

 Submit this Form:

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

 Fax
 | 909.884.1904

 Online
 | returningretirees@sbcera.org

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

Government Code sections 7522.56, 31680.6, 31680.7, 31680.9, and SBCERA Board Benefits Policy No. 032 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 a retiree from receiving a monthly SBCERA retirement benefit while also receiving compensation for employment with an SBCERA-covered employer. It is the responsibility of both the retiree and the employer to ensure compliance with our policy, as violations can result in penalties and fees assessed to both.

### Benefits Policy No. 032 (Retirees Returning to Work)

**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.

**Note:** If the retiree was granted a Disability Retirement benefit, the employer must complete and submit a Disability Retirement Questionnaire. If the retiree is returning to work as an Independent or Sub-Contractor, the employer and retiree must each complete an Employment Relationship Questionnaire and submit them with the completed Returning Retiree Certification form.

### Section 1 Retiree Information

For security and identification purposes, we require an SBCERA ID.

Retiree's pension benefit may be subject to suspension if Retiree's Effective Date of Re-Employment commences <u>prior to</u> SBCERA's approval of this Certification form.

If your anticipated end date of re-employment will be beyond 18 consecutive months, this approval will be at the discretion of the Board of Retirement, if you meet the requirements stated in the policy.

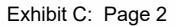
Last Name	First Name	Middle Initial	
Hultquist	Sidney	R	
Date of Retirement	Re-Employment Job Title		
08/21/2017	Fire Division Chief		
Effective Date of Re-Employment 01/11/2025	Anticipated End Date of Re-Employment <del>06/11/2026_</del> 08/11/2025		
Has retiree previously returned to work	If yes, please indicate the dates of the <u>prior</u>		
under a separate SBCERA certification?	certification below. (Only complete if there was a prior		
Yes	certification.)		
	From 09/03/2019 to 12/31/2	021	

Initial Request Request to Extend

## Section 2 Employer Information

The information in this
section must be completed
by a representative from an
SBCERA-covered employer.
If the retiree is being hired
by a third-party (e.g., temp
or staffing agency), you will
be able to indicate that in a
separate section.

Employer Name			
San Bernardino County Fire Protection District			
Name of Your Department (If Applicable)			
Phone Number			
909-387-5959			
Employer Representative Representative's Title			
Crystal Perez Human Resources Business Partner			





Last Name Hultquist

#### Return to Work – Type of Employment Section 3 Returning retiree is subject Choose the nature of the employment relationship (select only one): to the limitation of Direct Hire Government Code Sec. 7522.56. Hired through Staffing/Temp Agency, or other Third-Party Note: A direct hire is someone who is employed Independent or Sub-Contractor directly by or employed (If the box above is checked, the employer and retiree must each complete an Employment through a contract with your Relationship Questionnaire and submit them with the completed Returning Retiree Certification organization. form. Additionally, the employer should attach an analysis and/or determination indicating why the position is an independent contractor or sub-contractor. Employment Relationship Questionnaire for Employers – Employment Relationship Questionnaire for Retirees.) 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):

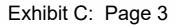
Retiree training replacement.

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 Hultquist

# Section 5 Employment Details (Continued)

You may attach a supplemental document that answers this question.

Returning Retiree

Please provide a summary description of the duties the retiree is performing within this role: Sidney Hultquist will complete an after-action review on the Line and Bridge

Fires and perform other duties as required related to this incident.

### Are you actively recruiting for this role?

Yes (If yes, please describe your recruitment efforts.)

SBCERA's Retirees Returning to Work policy requires that an employer shall be actively recruiting for a permanent replacement for the position being occupied by a retiree, unless the position is temporary or seasonal.



SBCERA policy requires employer to certify that a returning retiree who was granted a Disability Retirement will not be performing duties or activities the retiree is restricted from performing because of their disability.

The retiree shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to returning to employment, the retired person received any unemployment insurance. See Gov. Code Sec. 7522.56(e)(1).

Rate of pay for employment shall not be less than the minimum, nor exceed the maximum, paid by the employer to other employees performing comparable duties. See Gov. Code Sec. 7522.56(d).

The retiree shall not be eligible **During the 12 months prior to re-employment, did the retiree receive unemployment** to serve or be employed by a **insurance compensation from prior employment with an SBCERA participating employer?** 



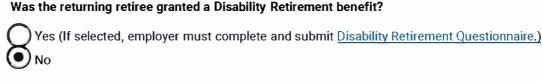
What is the salary range paid to similarly situated employees performing similar duties according to the employer's publicly posted salary schedule? (If salary range is a monthly amount, divide the monthly rate by 173.33 to calculate an hourly rate.)

