

# BOARD OF RETIREMENT

## Staff Report

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**File #:** 19-982**Agenda Date:** 7/2/2020**Agenda #:** 10.**FROM:** Colin Bishop, Chief of Member Services**SUBJECT:** Returning Retiree Certification: Linda Maese**RECOMMENDATION:**

Approve the request to extend re-employment of Linda Maese as Public Service Employee of the District Attorney's Office, from May 11, 2020 to May 7, 2021, because an extreme necessity exists to continue the retiree's employment beyond the 18-Month limit, and thus the standards of SBCERA Board Benefits Policy No. 032: "Retirees Returning to Work," have been met.

**BACKGROUND:**

Ms. Maese retired on December 26, 2015 as an Office Assistant III from the County of San Bernardino Victorville District Attorney's Office and has been re-employed since August 31, 2019 as a Public Service Employee (PSE). Ms. Maese has had extensive training on multiple duties and internal office systems with the District Attorney's Office, and the department contends her skills are critical to help multiple units to process all the backlog of cases due to a two-month COVID-19 office closure.

Ms. Maese's initial post-retirement employment began after the implementation of the California Public Employees' Pension Reform Act of 2013 (PEPRA), which placed additional restrictions on retirees returning to work. In April 2018, the Board approved an updated version of its policy on "Retirees Returning to Work," which changed some of the processes for reviewing and permitting extensions for the re-employment of retirees, notably adding a provision for Board approval when the period of employment was either not specified or greater than 18 months. Ms. Maese's original reemployment period was certified to begin on August 31, 2019, and scheduled to end on May 8, 2020, but was extended pursuant to SBCERA Board of Retirement Resolution 2020 - 003, which provided for an extension for retirees with certifications expiring between March 4, 2020 and June 4, 2020.

Additionally, based on her original reemployment date of August 31, 2019, Ms. Maese's 18-month duration expiration date would normally be February 28, 2021, meaning that she would not otherwise be required to seek Board approval for an extension prior to that date, according to the Board's policy on "Retirees Returning to Work." However, the County is currently requesting an extension beyond that date through May 7, 2021.

Exhibit C provides additional background regarding Ms. Maese's specialized knowledge and how critical her re-employment is to the department due to the backlog of cases in the thousands. Ms. Maese's prior Returning Retiree Certification is attached as Exhibit D.

Pursuant to Government Code section 7522.56, 317680.6, and 31680.7 and SBCERA Benefits Policy No. 032, 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 May 7, 2021; 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 Ms. Maese.

**BUDGET IMPACT:**

None.

**STRATEGIC PLANNING GOAL/OBJECTIVE:**

Operational Excellence & Efficiency

**STAFF CONTACT:**

Colin Bishop

**ATTACHMENTS:**

- Exhibit A: Board Summary Worksheet
- Exhibit B: Certification Form
- Exhibit C: Memo From Department
- Exhibit D: Prior Certification Form