



BOARD OF RETIREMENT

Staff Report

File #: 21-170

Agenda Date: 11/4/2021

Agenda #: 11.

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification: Sandra Essner (SCAQMD)

RECOMMENDATION:

Approve the request of the South Coast Air Quality Management District (SCAQMD) to extend employment of Sandra Essner from November 9, 2021 to November 8, 2022 because an extreme necessity exists to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Administration Policy No. 015 "Retirees Returning to Work," have been met.

BACKGROUND:

Ms. Essner retired on January 18, 2017 and has been re-employed intermittently as a Contract Worker for the SCAQMD since April 18, 2019.

Ms. Essner's initial post-retirement employment began 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.

Ms. Essner's original re-employment period was authorized for 12 months to begin on April 18, 2019 and end on April 18, 2020. Then the Department requested to continue Ms. Essner's re-employment for an additional 6 months through October 18, 2020. Staff reviewed and approved this request since it did not exceed the 18-month limited duration. However, due to the COVID-19 pandemic, Ms. Essner did not perform any work during this 6 month period. As a result, Ms. Essner's certification of re-employment was modified to begin on April 15, 2021 and end on October 14, 2021.

SCAQMD is now requesting Ms. Essner continue employment for an additional 12-months beginning on November 9, 2021 and ending on November 8, 2022 due to extreme necessity. The employer cites Ms. Essner's technical knowledge and experience as necessary to ensure proper training of new staff in light of COVID. She is also able to provide much needed assistance with asbestos analysis and identification that ensure analysis continues without interruptions.

Based on the facts presented in the attached materials, SCAQMD contends there is an extreme necessity 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 Board 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 Benefits 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 8, 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 Benefits 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. Essner.

BUDGET IMPACT:

None.

STRATEGIC PLANNING GOAL/OBJECTIVE:

Operational Excellence & Efficiency

STAFF CONTACT:

Colin Bishop
Kathleen Crook

ATTACHMENTS:

Exhibit A: Board Summary Worksheet
Exhibit B: Certification Form
Exhibit C: Department Memo
Exhibit D: Prior Certification Forms