



BOARD OF RETIREMENT

Staff Report

File #: 19-757

Agenda Date: 2/6/2020

Agenda #: 19.

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification: Lori Franklin

RECOMMENDATION:

Approve the request to extend employment of Lori Franklin from February 29, 2020 to March 1, 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. Franklin retired on April 25, 2009 and has been re-employed for more than seven (7) years as a Sheriff's Communication Dispatcher II for the County of San Bernardino Sheriff's Department.

Her initial post-retirement employment began in January 2013, concurrent with the implementation of the California Public Employees' Pension Reform Act of 2013 (PEPRA), which placed additional restrictions on retirees returning to work. In part to ensure compliance with PEPRA, SBCERA's Board approved the first version of its policy on "Retirees Returning to Work," in January 2015. The policy outlined a process whereby employers would report and certify the eligibility of retired SBCERA members prior to re-employment. At the time, the policy permitted retiree employment for a "limited duration" of time if the duration was less than two years, and extension beyond that two-year cutoff did not require Board approval. Instead, staff reviewed and processed any extensions. In April 2018, the Board approved an updated version of the policy, which changed some of the processes for reviewing and permitting extensions for retirees returning to work, notably adding a provision for Board approval when the period of employment was either not specified or greater than 18 months.

Accordingly, in February 2019, the Sheriff's Department filed for an additional extension for Ms. Franklin to continue working until February 2020. The Board of Retirement granted the extension after determining an extreme necessity existed to continue the retiree's employment. The department is now making an additional request for extension which would cover the period of time from February 29, 2020 through March 1, 2021. This recent request outlines the critical shortage of Dispatchers despite aggressive recruitment efforts over the past year. During this time, the department had 370 applicants referred to them and interviewed 282 applicants. Of those, 47 were hired, including 6 Dispatcher 1 Trainees on January 6, 2020. The next Sheriff's Dispatch Academy is scheduled to start March 14, 2020 and there are additional applicants in the background check process. Despite several mass interview events and continuous recruitment efforts for dispatchers over the past year, the department still has 32 vacant Dispatcher positions amounting to a 30% vacancy rate. The 79 current Dispatchers already have current overtime mandates, and if Ms. Franklin's employment is not extended, there will be additional overtime mandates in order to remain

in compliance with the State of California Emergency Operations standards for call pick-up requirements. Failure to meet 9-1-1 call answer time standards of 95% with the first 15 seconds has the potential risk of losing state funding. Additional background has been provided by the department in Exhibit B.

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 March 1, 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. Franklin.

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