



San Bernardino County Employees'
Retirement Association

Exhibit C: Page 1

Returning Retiree Certification

(Pursuant to SBCERA Board Benefits Policy No. 032)

P: 909.885.7980 | E: returningretirees@sbccera.org | sbccera.org

Submit this Form:

Mail | 348 W. Hospitality Lane, Suite 100
San Bernardino, CA 92408
Fax | 909.884.1904
Online | returningretirees@sbccera.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 prior to 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.

| | | |
|---|--|----------------------------|
| SBCERA ID | | |
| Last Name Hultquist | First Name Sidney | Middle Initial R |
| Date of Retirement 08/21/2017 | Re-Employment Job Title Fire Division Chief | |
| Effective Date of Re-Employment 01/11/2025 | Anticipated End Date of Re-Employment 06/11/2026 08/11/2025 | |
| Has retiree previously returned to work under a separate SBCERA certification? Yes | If yes, please indicate the dates of the prior certification below. (Only complete if there was a prior certification.) From <u>09/03/2019</u> to <u>12/31/2021</u> | |
| Is this an initial request or a request to extend employment beyond 18 consecutive months? <input type="radio"/> Initial Request <input checked="" type="radio"/> 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 Crystal Perez | Representative's Title Human Resources Business Partner |

Section 3 Return to Work – Type of Employment

Returning retiree is subject to the limitation of Government Code Sec. 7522.56.

Note: A direct hire is someone who is employed directly by or employed through a contract with your organization.

Choose the nature of the employment relationship (select only one):

- ☒ Direct Hire
- ☐ Hired through Staffing/Temp Agency, or other Third-Party
- ☐ Independent or Sub-Contractor
 (If the box above is checked, the employer and retiree must each complete an Employment Relationship Questionnaire and submit them with the completed Returning Retiree Certification 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.

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:
Sidney Hultquist will complete an after-action review on the Line and Bridge

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

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.

Are you actively recruiting for this role?

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

☒ No

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.

Was the returning retiree granted a Disability Retirement benefit?

☐ Yes (If selected, employer must complete and submit [Disability Retirement Questionnaire.](#))

☒ No

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).

During the 12 months prior to re-employment, did the retiree receive unemployment insurance compensation from prior employment with an SBCERA participating employer?

☐ Yes

☒ No

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).

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)

Section 5 **Employment Details (Continued)**

Will the re-employment start within 180 days following the retiree's date of retirement?

- ☐ Yes
☒ No

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 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 re-employed while retired by any SBCERA-covered employer.

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.)
☐ No

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.

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 re-employment 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

Section 7

Employer Acknowledgements

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

This section must be completed 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 third-party 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.

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 **the retiree's responsibility**.
- 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 re-employment.
 - 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



Returning Retiree

Last Name Hultquist

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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 11/07/2024 at San Bernardino, Ca
Date City, State

☒ Crystal Perez

Employer Representative's Printed Name

☒ [Signature]
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.

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

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 your responsibility.
- 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:
 - o Suspension of your retirement pension benefit payments. Additionally, you will be required to return all benefit payments received during the period of violation.
 - o 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.
 - o 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:

- (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

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.



Returning Retiree

Last Name Hultquist

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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 11/12/2024 at Apple Valley, CA
Date City, State



☒ Sidney Hultquist
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

OFFICE: (909) 387-8304
FAX: (909) 387-6075

All other employers should
submit this form to SBCERA.

San Bernardino County Employees' Retirement Association
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

Signed On: 01/09/2025

By: 

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. 10/9/2024



Returning Retiree

Last Name Hultquist

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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 the retiree is a member of a Board or Commission.

Provide information about the retiree's service on the Board/Commission.

SBCERA retirees are allowed 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 returning retiree restrictions.

Board/Commission Name: _____

Term of Appointment/Election: _____

Start Date _____ Anticipated End Date _____

Per Diem Paid to All Board/Commission Members \$ _____ (per meeting)

Meeting Frequency: _____

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

☐ Yes

☐ No

If the answer above is Yes, provide details 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.

Position: _____

Estimated Work Hours Per Week: _____

Describe volunteer duties:

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

☐ Yes

☐ No

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 18 hours/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.