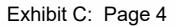
Job Title	Fire	Divison	Chief	
	-			

Salary Minimum § 67.02	(per hour)
Salary Maximum §96.13	(per hour)

What will be the returning retiree's hourly pay rate?

\$80.93 (per hour)





## SB|CCTW Returning Retiree

Section 5 Employment Details (Continued) Will the re-employment start within 180 days following the retiree's date of retirement?



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.)

Is the retiree a general member under the normal retirement age of 55 or a safety member under the normal retirement age of 50?

) Yes (If selected, answer questions A and B below)

)No (If selected, skip questions A and B below)

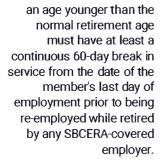
A. Was there a verbal or written agreement between employer and the retiree regarding this position prior to his/her retirement?

Yes (If selected, stop completing this form and contact SBCERA immediately.)

B. Has it been at least 60 days since the retiree's date of separation of employment?

Yes No (If selected, stop completing this form and contact SBCERA immediately.)

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 7.



A member who retires at



## Last Name Hultquist

### Section 6 Beyond 18 Consecutive Months Supplemental Questions

Only members who selected Yes 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? Variable, on average 18 hours per week.
- 2. What special skills does the SBCERA retiree have to perform the duties of the position? See attachment
- 3. Why is the re-employment of the SBCERA retiree necessary? The District currently does not have internal staff to complete this task, Hultquist will be working on a multi-monthly tasks that will require a lot of staff time to complete.
- 4. If the re-employment is unavoidable or could not have been anticipated, please explain why. This is a state declared natural disaster that could not have been anticipated. (Line and Bridge Fires)
- 5. If the agency cannot continue to re-employ the SBCERA retiree, what will it do? The District would just simply look for another retiree to re-hire, and if none readily available such as Hultquist, the District would be forced to hire a consultant and incurred a much higher debt.
- 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? See attachment
- 7. Is anyone else able to do the SBCERA retiree's current job?

None

8. What measures is the agency taking to ensure it will have qualified employees on staff when the retiree's extension ends?

The Project is anticipated to be completed prior to end of the returning retirees employment.

9. If this retiree does not perform the work, will there be a stoppage of public business?

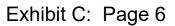
No, but it will result in a potential fault to capture lessons learned for future fires and potentially impacting the efficiency for future natural disasters.

10. Who would perform this work if the retiree was not available?

The District would have to hire a Consultant, which would incur additional costs and reduced efficiency since the consultant would have no familiarity with current District policies and stakeholders.

11. Is there anyone else currently working for the agency that can perform these functions?

None



# <sub>Last Name</sub> Hultquist

### Section 7 Employer Acknowledgements

#### Employer must 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–June 30) and tracking of these hours is the responsibility of the retiree and employer.
- 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, 31680.6, 31680.7, 31680.9, and SBCERA Board Benefits Policy No. 032, compliance is ultimately <u>the retiree's responsibility</u>.
- 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 will be required to return all benefit payments received during the period of violation.
  - SBCERA will collect retirement contributions with interest from the retiree and the employer on any pay received by the retiree during any period of unlawful reemployment.
  - Retiree will earn a new retirement benefit during the period of re-employment that was not in compliance with the law.
  - Employers will be subject to a \$200 fine per retiree, per month if SBCERA has not approved the retiree's Returning Retiree Certification form within 30 days of the effective hire date or if the employer fails to report the pay rate and hours worked by a retiree within 30 days of the last day of the pay period in which the retiree worked.
  - 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) California Government Code section 31680.7
- (4) California Government Code section 31680.9
- (5) 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

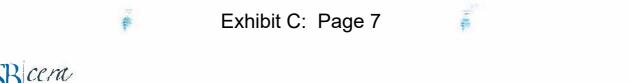
acknowledge by signing below that they have read and understand these statements.

**Returning Retiree** 

This section must be competed and signed by a representative from an SBCERA-covered employer. If the retiree is being hired by a third-party (e.g., temp or staffing agency), the thirdparty does not sign this certification.

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 change.

Note: The employer and retiree will be required to reimburse SBCERA for reasonable administrative expenses incurred in responding to the violation.



