



# BOARD OF RETIREMENT

## Staff Report

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**File #:** 19-762

**Agenda Date:** 2/6/2020

**Agenda #:** 21.

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**FROM:** Colin Bishop, Chief of Member Services

**SUBJECT:** Returning Retiree Certification: Tamara Novotny-Kaup

**RECOMMENDATION:**

Approve the request to extend employment of Tamara Novotny-Kaup from February 6, 2020 to February 5, 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. Novotny-Kaup retired on March 22, 2014 and has been re-employed for two (2) 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 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.

The department is now making a request for extension which would cover the period of time from February 6, 2020 through February 5, 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 nearly a 30% vacancy rate. The 79 current Dispatchers already have current overtime mandates, and if Ms. Novotny-Kaup'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 February 5, 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. Novotny-Kaup.

**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