



San Bernardino County Employees' Retirement Assoc.

Staff Report Details (With Text)

File #: 19-404 **Name:**

Type: Action Item

File created: 6/25/2019 **In control:** BOARD OF RETIREMENT

On agenda: 7/11/2019 **Final action:** 7/11/2019

Title: Approve the request to extend employment of Virginia Wilson from July 11, 2019 to January 1, 2021 because there are circumstances that could not have been anticipated to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Administration Policy No. 015, "Retirees Returning to Work," have been met.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A: Board Summary Worksheet, 2. Exhibit B: Certification Forms and Attachment

Date	Ver.	Action By	Action	Result
7/11/2019	1	BOARD OF RETIREMENT	Approved	Pass

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification: Virginia Wilson

RECOMMENDATION:

Approve the request to extend employment of Virginia Wilson from July 11, 2019 to January 1, 2021 because there are circumstances that could not have been anticipated to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Administration Policy No. 015, "Retirees Returning to Work," have been met.

BACKGROUND:

Ms. Wilson was re-employed on November 25, 2017 in the same department and job classification from which she retired from September 21, 2013. At the time of her initial re-employment Ms. Wilson had skills needed to perform work of a limited duration and she was working in a temporary assignment or working on a special project. Due to a recent change in the law on June 1, 2019, the department began participating in the CalFresh Expansion Program to provide food assistance for disabled or senior Californians receiving Supplemental Security Income/State Supplemental Payment. The department contends there has been an increase in workload and despite working continuously on recruitment there continues to be a gap which could negatively impact this new program. Ms. Wilson's continued employment and vast experience would benefit the program and help the department meet state mandated timelines in order to stay in compliance with regulations.

Department staff contends there are circumstances that could not have been anticipated to continue the retiree's employment beyond the 18-month limit.

Pursuant to Government Code section 7522.56, 317680.6, and 31680.7 and SBCERA Administration

Policy No. 015, upon receiving and reviewing the participating employer and retiree's justification to extend the retiree's employment beyond the 18-month limit for presumed compliance with the statutory "limited duration" standard, the Board must, based on the facts and evidence presented:

1. Find one of the following:
 - a. That extreme necessity exists to continue the retiree's employment beyond the 18-month limit; or
 - b. In the alternative, that the extension of employment is unavoidable and circumstances exist that could not have been anticipated; or
 - c. That there is neither an extreme necessity, nor circumstances that are unavoidable or could not have been anticipated, and thus that the standards of Policy No. 015 are not met.
2. Based on the finding above in part (1) above, the Board:
 - a. Approves the request for extension of employment of the retiree beyond the 18-month limit. Extension of the employment commences on the date indicated on certification and will terminate on January 1, 2021; or
 - b. Denies the request of extension of employment of the retiree beyond the 18-month limit. In a case of any violation of the law as implemented through Policy No. 015, including continued employment beyond the 18-month limit or without prior approval, the Board directs staff to suspend the retiree's retirement benefit and reinstate the retiree to active service. Additionally, staff is directed to commence collection of any retirement benefits received during any unlawful re-employment, as well as contributions from employer and employee.

BUDGET IMPACT:

None.

STRATEGIC PLANNING GOAL/OBJECTIVE:

Operational Excellence & Efficiency

STAFF CONTACT:

Kathleen Crook

ATTACHMENTS:

Exhibit A: Board Summary Worksheet

Exhibit B: Certification Forms and Attachment