Last Name Hult quist

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Section 7 Employer Acknowledgements (Continued)						
This form will be rejected if this section is not complete.	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.					
Retiree must complete Section 8 and return to	I declare under penalty of perjury all the foregoing statements to be true and correct.					
employer.	I declare under penalty of perjury all the foregoing statements to be true and correct.					
employer.	I declare under penalty of perjury all the foregoing statements to be true and correct. Executed on 11/07/2024 at San Bernardino, Ca					

### Section 8 Retiree Acknowledgements

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

- You shall not work more than 960 hours for any single SBCERA-covered employer or cumulatively for multiple participating employers during any fiscal year (July 1–June 30). You are responsible for tracking these hours.
- 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 7522.56,31680.6, 31680.7, 31680.9, 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 will be required to return all benefit payments received during the period of violation.
  - SBCERA will collect retirement contributions with interest 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.
  - o 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:

- California Government Code section 7522.56
- (2) California Government Code section 31680.6
- (3) California Government Code section 31680.7
- (4) California Government Code section 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.

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

**Returning Retiree** 

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.

Note: The employer and retiree will be required to reimburse SBCERA for reasonable administrative expenses incurred in responding to the violation.

P.	Exhibit C: Page 8			
SB <i>cera</i> Returning Retire	e Last Name Hultquist Pa	ige 8 of 9		
Section 8	Retiree Acknowledgements (Continued)			
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 <u>i1/12/2024</u> , at <u>Apple Valley</u> , <u>CA</u> Date <u>City</u> , State			
	x Sidney Hult quist x Retiree Signature V	Ļ		

#### 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	OFFICE: (909) 387-8304 FAX: (909) 387-6075
All other employers should submit this form to SBCERA.	San Bernardino County Employees' Retirement <u>Association</u> ATTN: Member Services 348 W. Hospitality Lane, Suite 100 San Bernardino, CA 92408	OFFICE: (909) 885-7980 or (877) 722-7321 FAX: (909) 884-1904 Email: returningretirees@SBCERA.org

## FOR SBCERA USE ONLY

Expected End Date Approved by SBCERA

### 8/11/2025

Accepted and Approved by SBCERA



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. 10/9/2024



Last Name Hultquist Page 9 of 9

Instructions: Only complete one of the following supplemental sections if you are a member of a Board or Commission or serve as a volunteer.

Section 9	Board or Commission			
Only complete this section if	Board/Commission Name:			
the retirce is a member of a Board or Commission.	Term of Appointment/Election:			
Provide information about	Start Date An	nticipated End Date		
the retiree's service on the Board/Commission.	Per Diem Paid to All Board/Commission I	Members \$	(per meeting)	
SBCERA retirees are allowed	Meeting Frequency:			
to serve on the Boards and Commissions of	Does retiree receive any additional benefi	its such as health or dental in	surance?	
Participating Employers and receive the same per diem	⊖ Yes			
payment as other members of the Board or Commission,	() NO			
without being subject to returning retiree restrictions.	If the answer above is Yes, provide details	s about additional benefits:		

#### You've completed the required section that applies to Boards/Commissions. Employer should return the form to

### Section 10 Volunteer

Only complete this section if the retiree is a volunteer.

SBCERA retirees are allowed to volunteer with any SBCERA-covered employer without being subject to Return to Work requirements so long as they are not compensated for their service.

Describe volunteer duties:

Estimated Work Hours Per Week: \_\_\_\_

Does retiree receive any additional benefits such as health or dental insurance?

) Yes

No

Position: \_

If the answer above is Yes, provide details about additional benefits:

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

### Section 6:

### 1. How many hours a week does/will the SBCERA retiree work?

Variable, on average 18hours/week

### 2. What special skills does the SBCERA retiree have to perform the duties of the position?

Hultquist will be completing special qualified tasks as an incident commander. Hultquist has an understanding of current San Bernardino County and District policies and procedures, Hultquist has experience with large scale emergencies, He has experience with working on other fire emergencies and working with the various Fire District stakeholders, he has mastered mutual aid funding, expenses, and has familiarity with Fire employment and San Bernardino County team members.

### 3. Why is the re-employment of the SBCERA retiree necessary?

The District currently does not have internal staff to complete this task, Hultquist will be working on a multi-monthly tasks that will require a lot of staff time to complete.

