
	Yes (If selected, you must complete Section 6)	
	No (If selected, do not complete Section 6)	
Section 5	Employment Details	
	Description of Role (select all that apply):	
	Retiree training replacement.	
	Retiree working in a temporary assignment or working on a special project.	
	☐ Temporary position due to peak or seasonal workload fluctuation for period	
	to	
	Retiree filling a short-term vacancy need.	



Last Name Hargrove	Page <b>3</b> of 9

Section 5	Employment Details (Continued)
You may attach a supplemental document that answers this question.	Please provide a summary description of the duties the retiree is performing within this role:  Hands-on oversight of improvements, upgrades, and new construction of related water and wastewater systems and facilities. Responsibilities include preparing, reviewing, and approving structura
	architectural and entinearing design plans and specifications for waterisewer and power systems, including plants, pumps pump stations, wells, motors, and moters, as well as for district buildings, roads, and parks
	and a variety of related capital improvement projects. This position administers and manages construction contracts, including requests for proposals estimating expenses, determininglish oring to schedules
	negotiating a greements and change orders, a souring compliance with building codes and inspections, and eating as technical advisor to ensure projects are complisted safely, timely, and within context specifications
SBCERA's Retirees	Are you actively recruiting for this role?
Returning to Work policy requires that an employer	Yes (If yes, please describe your recruitment efforts.)
shall be actively recruiting for a permanent replacement for	Received recruitment list and scheduling interviews, however we have 2
the regular position being occupied by a retiree, unless	vacancies currently and anticipate 1 more vacancy in a few months.
the position is temporary or seasonal.	
Scasona.	□ No
	Did this person retire with a Service-Connected Disability Retirement Benefit?
	Yes (If selected, you will be required to complete additional information.)
	■ No
The retiree shall not be eligible to serve or be employed by a public employer if, during the	During the 12 months prior to re-employment, did the retiree receive unemployment insurance compensation from prior employment with an SBCERA participating employer?
12-month period prior to	☐ Yes
returning to employment, the retired person received any	■ No
unemployment insurance. See Gov. Code Sec. 7522.56(e)(1).	What is the salary range paid to similarly situated employees performing duties according to the employer's publicly posted salary schedule?
Rate of pay for employment	Job Title Special Districts Project Manager
shall not be less than the minimum, nor exceed the	Salary Minimum \$ 39.63 (per hour)
maximum, paid by the employer to other employees	Salary Maximum § 57.41 (per hour)
performing comparable duties.	
See Gov. Code Sec.	What will be the returning retiree's hourly pay rate?
7522.56(d).	\$ 53.29 (per hour)



Last Name	Hargrove	Page 4 of 9

Section 5	Employment Details (Continued)
	Will the re-employment start within 180 days following the retiree's date of retirement?
	Yes
	No (If selected, please proceed to the Instructions listed at the end of this section.)
	If the answer is Yes, please check the box that applies to the retiree's re-employment.
	The retiree is a public safety officer or firefighter, and the re-employment is for the performance of functions regularly performed by a public safety officer or firefighter.
	The re-employment is necessary to fill a critically needed position, and the re-employment has been approved by the governing body of the agency in a public meeting on the non- consent calendar (Employers must submit the minutes from the meeting where the employment was approved by its governing board.)
A member who retires at an age younger than the	Is the retiree a general member under the normal retirement age of 55 or a safety member under the normal retirement age of 50?
normal retirement age must have at least a	Yes (If selected, answer questions A and B below)
continuous 60-day break in service from the date of the	No (If selected, skip questions A and B below)
member's last day of employment prior to being re-employed while retired	A. Was there a verbal or written agreement between employer and the retiree regarding this position prior to his/her retirement?
by any SBCERA-covered employer.	<ul> <li>☐ Yes (If selected, stop completing this form and contact SBCERA immediately.)</li> <li>☐ No</li> </ul>
	B. Has it been at least 60 days since the retiree's date of separation of employment?
	<ul> <li>☐ Yes</li> <li>☐ No (If selected, stop completing this form and contact SBCERA immediately.)</li> </ul>

Instructions: If you selected Yes in the last question of Section 4, you must proceed to Section 6. If you selected No, then skip to Section 9.  $\times$ 



Last Name	Mondragon	Page <b>5</b> of <b>9</b>

### Section 6

## **Beyond 18 Consecutive Months Supplemental Questions**

Only members who selected

Ves to the last question in

Section 4 should complete

this section. Do not

complete if this is an initial

request.

You may attach a supplemental document that answers the questions in this section.

When you're done with this section, please proceed to Section 7.

SBCERA Board of Retirement policy requires the following conditions to be met before the retiree can be re-employed beyond 18 consecutive months:

- Re-employment is necessary to enable the employer to continue effective operations in light of genuinely extreme necessity that is unavoidable or could not have been anticipated.
- Re-employment is limited to the completion of a discrete quantity of genuinely limited work that one would expect to be completed at a foreseeable time, such as the completion of a special project.

