



# BOARD OF RETIREMENT

## Staff Report

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**File #:** 19-1034

**Agenda Date:** 8/6/2020

**Agenda #:** 11.

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

**SUBJECT:** Returning Retiree Certification: James Miller

**RECOMMENDATION:**

Recommend review, and determine status to extend re-employment of James Miller as Field Representative for the San Bernardino County Board of Supervisors, from August 6, 2020 to February 1, 2022.

**BACKGROUND:**

Mr. Miller retired on March 31, 2018 and was re-employed on February 2, 2019 as a Field Representative for Supervisor Dawn Rowe's Office (District 3). The recent extension request dated July 31, 2020 cites "Mr. Miller has extensive experience and knowledge of municipal affairs in Big Bear Valley and surrounding communities. As such, he was the only qualified applicant for the position of Field Representative for Supervisor Dawn Rowe. Supervisor Rowe would very much like to extend his employment with her office for an additional 18 months." The Department answered supplemental questions detailing Mr. Miller's employment which are contained in Exhibit A. Based on the materials provided, it appears that Mr. Miller's position of Field Representative is the functional equivalent of a regular part time job and the employer has not demonstrated extreme necessity, nor circumstances that are unavoidable or could not have been anticipated, to continue the retiree's employment.

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 1, 2022; 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.

**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