



San Bernardino County Employees' Retirement Association

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AUTHORIZATION FORM

AUTHORIZATION FOR THE EMERGENCY APPOINTMENT OF RETIRED SBCERA MEMBER

DATE: _____

EMPLOYER INFORMATION:

Name of EMPLOYER: _____
Name (Area Code & Phone No.)

Address of EMPLOYER: _____
Street City Zip Code

Employer Representative: _____
Name

EMPLOYEE INFORMATION:

Name of EMPLOYEE: _____
First Middle Last

Date of Retirement: _____

Re-Employment Job Title: _____

Effective Date of Re-Employment: _____

Government Code sections 7522.56, 31680.2 and 31680.6 limit retired SBCERA members' ability to work for SBCERA-participating employers without being reinstated as active members.

On March 4, 2020, the Governor issued a Proclamation of a State of Emergency in response to the COVID-19 health crisis and, in Executive Orders N-25-20 and N-35-20, the Governor suspended all limitations under Government Code sections 7522.56, 31680.2 and 31680.6, except for Gov't Code sec. 7522.56(e), which remains effective.

Government Code section 7522.56(e) provides that "any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to [the] appointment ... the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer."

SBCERA's Distributions Restrictions policy provides that SBCERA's limitations on retiree appointments (to ensure a bona fide separation under IRS rules) are suspended during an emergency. Nevertheless, an emergency should not be exploited by employees who (a) were not otherwise planning on retiring and/or (b) whose services are not essential during the COVID-19 health crisis. Such abuses will call into question whether there has been a bona fide separation, even under emergency circumstances.

Additionally, returning retirees who have been granted disability retirements from the SBCERA Board of Retirement shall not be required to perform any of the duties the Board of Retirement determined the retiree was permanently incapacitated from performing. It is the employer's responsibility to ensure that the position the returning retiree will fill meets the work restrictions set forth by the retiree's physician, and such determination will be done through an Interactive Process (IAP) conducted with retiree.

MEMBER CERTIFICATION

This section to be completed by the SBCERA returning retiree.

I certify that: (1) I made plans to retire on or about the retirement date listed above, before it was evident that my post-retirement services to my employer were essential during the COVID-19 health crisis; and (2) during the 12-month period prior to my effective date of reemployment I did not receive any unemployment insurance compensation arising out of prior employment subject to Gov't Code sec. 7522.56 with a public employer.

MEMBER SIGNATURE

DATE

EMPLOYER CERTIFICATION

This section to be completed by the employer.

I certify that the post-retirement services of the above-named member are essential during the COVID-19 health crisis, and that the retiree qualifies for reemployment under the criteria set forth above.

PRINTED NAME, TITLE

SIGNATURE

DATE

Upon the completion of this authorization, the member named herein may return to employment with his or her employer at any time. Such employment shall not operate to reinstate the member as an active member of SBCERA or to terminate or suspend his or her retirement allowance, and no deductions shall be made from his/her salary as contributions to SBCERA. **This authorization is valid only during the COVID-19 emergency. When the emergency has concluded, employment of all retired SBCERA members must comply with then-applicable law and SBCERA's policies and procedures that apply in the absence of an emergency.**