



San Bernardino County Employees'
Retirement Association

Returning Retiree Certification Extension Request

P: 909.885.7980 | sbcera.org

Submit this Form:

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

Online | 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	Full Name	
	Andrew E. Silva	
Date of Retirement with SBCERA	Re-Employment Job Title	
March 14, 2020	Board Consultant	
List all previously approved SBCERA Returning Retiree certification periods:	Effective/Start Date	End Date
Original Certification	07/01/2024	12/31/2025
Extension #1 – if applicable		
Extension #2 – if applicable		
Requested Extension Period	01/01/2026	07/01/2027

Section 2 Employer Information	
Employer Name	
South Coast Air Quality Management District	
Department	Representative Name & Title
Governing Board	A. John Olvera, Deputy Executive Officer
Phone Number	Email Address
(909) 396-2000	jolvera@aqmd.gov

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: Board Consultant

Salary Minimum: \$ 16.00 (per hour)

Salary Maximum: \$ 36.98 (per hour)

Retiree's Hourly Pay Rate: \$ 36.98 (per hour)

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

Provide professional-level support to Governing Board member Lock Dawson, including but not limited to analysis to proposed rules and policies, review of agendas, meet with stakeholders, attend committee meetings, workshops and other events both with the member and on her behalf. Fulfill any other assignments from the member

Are you currently recruiting for this role?

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

☒ No

SCAQMD Board Members select Board Consultants, with review by the Board's Administrative Committee. Board Consultants serve a 1-year term, with no term limits. Selection are made in June for the fiscal year, or as the need arises during the year.

**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?

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

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

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

The re-employment may be avoidable or anticipated, but it seems the condition of Extreme Necessity can be met, in that Mr. Silva's re-employment is a key component to Patricia Lock-Dawson work as a Board Member. Therefore, Mr. Silva re-employment would help ensure the continued effective role as Board Member Lock-Dawson.

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

Board Member Lock-Dawson will go through the process of selecting a new Board Consultant. This involves taking the time to find a new Board Consultant candidate and that candidate would then be presented at the next available monthly Administrative Committee meeting.

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

The detrimental impact to the role of Board Member Lock-Dawson would be substantial. There would be training required for a Board Consultant, which diminishes the Board Member's effectiveness. Also, there is a the loss of institutional memory, with no ability for a transitional period. Finally, Board Member Lock-Dawson would lose an advisor that she has come to rely on for his knowledge and judgment.



Section 5 Supplemental Questions (Continued)

7. Is anyone else currently able to perform the retiree's duties?

No. Each SCAQMD Board member selects their own Board Consultants. The classification is exclusive to the Governing Board and now other SCAQMD staff members can assist in these duties.

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

If an extension was granted, SCAQMD can work with Board Member Lock-Dawson to plan on a replacement candidate before the extension expires.

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

The retiree's absence would be a disruption of the duties carried out by Board member Lock-Dawson. There would be a learning curve for a new Board Consultant and the knowledge and years of experience Mr. Silva are hard to match.

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

Board Member Lock-Dawson would have to select a new Board Consultant

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

No. Each SCAQMD Board member selects their own Board Consultants. The classification is exclusive to the Governing Board and no other SCAQMD staff members can assist in these duties.



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 11-14-25 at Diamond Bar, CA
Date City, State

X A. John Olivera
Employer Representative's Printed Name

X [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 11-14-25 at DIAMOND BAR CA
Date City, State

X ANDREW SILVA
Retiree Printed Name

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 ebbsd@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

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

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.

Section 5: Supplemental Questions

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

10-15 hours.

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

Mr. Silva has been involved with South Coast AQMD for nearly 30 years, initially as a reporter who covered the agency and later as an analyst and consultant for elected San Bernardino County Supervisors who served on the AQMD Governing Board. Mr. Silva understands the regulatory framework, rulemaking process, and the nuanced challenges facing both technical and policy issues related to air quality, skills and knowledge acquired during three decades. He understands the interests of various and competing stakeholder groups, and can communicate those interests accurately and fairly to the policymaker.

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

Board Member Lock Dawson serves as the Mayor of the 12th largest city in California. She has countless responsibilities and a small staff to assist her with a broad range of policy goals, as well as day-to-day management of the city. There are few outside consultants with Mr. Silva's unique skillset in this particular policy area. Were the responsibilities assigned to another city employee, there would be a steep and lengthy learning curve, and the employee would have to sacrifice other critical work assignments to do the weekly preparation and research. Mr. Silva's service is critical in her role as AQMD Governing Board Member, and to allow her and her staff to focus on city-specific issues to maintain her effectiveness in both roles.