Your answers to the following questions will help SBCERA staff determine if the requested reemployment meets the conditions above. Staff will then take their recommendation to the Board for approval. Any re-employment beyond 18 consecutive months must be approved by the Board of Retirement. Please complete the following supplemental questions:

1.	How many hours a week does/will the SBCERA retiree work?		
2.	What special skills does the SBCERA retiree have to perform the duties of the position?		
3.	Why is the re-employment of the SBCERA retiree necessary?		
4.	If the re-employment is unavoidable or could not have been anticipated, please explain why.		
5.	If the agency cannot continue to re-employ the SBCERA retiree, what will it do?		
6.	What will the detriment be to the public, job tasks, programs, or projects the SBCERA retiree is working on if employment is not extended?		
7.	Is anyone else able to do the SBCERA retiree's current job?		
8.	What measures is the agency taking to ensure it will have qualified employees on staff when the retiree's extension ends?		
9.	If this retiree does not perform the work, will there be a stoppage of public business?		
10.	Who would perform this work if the retiree was not available?		
11.	Is there anyone else currently working for the agency that can perform these functions?		



Last Name Hargrove	Page <b>6</b> of <b>9</b>
2431744776	rage o or a

### Section 7 Employer Acknowledgements

Employer must acknowledge by signing below that they have read and understand these statements.

If the retiree is a member of a Board or Commission or serves as a volunteer, some of the provisions outlined in this section may not apply directly. However, you should be aware of these provisions should the conditions of employment As a participating employer, you have read and understand the following:

- Returning retiree will not work more than 960 hours during any fiscal year (July 1 through the following June 30).
- Retiree's pay will not be less than the minimum nor more than the maximum paid to other employees performing comparable job duties.
- While SBCERA and the employer will cooperate to facilitate compliance with the terms of California Gov. Code sections 7522.56 and 31680.6, and SBCERA Board Benefits Policy No. 032, compliance is ultimately <a href="mailto:thereis-responsibility">the retiree's responsibility</a>.
- A member who retires at an age younger than the normal retirement age must have at least a
  continuous 60-day break in service from the date of the member's last day of employment
  prior to being reemployed while retired by any SBCERA-covered employer.
- Failure to comply with any of the returning retiree requirements may result in reinstatement
  from retirement. Reinstatement has serious consequences for the retiree and the employer.
  These consequences are effective on the date the re-employment ceased to comply with the
  returning retiree restrictions and include the following:
  - Suspension of member's retirement pension benefit payments. Additionally, the member may need to repay the benefits received during the time the employment was not in compliance.
  - SBCERA will collect retirement contributions from the retiree and the employer on any pay received by the retiree during any period of unlawful re-employment.
  - Retiree will earn a new retirement benefit during the period of re-employment that was not in compliance with the law.
  - o Employer and/or retiree will be subject to any other consequence provided by law.

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

- (1) California Government Code section 7522.56
- (2) California Government Code section 31680.6
- (3) SBCERA Board Benefits Policy No. 032

**Annual Reporting:** Employers shall report the following to SBCERA not 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 or as independent contractors contracted directly with the employer, along with the total number of hours worked for 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.



Last Name	ast Name Hargrove	Pac	e 7 of 9
			,

### Section 7

### **Employer Acknowledgements (Continued)**

This form will be rejected if this section is not complete.

Retiree must complete Section 8 and return to employer. I have read the foregoing Employer Acknowledgments and understand the limits placed on SBCERA retirees returning to work for SBCERA-covered employers. Furthermore, I certify that all statements herein are true to the best of my knowledge.

I declare under penalty of perjury all the foregoing statements to be true and correct.

Executed on 09/18/2024 at San Bernardino, CA

x Noel Mondragon

Employer Representative's Printed Name

Employer Representative's Signature

### Section 8

### Retiree Acknowledgements

Retiree must acknowledge by signing below that they have read and understand these statements.

If you are a member of a
Board or Commission or
serve as a volunteer, some
of the provisions outlined in
this section may not apply
directly to you. However, you
should be aware of these
provisions should the
conditions of your
employment change.

As a returning retiree, you have read and understand the following:

- You shall not work more than 960 hours during any fiscal year (July 1 through the following June 30).
- Your pay will not be less than the minimum nor more than the maximum paid to other employees performing comparable job duties.
- While SBCERA and the employer will cooperate to facilitate compliance with the terms of California Gov. Code sections 7522.56 and 31680.6, and SBCERA Board Benefits Policy No. 032, compliance is ultimately <u>your responsibility</u>.
- If you retire at an age younger than the normal retirement age, you must have at least a
  continuous 60-day break in service from the date of your last day of employment prior to being
  reemployed while retired by any SBCERA-covered employer.
- Failure to comply with any of the returning retiree requirements may result in reinstatement from retirement. Reinstatement has serious consequences for the retiree and the employer. These consequences are effective on the date the re-employment ceased to comply with the returning retiree restrictions and include the following:
  - Suspension of your retirement pension benefit payments. Additionally, you may need to repay the benefits received during the time the employment was not in compliance.
  - SBCERA will collect retirement contributions from you and your employer on any pay received by you during any period of unlawful re-employment.
  - You will earn a new retirement benefit during the period of re-employment that was not in compliance with the law.
  - Employer and/or you will be subject to any other consequence provided by law.