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

This is a state declared natural disaster that could not have been anticipated. (Line and Bridge Fires)

### 5. If the agency cannot continue to re-employ the SBCERA retiree, what will it do?

The District would just simply look for another retiree to re-hire, and if none readily available such as Hultquist, the District would be forced to hire a consultant and incurred a much higher debt.

# 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?

If the District is not able to gain approval for returning retiree Hultquist, there is a possibility that the District will be unable to complete the after action review by the required deadlines, which can result in a fault to capture lessons learned.

### 7. Is anyone else able to do the SBCERA retiree's current job? None.

# 8. What measures is the agency taking to ensure it will have qualified employees on staff when the retiree's extension ends?

The Project is anticipated to be completed prior to end of the returning retirees employment.

# **9. If this retiree does not perform the work, will there be a stoppage of public business?** No, but it will result in a potential fault to capture lessons learned for future fires and potentially impacting the efficiency for future natural disasters.

### 10. Who would perform this work if the retiree was not available?

The District would have to hire a Consultant, which would incur additional costs and reduced efficiency since the consultant would have no familiarity with current District policies and stakeholders.

**11.** Is there anyone else currently working for the agency that can perform these functions? None.



348 W. Hospitality Lane, 3rd Flr. San Bernardino, CA 92408

P: 909.885.1980 E: memberservices@sbcera.org

## CERTIFICATION

## RE-EMPLOYMENT OF SBCERA RETIREE (Limited Duration)

(Pursuant to SBCERA Board Benefits Policy No 032)

## **EMPLOYER INFORMATION:**

Name	of EMF	PLOYER:	City of Barstow		70	50-255-5129	
			Name	14		(Area Code & Phone No.)	
Addre	ss of El	MPLOYER:	220 E. Mountain View	Ba	arstow	92311	
			Street		City	Zip Code	
Emplo	oyer Rep	presentative: <sub>Name</sub>	Darcy Wigington			.# ((s	
EMPL	OYEE IN	FORMATION	:				
Name	of EMF	PLOYEE:	Sidney	Ray	Hultquist		
		20122	First	Middle	Last		
Date o	of Retire	ement: 08	/ 21 / 2017	Re-Employn	nent Job Title:	Assistant Chief	
Effect	ive Date	e of Re-Emplo	yment: 07 01	/ 2021	Anticipated E	and Date: 09 30	2021
			ive Date of Re-Employ ension benefit may be			ERA's approval of this	acal per Board
1.	Employ	er: Please cert	ify that one or both of	the following a	are true (check a	ll that apply):	AC
	$\checkmark$	The re-employ of public busin		is necessary	during an emerg	gency to prevent stoppa	ge
		The employee	has skills needed to p	erform work o	of limited duration	on.	
2.	<b>Employer:</b> Please indicate the limit or limits on the duration of the employee's re-employment by selecting the box that applies to the employee. An <u>anticipated end date</u> for the re-employment must also be provided.						
	$\checkmark$	hiring/recruitin Retiree training	ecial skills/knowledge Ig to fill Retiree's posit g replacement g in a temporary assig	tion	na <b>k</b> ana da <b>k</b> ara una ancana da ana kana kana		

Eff. 01/09/2020 PL132745 – ALL EMPLOYERS (Not for Use by Co. of SB)

Certification re Re-Employment of SBCERA Retiree (Limited Duration) Page 2

	Temporary position due to peak or seasonal workload fluctuation for period: toto
$\checkmark$	Retiree filling a short-term vacancy need
	If duration of re-employment will exceed <b>18 months</b> , please (1) explain the "extreme necessity" th requires the retiree's return, and (2) explain why the need for the retiree's return either is (a) unavoidable or (b) could not have been anticipated. Please attach additional sheets if necessary for explanation and mark it as "Attachment 1"
	See additional explanation in Attachment
a.	<b>Employer:</b> Did or will the re-employment commence within 180 days following the date of retirement?
	Yes 🗸 No

b. If you answered YES, to question 3. a., please check any/all of the following that apply:

> The employee 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 firefiahter

that

The re-employment is necessary to fill a critically needed position before 180 days have passed, and the re-employment has been approved by the governing body of the agency in a public meeting on the non-consent calendar. (Please provide documentation, e.g. meeting agenda and/or, minutes and/or back-up. Label attachment as "Attachment 2.")

**Employee:** Has the employee received any unemployment insurance compensation, during the 12 4. months prior to re-employment, arising out of the prior employment with any SBCERA participating employer?