San Bernardino County Employees'
Retirement Association

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)

DATE: June 17, 2021

EMPLOYER INFORMATION:

Name of EMPLOYER: City of Barstow 760-255-5129
Name (Area Code & Phone No.)
 Address of EMPLOYER: 220 E. Mountain View Barstow 92311
Street City Zip Code
 Employer Representative: Darcy Wigington
Name

EMPLOYEE INFORMATION:

Name of EMPLOYEE: Sidney Ray Hultquist
First Middle Last
 Date of Retirement: 08 / 21 / 2017 Re-Employment Job Title: Assistant Chief
 Effective Date of Re-Employment: 07 / 01 / 2021 Anticipated End Date: 09 / 30 / 2021

Please note, if Retiree's Effective Date of Re-Employment commences prior to SBCERA's approval of this Certification form, Retiree's pension benefit may be subject to suspension.

12/31/2021
per Board
KAC

1. Employer: 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
- ☐ The employee has skills needed to perform work of limited duration.

2. Employer: 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 anticipated end date 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
- ☒ Retiree working in a temporary assignment or working on a special project

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- ☐ Temporary position due to peak or seasonal workload fluctuation for period: _____ to _____
- ☒ 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

3. a. **Employer:** 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 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

5. **Employer and the Employee** acknowledge and certify that:

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

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- 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;

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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 7522.56
- (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

[Redacted Signature]

Employee / Retiree

Print Name: Sid Hultquist

EMPLOYER:

DATED: 6/17/2021

[Redacted Signature]

BY: _____
Authorized Representative of Employer

Print Name: DR. Jim HART

RETURN COMPLETED FORM TO:

San Bernardino County Employees' Retirement Association
722-7321
Member Services Dept.
348 W. Hospitality Lane, Third Floor
San Bernardino, CA 92415

OFFICE: (909) 885-7980 or (877)

FAX: (909) 885-7446

Expected End Date Approved by SBCERA:

12 / 31 / 2021

Accepted and Approved by SBCERA

DATED: 7/2/2021

BY:

[Redacted Signature]

Colin Bishop

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.

Eff. 01/09/2020

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

FORM - FILLABLE: PL132756



San Bernardino County Employees'
Retirement Association

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: Barstow Fire Protection District 760-256-2254
Name (Area Code & Phone No.)

Address of EMPLOYER: 861 Barstow Rd Barstow 92311
Street City Zip Code

Employer Representative: Jamie Williams
Name

EMPLOYEE INFORMATION:

Name of EMPLOYEE: Sidney R Hultquist
First Middle Last

Date of Retirement: 8/21/2017

Re-Employment Job Title: Assistant Fire Chief

Effective Date of Re-Employment: 3/24/2020

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, except 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.

 04/01/2020
MEMBER SIGNATURE DATE

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 R WILLIAMS 
PRINTED NAME, TITLE SIGNATURE

4/1/20
DATE

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.**



CERTIFICATION

RE-EMPLOYMENT OF SBCERA RETIREE (Limited Duration)

(Pursuant to SBCERA Board Administration Policy No. 015)

DATE: August 26, 2019

EMPLOYER INFORMATION:

Name of EMPLOYER: City of Barstow 760 255 5129
Name (Area Code & Phone No.)

Address of EMPLOYER: 220 E Mountain View St Barstow Ca 92311
Street City Zip Code

Employer Representative: Darryl Wigginton
Name

EMPLOYEE INFORMATION:

Name of EMPLOYEE: Sidney Ray Hultquist [REDACTED]
First Middle Last (Last 4 Digits SSN)

Date of Retirement: 8/1/2017 Re-Employment Job Title: PT Assistant Chief

Effective Date of Re-Employment: 9/3/2019 Anticipated End Date: 3/1/2021

Please note, if Retiree's Effective Date of Re-Employment commences prior to SBCERA's approval of this Certification form, Retiree's pension benefit may be subject to suspension.

1. **Employer:** 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
- ☒ The employee has skills needed to perform work of limited duration.

2. **Employer:** 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 anticipated end date 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
- ☒ 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
- ☐ 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

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

3. a. **Employer:** 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 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
5. **Employer and the Employee acknowledge and certify that:**
- a. During re-employment, the employee may not work more than 960 hours during any fiscal year (July 1 through the following June 30).
- 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. 015, 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. 015, 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.

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

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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 7522.56
 - (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:DATED: 8/26/2019

Employee / Retiree

Print Name: Sid Hultquist**EMPLOYER:**DATED: 8/26/2019

BY:

Authorized Representative of Employer

Print Name: [Signature]**RETURN COMPLETED FORM TO:**

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

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

Expected End Date Approved by SBCERA:

3/1/2021

Accepted and Approved by SBCERA

DATED: 8/30/2019

BY:

[Signature] CONN BISHOP

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.