



2021. SBCERA staff approved the modification, because the updated dates did not exceed the 18 months originally requested. Per a memorandum from the Emergency Operations Division dated August 25, 2021, the Division is requesting an additional 12-month extension for Mr. Ells to serve as a part-time extra help automotive officer in order for the Division and the Department to continue to meet its public safety obligation.

Exhibit C provides additional background from the San Bernardino Emergency Operations Division regarding Mr. Ells' specialized knowledge, and the critical nature of his re-employment. Mr. Ells' prior Returning Retiree Certification is attached as Exhibit D. In summary, the employer has indicated re-employment is necessary in order for the Division and the Department to continue to meet its public safety obligation.

Pursuant to Government Code section 7522.56, 317680.6, and 31680.7, 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. 032 are not met.
2. Based on the finding above in part (1) above, the Board:
  - a. Approves the request for extension of employment of retiree beyond the 18-month limit. Extension of the employment commences on the date indicated on this certification and will terminate on November 4, 2022; or
  - b. Denies the request of extension of employment of retiree beyond the 18-month limit. In a case of any violation of the law as implemented through Policy No. 032, 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.

As noted above, staff recommends that the Board approve this request for the extension of employment of Mr. Ells.

**BUDGET IMPACT:**

None.

**STRATEGIC PLANNING GOAL/OBJECTIVE:**

Operational Excellence & Efficiency

**STAFF CONTACT:**

Colin Bishop

Kathleen Crook

**ATTACHMENTS:**

Exhibit A: Board Summary Worksheet

Exhibit B: Certification Form

Exhibit C: Department Memo

Exhibit D: Prior Certification Forms