Yes	
-----	--

Employer and the Employee acknowledge and certify that: 5.

No

During re-employment, the employee may not work more than 960 hours during any fiscal year a. (July 1 through the following June 30).

3.

Certification re Re-Employment of SBCERA Retiree (Limited Duration) Page 3

b. The employee's pay may not be less than the minimum nor more than the maximum paid to other employees performing comparable job duties.

### 6. Employer and Employee acknowledge that:

- a. While SBCERA and the Employer will cooperate to facilitate compliance with the terms of Government Code sections 7522.56 and 31680.6, and SBCERA Board Administration Policy No. 032, compliance is ultimately the employee's responsibility.
- b. Failure to comply with any of the requirements of Government Code sections 7522.56 and 31680.6, as implemented through SBCERA Board Administration Policy No. 032, may result in any or all of the following consequences, effective on the date that the re-employment ceased to be in compliance:
  - i. The employee's reinstatement to active SBCERA membership;
  - ii. The suspension of the employee's retirement benefit payments effective on the date that the re-employment ceased to be in compliance, which may include the recovery by SBCERA of any benefits improperly received;
  - iii. The collection from both the employee and the employer of retirement contributions on any pay received by the employee during any period of unlawful re-employment; and
  - iv. The employee earning a new retirement benefit during the period of re-employment, pursuant to Government Code section 31680.7; and
  - v. Any other consequence provided by law.
- 7. Employer: The Employer agrees to do at least one of the following (check all that apply):



Grant SBCERA staff direct access to the employer's payroll system in a manner that permits SBCERA to determine the number of hours that the employee, and others similarly situated, have worked in a fiscal year; or



Provide a report to SBCERA, on a pay-period by pay-period basis, showing the number of hours worked in a given fiscal year by any re-employed retirees who have worked at least 700 hours in a fiscal year.

- 8. **Employer:** The employer agrees to report to SBCERA, by submitting an updated copy of this form:
  - a. When any employee's re-employment extends, or is proposed for extension, beyond the stated end-date;

Certification re Re-Employment of SBCERA Retiree (Limited Duration) Page 4

- b. When any employee's re-employment was originally limited to the completion of a discrete quantity of work or to termination upon some other stated event, and has extended or is proposed to extend beyond that completion or event, with an explanation of the reasons.
- Employer and Employee agree that in addition to the terms and conditions set forth herein, the parties have reviewed and further agree to comply with:
  - (1) California Government Code section 7522.56
  - (2) California Government Code section 31680.6
  - (3) SBCERA Board Administration Policy No. 032

By executing this Certification, Employee and Employer certify that all statements herein are true to the best of their knowledge.

EMPLOYEE:	
DATED: 6/21/2021	Employee / Retiree
	Print Name: Sid Hultquist
DATED:	BY:Authorized Representative of Employer
	Print Name: DR. Jrm HART
RETURN COMPLETED FORM TO: San Bernardino County Employees' Retirement A: 722-7321	ssociation OFFICE: (909) 885-7980 or (877)
Member Services Dept. 348 W. Hospitality Lane, Third Floor San Bernardino, CA 92415	FAX: (909) 885-7446
Expected End Date Approved by SBCERA:	12 / 31 / 2021
DATED: BY: Its:	Accepted and Approved by SBCERA Colin Bishop 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.

Eff. 01/09/2020

PL132096 - ALL EMPLOYERS (Not for Use by Co. of SB)

FORM - FILLABLE: PL132756



348 W. Hospitality Lane, Suite 100 San Bernardino, CA 92408 P: 909.885.7980 E: memberservices@sbcera.org

## AUTHORIZATION FORM

## AUTHORIZATION FOR THE EMERGENCY APPOINTMENT OF RETIRED SBCERA MEMBER

## DATE: 4/1/2020

## **EMPLOYER INFORMATION:**

Name of EMPLOYER: Bar		tow Fire Protection District			ct 760-25	760-256-2254	
		(Area			(Area Code & Phone No.)	Code & Phone No.)	
Address of EMPLOYER:	861	Barstow	Rd	Barstow	92311		
	Street			City	Zip Code		
Employer Representative:	Jamie Williams						
Na Na					N 11 1 1 1 1	175-6 F	
EMPLOYEE INFORMATI	ON:						
Name of EMPLOYEE:	Sidr	ney	R		Hultquist		
	First		Middle		Last		
Date of Retirement:		8/21/2017					
Re-Employment Job Title:		Assistant Fire Chief					
Effective Date of Re-Employment:		3/24/202	20				

# Government Code sections 7522.56, 31680.2 and 31680.6 limit retired SBCERA members' ability to work for SBCERA-participating employers without being reinstated as active members.

