



San Bernardino County Employees' Retirement Assoc.

Staff Report Details (With Text)

File #: 19-1122 **Name:**

Type: Action Item

File created: 10/16/2020 **In control:** BOARD OF RETIREMENT

On agenda: 11/5/2020 **Final action:** 11/5/2020

Title: Approve the request to extend re-employment of Carol Sittig as Child Welfare Services Manager of the San Bernardino County Children and Family Services Department Central Office, from November 11, 2020 to November 10, 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 Benefits Policy No. 032: "Retirees Returning to Work," have been met.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A: Board Summary Report, 2. Exhibit B: Certification Forms and Attachments, 3. Exhibit C: Prior Certification Form

Date	Ver.	Action By	Action	Result
11/5/2020	1	BOARD OF RETIREMENT	Approved	Pass

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification Carol Sittig

RECOMMENDATION:

Approve the request to extend re-employment of Carol Sittig as Child Welfare Services Manager of the San Bernardino County Children and Family Services Department Central Office, from November 11, 2020 to November 10, 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 Benefits Policy No. 032: "Retirees Returning to Work," have been met.

BACKGROUND:

Ms. Sittig retired on March 17, 2018 as a Child Welfare Services Manager from the County of San Bernardino Children and Family Services Department, and has been re-employed since May 11, 2019 in the Central Office. The employer cites Ms. Sittig's 19 years of experience as a Child Welfare Services Manager as being critical to the department, whose stated mission is to protect endangered children, preserve and strengthen their families, and develop alternative family settings. The department is requesting an additional 12-month extension through November 10, 2021 to help fill in for a recently vacated Child Welfare Services Manager position at the Placement Resources Division.

Ms. Sittig's initial post-retirement employment began in March 2018, 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. Accordingly, the Children and Family Services department has filed for an extension for her to continue working until November 10, 2021.

Exhibit B provides additional background and answers to supplemental questions regarding the stated importance of her re-employment to the department. The department indicates there are no other staff able to temporarily fill the position vacated on August 15, 2020. Additionally, due to current budget constraints, the department states that is unable to recruit for and fill this vacant position, but continues to work with the Chief Executive Officer's office to get approval. The employer contends that having Ms. Sittig on board will prevent the department from shifting work and responsibility to other managers, allowing those other managers to focus on their existing duties and allowing them to provide critical services to children and families in need. Ms. Sittig's prior Returning Retiree Certification is attached as Exhibit C.

Based on the materials provided, it appears that 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 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 November 10, 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. Sittig.

BUDGET IMPACT:

None.

STRATEGIC PLANNING GOAL/OBJECTIVE:

Operational Excellence & Efficiency

STAFF CONTACT:

Colin Bishop

ATTACHMENTS:

Exhibit A: Board Summary Worksheet

Exhibit B: Certification Forms and Attachments

Exhibit C: Prior Certification Form