



## CERTIFICATION

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

(Pursuant to SBCERA Board Administration Policy No. 015)

DATE: January 9, 2020

#### EMPLOYER INFORMATION:

Name of EMPLOYER: San Bernardino County Sheriff's Department 909-387-3750  
Name (Area Code & Phone No.)  
 Address of EMPLOYER: 655 E. Third Street San Bernardino 92415  
Street City Zip Code  
 Employer Representative: Undersheriff Shannon Dicus and/or Lieutenant Kaysie Smith  
Name

#### EMPLOYEE INFORMATION:

Name of EMPLOYEE: Marguerita Terese Finneran  
First Middle Last (Last 4 Digits SSN)  
 Date of Retirement: 03 / 03 / 18 Re-Employment Job Title: Recurrent Sergeant  
 Effective Date of Re-Employment: 04 / 01 / 20 Anticipated End Date: 04 / 01 / 21

**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

## Exhibit B: Page 2

### 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.

## Exhibit B: Page 3

### 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 7522.56
  - (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: 1/9/2020

Employee / Retiree  
Print Name: Marguerite Finneran

#### EMPLOYER:

DATED: 01/09/20

BY:

Authorized Representative of Employer  
Print Name: KAYSLIE SMITH, LT.

#### RETURN COMPLETED FORM TO:

San Bernardino County Human Resources Dept.  
ATTN: Employee Benefits and Services  
157 West Fifth Street, First Floor  
San Bernardino, CA 92415

OFFICE: (909) 387-5787  
FAX: (909) 387-5566

Expected End Date Approved by SBCERA: \_\_\_\_\_

Accepted and Approved by SBCERA

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

Its: \_\_\_\_\_

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.



## Interoffice Memo

DATE: 01/30/20

PHONE: 909-387-3717

FROM: Kaysie Smith, Lieutenant  
Civil Liabilities Division

TO: Shannon Dicus, Undersheriff  
Office of the Sheriff

<b>SUBJECT</b>	<b>Re-Employment of SBCERA Retiree Sergeant Marguerite Finneran (Limited Duration)</b>
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Retired Sergeant Marguerite "Maggie" Finneran has filled a Recurrent Sergeant position in the Sheriff's Civil Liabilities Division since March of 2018. While Civil Liabilities is seeking to add another position pending appropriate approval and budget, Finneran's specialized knowledge and assistance is critical during the transition.

Based on her prior experience and variety of administrative roles as a former sergeant, Finneran was brought in to temporarily assist Civil Liabilities with the back log of Department Statements regarding Disability Retirement applications and to assist with the increased workload required for AB71 (Use of Force Reporting to the State Department of Justice).

The overall annual number of Disability Retirement applications has increased from 28 in 2016 to 38 in 2018 and there were 50 applications in 2019. Currently, there are already 10 Disability Retirement applications pending for 2020. During this time, Finneran was able to help facilitate timely completion of the Department Statements and enhanced communication with SBCERA. However, failure to address the back log may have a direct impact on the SBCERA members by delaying completion, if the extension is not approved,

Similarly, the number of AB 71 Incidents which meet the criteria for California Government Code 12525.2 (i.e., shooting on a citizen or officer or use of force that involved great bodily injury or death) have steadily risen and are estimated to have almost doubled in 2019. Completing statistics on these figures is not only required by law but reporting to the State DOJ may be delayed if an extension of the position is not granted.

Given Finneran's specialized knowledge and experience in both these areas, the Department is requesting a twelve (12) month extension. This will allow the Department to maintain the workload and prevent backlog pending the addition of a new position. Additionally, the extension will allow time for Finneran to provide appropriate training to a replacement.