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

- (1) California Government Code section 7522.56
- (2) California Government Code section 31680.6
- (3) 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.



Last Name Hargrove Page 8 of 9

# This form will be rejected if this section is not complete. I have read the foregoing Retiree Acknowledgments and understand the limits placed on me, as an SBCERA retiree returning to work for SBCERA-covered employers. Furthermore, I certify that all statements herein are true to the best of my knowledge. I declare under penalty of perjury all the foregoing statements to be true and correct. Executed on 9/18/24 at Calimesa, CA Date XEllen D. Hargrove Retiree Printed Name Retiree Signature

### **RETURN COMPLETED FORM TO:**

San Bernardino County departments should submit this form to San Bernardino County Human Resources for processing. San Bernardino County Human Resources Dept. ATTN: Employee Benefits and Services 157 West Fifth Street, First Floor San Bernardino, CA 92415

San Bernardino County Employees' Retirement

FAX: (909) 885-7446

OFFICE: (909) 885-7980

All other employers should submit this form to SBCERA.

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

Association

or (877) 722-7321 FAX: (909) 885-7446

OFFICE: (909) 885-7980

### FOR SBCERA USE ONLY

Expected End Date Approved by SBCERA

1/2/2026

Accepted and Approved by SBCERA

Signed On: 10/10/2024

Bv

Christina Cintron

Printed Name

Its: Chief of Member Services

Approval of this form by SBCERA entitles employer and employee to the conclusive presumption that the re-employment has commenced lawfully, so long as all statements made herein are true. A copy will be returned to the employer and employee.

REV. 10/26/2023



<b>Last Name</b>	Page 9 of 9

Dolly complete this section if the retiree is a member of a Board or Commission.  Provide information about the retiree's service on the Board/Commission.  Per Diem Paid to All Board/Commission Members \$ (per mee Meeting Frequency: Does retiree receive any additional benefits such as health or dental insurance?  Participating Employers and receive the same per diem payment as other members of the Board or Commission, without being subject to eturning retiree restrictions.  Board/Commission Name: Anticipated End Date (per mee Meeting Frequency: Does retiree receive any additional benefits such as health or dental insurance?  Yes  If the answer above is Yes, provide details about additional benefits:
Provide information about the retiree's service on the Board/Commission.  BECERA retirees are allowed to serve on the Boards and Commissions of Participating Employers and receive the same per diem payment as other members if the Board or Commission, without being subject to  Term of Appointment/Election:  Start Date
the retiree's service on the Board/Commission.  Per Diem Paid to All Board/Commission Members \$
Board/Commission.  Per Diem Paid to All Board/Commission Members \$
to serve on the Boards and Commissions of Participating Employers and receive the same per diem payment as other members of the Board or Commission, without being subject to  Does retiree receive any additional benefits such as health or dental insurance?  Yes  No
Commissions of Participating Employers and receive the same per diem payment as other members of the Board or Commission, without being subject to
receive the same per diem payment as other members f the Board or Commission, without being subject to  If the answer above is Ves. provide details about additional benefits:
payment as other members  f the Board or Commission,  without being subject to  If the answer above is Ves, provide details about additional benefits:
without being subject to
You've completed the required section that applies to Boards/Commissions, Employer should return to
Section 10 Volunteer
Only complete this section if Position:
the retiree is a volunteer.  Estimated Work Hours Per Week:
the retiree is a volunteer.  Estimated Work Hours Per Week:
the retiree is a volunteer.  Estimated Work Hours Per Week:  Estimated Work Hours Per Week:  Describe volunteer duties:
the retiree is a volunteer.  ESCERA retirees are allowed to volunteer with any SBCERA-covered employer without being subject to  Estimated Work Hours Per Week:  Describe volunteer duties:
the retiree is a volunteer.  BECERA retirees are allowed to volunteer with any SBCERA-covered employer without being subject to eturn to Work requirements so long as they are not Does retiree receive any additional benefits such as health or dental insurance?
the retiree is a volunteer.  Estimated Work Hours Per Week:  Describe volunteer duties:  SBCERA-covered employer without being subject to deturn to Work requirements
the retiree is a volunteer.  Estimated Work Hours Per Week:  Describe volunteer duties:

You've completed the required section that applies to volunteers. Return the form to SBCERA.