



San Bernardino County Employees'
Retirement Association

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

P: 909.885.7980
E: memberservices@sbcera.org

CERTIFICATION

RE-EMPLOYMENT OF SBCERA RETIREE (Limited Duration)

(Pursuant to SBCERA Board Benefits Policy No. 032)

DATE: August 25, 2021

EMPLOYER INFORMATION:

Name of EMPLOYER: San Bernardino County Sheriff 909-252-4103
Name (Area Code & Phone No.)

Address of EMPLOYER: 199 N Hangar Way, San Bernardino, 92415
Street City Zip Code

Employer Representative: Robert Boyd Captain
Name Title

EMPLOYEE INFORMATION:

Name of EMPLOYEE: James M. Ells
First Middle Last

Date of Retirement: 03 / 16 / 19 Re-Employment Job Title: Safety Extra Help
 Effective Date of Re-Employment: ~~09 / 15 / 21~~ 11/5/21 KAC Anticipated End Date: ~~10 / 07 / 22~~ 11/4/22 KAC

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

Exhibit B: Page 2

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

- ☐ 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

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

Exhibit B: Page 3

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

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 Benefits 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 Benefits 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.

Exhibit B: Page 4

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

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 Benefits 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: 08/25/21

Employee / Retiree

Print Name: James M. Ells

(EMPLOYER - Check if applicable)



We certify that the above named retiree will not be required to perform any of the duties in which the SBCERA Board determined that retiree was permanently incapacitated from performing. We also acknowledge that it is our responsibility to determine that the position the above named 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.

EMPLOYER:

DATED: 8-25-21

BY: _____
Authorized Representative of Employer

Print Name: Robert Boyd

Exhibit B: Page 5

Certification re Re-Employment of SBCERA Retiree (Limited Duration)
Page 5

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: _____

Print Name: 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.