On March 4, 2020, the Governor issued a Proclamation of a State of Emergency in response to the COVID-19 health crisis and, in Executive Orders N-25-20 and N-35-20, the Governor suspended all limitations under Government Code sections 7522.56, 31680.2 and 31680.6, <u>except</u> for Gov't Code sec. 7522.56(e), which remains effective.

Government Code section 7522.56(e) provides that "any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to [the] appointment ... the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer."

SBCERA's Distributions Restrictions policy provides that SBCERA's limitations on retiree appointments (to ensure a bona fide separation under IRS rules) are suspended during an emergency. Nevertheless, an emergency should not be exploited by employees who (a) were not otherwise planning on retiring and/or (b) whose services are not essential during the COVID-19 health crisis. Such abuses will call into question whether there has been a bona fide separation, even under emergency circumstances.

Additionally, returning retirees who have been granted disability retirements from the SBCERA Board of Retirement shall not be required to perform any of the duties the Board of Retirement determined the retiree was permanently incapacitated from performing. It is the employer's responsibility to ensure that the position the returning retiree will fill meets the work restrictions set forth by the retiree's physician, and such determination will be done through an Interactive Process (IAP) conducted with retiree.

### MEMBER CERTIFICATION

### This section to be completed by the SBCERA returning retiree.

I certify that: (1) I made plans to retire on or about the retirement date listed above, before it was evident that my post-retirement services to my employer were essential during the COVID-19 health crisis; and (2) during the 12-month period prior to my effective date of reemployment I did not receive any unemployment insurance compensation arising out of prior employment subject to Gov't Code sec. 7522.56 with a public employer.

04,101,12020 MEMBER SIGNATURE

### **EMPLOYER CERTIFICATION**

### This section to be completed by the employer.

I certify that the post-retirement services of the above-named member are essential during the COVID-19 health crisis, and that the retiree qualifies for reemployment under the criteria set forth above.

JAMIE & WILLIAMS PRINTED NAME, TITLE

SIGNATURE

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Upon the completion of this authorization, the member named herein may return to employment with his or her employer at any time. Such employment shall not operate to reinstate the member as an active member of SBCERA or to terminate or suspend his or her retirement allowance, and no deductions shall be made from his/her salary as contributions to SBCERA. This authorization is valid only during the COVID-19 emergency. When the emergency has concluded, employment of all retired SBCERA members must comply with then-applicable law and SBCERA's policies and procedures that apply in the absence of an emergency.

SB Councy Employees	San Bernardino
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# CERTIFICATION

-- /1 :

	(Pursuant to SBCERA Board Administration Policy No. 015)
DATE:	<u>guit 26,2019</u>
EMPLOYER INF	ORMATION:
Name of EMPLO	YER: <u>City of Bartow</u> 760 255 5129 Name (Area Code & Phono No.)
Address of EMP	OYER: <u>220 E Mountain View St Barstow</u> Ce 91311 Street City Zip Code
Employer Repres	sentative: Drey Wigington
EMPLOYEE INF	ORMATION:
Name of EMPLO	YEE: Silver Ray Hultquist First Mildle Last (Last 4 Digits SSN)
Date of Retireme	Int: 81 1 2017 Re-Employment Job Title: Anistant Chief
Effective Date of	Re-Employment: 9 / 3 /2019 Anticipated End Date: 3/ 1 / 2021
	ote, if Retiree's Effective Date of Re-Employment commences prior to SBCERA's
	f this Certification form, Retiree's pension benefit may be subject to suspension.
1. Employ	er: Please certify that one or both of the following are true (check all that apply):
	The re-employment of the employee is necessary during an emergency to prevent stoppage of public business
T	The employee has skills needed to perform work of limited duration.
	er: Please Indicate the limit or limits on the duration of the employee's re-employment by selecting the box lies to the employee. An <u>anticipated end date</u> for the re-employment must also be provided.
	Retiree has special skills/knowledge needed by employer AND employer is actively hiring/recruiting to fill Retiree's position
	Retiree training replacement
Ľ	Retiree working in a temporary assignment or working on a special project
	Temporary position due to peak or seasonal workload fluctuation for period:toto
	Retiree filling a short-term vacancy need
	If duration of re-employment will exceed 18 months, please (1) explain the "extreme necessity" that requires the retiree's return, and (2) explain why the need for the retiree's return either is (a) unavoidable or (b) could not have been anticipated. Please attach additional sheets if necessary for explanation and mark it as "Attachment 1"
	· · · · · · · · · · · · · · · · · · ·
	See additional explanation in Attachment

