



# San Bernardino County Employees' Retirement Assoc.

## Staff Report Details (With Text)

**File #:** 19-499 **Name:**

**Type:** Consent Item

**File created:** 8/15/2019 **In control:** BOARD OF RETIREMENT

**On agenda:** 9/5/2019 **Final action:**

**Title:** Recognize Janice Tamkin's seven excess hours worked during the Fiscal Year 2018-19 as *de minimus* and allow retiree to continue working through the end of her approved re-employment period of September 2020.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A: Email from Janice Tamkin, 2. Exhibit B: Letter dated March 21, 2019

Date	Ver.	Action By	Action	Result
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**FROM:** Colin Bishop, Chief of Member Services

**SUBJECT:** Returning Retiree 960 Hours Exceeded

### RECOMMENDATION:

Recognize Janice Tamkin's seven excess hours worked during the Fiscal Year 2018-19 as *de minimus* and allow retiree to continue working through the end of her approved re-employment period of September 2020.

### BACKGROUND:

Retiree Janice Tamkin is currently authorized to work as a returning retiree with San Bernardino County Children and Family Services through September 30, 2020. As a returning retiree, Ms. Tamkin and her employer have both signed an acknowledgement that they are aware of and agree to comply with the requirements of sections 7522.56 and 31680.6 of the Government Code, and SBCERA Board Administration Policy 015: "Retirees Returning to Work." Accordingly, Ms. Tamkin is required to work no more than 960 hours in any fiscal year ending June 30.

However, on July 9, 2019, Ms. Tamkin informed SBCERA that she had worked more than the 960 hours allowed for Fiscal Year 2018-19. She has since communicated to SBCERA that she and her employer had been monitoring her hours but had some confusion about the exact number of hours she had actually worked in the final pay periods of the fiscal year. Upon this notification from the retiree, SBCERA subsequently verified with the County that Ms. Tamkin worked a total of 967 hours in Fiscal Year 2018-19, thus exceeding the permitted hour limit by seven hours.

This is the first time a return-to-work retiree has exceeded the 960-hour limit since SBCERA began tracking this information (as a result of the approval of Administration Policy 015 in early 2015). In part, this is because SBCERA tracks these hours on a bi-weekly basis and there is generally a

dialogue between SBCERA, the employer, and the employee as an employee's cumulative hours exceed various thresholds prior to approaching the 960-hour limit. Throughout the year, SBCERA provides the County with a bi-weekly report listing all returning retirees along with their total hours worked. Currently, there are over 50 returning retirees tracked on the report. In turn, County Human Services typically reaches out to members with a notification letter once the employee approaches or exceeds 700 hours. In this case, the County notified Ms. Tamkin with a letter dated March 21, 2019, that she was approaching the 960-hour limit, and had already worked 661 hours for FY 2018-19. Later, the June 4, 2019 report indicated Ms. Tamkin was close to reaching the 960-hour limit, and by the time the next report was sent on June 27, 2019, Ms. Tamkin had already worked additional hours and exceeded the limit by seven hours.

Because Ms. Tamkin exceeded the 960-hour limit, Administration Policy 015 stipulates that staff shall present the matter to the Board for determination. In this case, the Board has the option to reinstate Ms. Tamkin to active membership status with a suspension of her retirement benefit (in which case both employee and employer contributions must be collected along with interest on any retirement benefit payment). However, staff believes that reinstating Ms. Tamkin to active membership would be an administrative burden to SBCERA (and likely to the County, as well). Additionally, Ms. Tamkin has stated that she and her employer made a recordkeeping mistake which led to her exceeding the 960 hours by less than a full day's work, over the final pay periods of the fiscal year. Therefore, staff recommends treating the seven hours as de minimus and not reinstating Ms. Tamkin to active membership.

**BUDGET IMPACT:**

None.

**STRATEGIC PLANNING GOAL/OBJECTIVE:**

Superior Service Experience

**STAFF CONTACT:**

Colin Bishop

**ATTACHMENTS:**

Exhibit A: Email from Janice Tamkin

Exhibit B: Letter dated March 21, 2019