



BOARD OF RETIREMENT

Staff Report

File #: 19-983

Agenda Date: 7/2/2020

Agenda #: 9.

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification Marguerite Finneran

RECOMMENDATION:

Approve the request to extend re-employment of Marguerite Finneran as Recurrent Sergeant for the San Bernardino County Sheriff's Department, from April 2, 2020 to April 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. Finneran retired on March 3, 2018 as a Sergeant from the County of San Bernardino Sheriff's Department and has been re-employed for the past two years as a Recurrent Sergeant in the Sheriff's Civil Liabilities Division. Her initial reemployment in March 2018 was certified by SBCERA staff, consistent with the Board's policy on "Retirees Returning to Work." That certification was set to expire on March 31, 2020, but it 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.

For this current reemployment request, the department contends that Ms. Finneran's specialized knowledge and assistance is critical in assisting with the back log of department statements related to SBCERA Disability Retirement applications and the increased workload required for Use of Force Reporting to the State Department of Justice under AB71.

The Sheriff's Department experienced a 79% increase in Disability Retirement applications filed between 2016 and 2019, and the department anticipates the trend to continue for this current year. The department contends that Finneran's re-employment is crucial in clearing the backlog and maintaining timely completion of the department statements along with enhanced communication with SBCERA.

The Civil Liabilities Division is seeking to add another position and once approved and budgeted, this extension will allow time for Ms. Finneran to provide appropriate training of a replacement. The department is requesting to re-employ Ms. Finneran for an additional one-year period from April 2, 2020 through April 1, 2021.

Exhibits B and C provide additional background regarding Ms. Finneran's specialized knowledge, and her importance to her department. The 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 April 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. Finneran.

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: Additional Questions
- Exhibit D: Prior Certification Form