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Certification re Re-Employment of SBCERA Retired Page 2	e (Limited Duration)
	5.84)

Employer: Did or will the re-employment commence within 180 days following the date of retirement? З. a,

Yes	4No
100	

If you answered YES, to question 3. a., please check any/all of the following that apply:

b.

The employee 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 before 180 days have passed, and the re-employment has been approved by the governing body of the agency in a public meeting on the non-consent calendar. (Please provide documentation, e.g. meeting agenda and/or, minutes and/or back-up. Label attachment as "Attachment 2.")

4. Employee: Has the employee received any unemployment insurance compensation, during the 12 months prior to re-employment, arising out of the prior employment with any SBCERA participating employer?

Yes No
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- 5. Employer and the Employee acknowledge and certify that:
  - During re-employment, the employee may not work more than 960 hours during any fiscal year (July 1 a. through the following June 30).
  - The employee's pay may not be less than the minimum nor more than the maximum paid to other b. employees performing comparable job duties.
- 6, Employer and Employee acknowledge that:
  - a. While SBCERA and the Employer will cooperate to facilitate compliance with the terms of Government Code sections 7522.56 and 31680.6, and SBCERA Board Administration Policy No. 015, compliance is ultimately the employee's responsibility.
  - b. Fallure to comply with any of the requirements of Government Code sections 7522.56 and 31680.6, as implemented through SBCERA Board Administration Policy No. 015, may result in any or all of the following consequences, effective on the date that the re-employment ceased to be in compliance:
    - 1. The employee's reinstatement to active SBCERA membership;
    - ü. The suspension of the employee's retirement benefit payments effective on the date that the reemployment ceased to be in compliance, which may include the recovery by SBCERA of any benefits improperly received;
    - iii. The collection from both the employee and the employer of retirement contributions on any pay received by the employee during any period of unlawful re-employment; and
    - The employee earning a new retirement benefit during the period of re-employment, pursuant to iv. Government Code section 31680.7; and
    - Any other consequence provided by law. ٧.
- 7. Employer: The Employer agrees to do at least one of the following (check all that apply):
  - Grant SBCERA staff direct access to the employer's payroll system in a manner that permits SBCERA to determine the number of hours that the employee, and others similarly situated, have worked in a flacal year; or
  - Provide a report to SBCERA, on a pay-period by pay-period basis, showing the number of hours worked in a given fiscal year by any re-employed retirees who have worked at least 700 hours in a fiscal year.

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Certification re Re-Employment of SBCERA Retiree (Limited Duration) Page 3

- 8. Employer: The employer agrees to report to SBCERA, by submitting an updated copy of this form:
  - a. When any employee's re-employment extends, or is proposed for extension, beyond the stated end-date;
  - b. When any employee's re-employment was originally limited to the completion of a discrete quantity of work or to termination upon some other stated event, and has extended or is proposed to extend beyond that completion or event, with an explanation of the reasons.
- 9. Employer and Employee agree that in addition to the terms and conditions set forth herein, the parties have reviewed and further agree to comply with:
  - (1) California Government Code section 7522.58
  - (2) California Government Code section 31680.6
  - (3) SBCERA Board Administration Policy No. 015

By executing this Certification, Employee and Employer certify that all statements herein are true to the best of their knowledge.

EMPLOYEE:

2019 DATED:

**EMPLOYER:** 

DATED: 21 7019

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

San Bernardino County Employees' Retirement Association Member Services Dept. 348 W. Hospitality Lane. Third Floor San Bernardino, CA 92415

Print Name: Sid Hultquist

OFFICE: (909) 885-7980 or (877) 722-7321 FAX: (909) 885-7446

Expected End Date Approved by SBCERA:

3,1,2021

8/30/2017 DATED:

	Accepted a	nd Approved by SBCERA	ř .	
BY:			COUN	BISHOP
its:	CHIEF	of haypin s	ERMOS	

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.

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