

San Joaquin County Extra-Help Retirees Certification of Compliance Form

This form must be completed by all SJCERA retirees and department designated management prior to a SJCERA retiree member working as an extra-help employee, or when a SJCERA retiree member would be providing services to the County of San Joaquin through a contract. Please review Section C which details hiring requirements, eligibility and other pertinent information.

Applicant Information (to be completed by applicant)			
Last Name	First Name	Middle Initial	Last 4 of SSN or EID

Date of Retirement: Expected Date of Employment: Expected Termination Date:

____/____/____

____/____/____

____/____/____

Job Classification: _____

Has it been at least 180 days since the effective date of your retirement: ☐ Yes ☐ No

(Not applicable for retired members filling public safety or fire fighters functions)

Part A: To be completed by Applicant

1. Are you a retiree (i.e., collecting pension benefits) from any of the following San Joaquin County Employees' Retirement Association (SJCERA) membership organizations?

☐ Yes Retirement effective date: ____/____/____

I am retired as a: General Member ____ and/or Safety Member ____ of SJCERA. (Check all that apply)

Select employer below and proceed to Question 2

- | | |
|---|--|
| i. ☐ County of San Joaquin | vi. ☐ Waterloo-Morada Rural Fire District |
| ii. ☐ San Joaquin County Superior Court | vii. ☐ San Joaquin County LAFCO |
| iii. ☐ Manteca-Lathrop Rural Fire District | viii. ☐ San Joaquin County Law Library |
| iv. ☐ Tracy Public Cemetery | ix. ☐ Mountain House Community Service District |
| v. ☐ San Joaquin Mosquito Abatement District | x. ☐ San Joaquin County Historical Society |

☐ No Proceed to Certification and Signature below

Certification and Signature:

I certify and declare under penalty of perjury that, to the best of my knowledge and belief, I am not a retiree of SJCERA.

Applicant Signature: _____ Date: _____

After you have signed above, return this form to department contact.

2. At the time of your retirement, did you accept a retirement incentive ("golden handshake")?

- ☐ Yes
☐ No

3. **At the time of your retirement effective date (Question 1) were you a General Member younger than age 59, or a Safety Member younger than age 54?**
☐ Yes Proceed to Question 4
☐ No Proceed to Question 6
4. **Did 90 days elapse between the retirement effective date marked in Question 1 and the above expected date of employment? (SJCERA Bylaws §§ 24, et seq.; Treas. Reg. §§ 1.401; 26 USC 401)**
☐ Yes Proceed to Question 5
☐ No Applicant is ineligible for employment or rehire, proceed to Certification and Signature below
5. **At the time of your retirement, did you have a predetermined agreement, either written or unwritten, with an SJCERA-participating employer to return to work after retirement? (SJCERA Bylaws §§ 24, et seq.; Treas. Reg. §§ 1.401; 26 USC 401)**
☐ Yes Applicant is ineligible, proceed to Certification and Signature below
☐ No Proceed to Question 6
6. **Have you worked in an extra-help position or contract employment for a public employer since your retirement?**
☐ Yes Proceed to Question 7
☐ No Proceed to Certification and Signature below
7. **If answered "YES" to Question 6, did you collect unemployment insurance benefits from this position?**
☐ Yes Proceed to Question 8
☐ No Proceed to Certification and Signature below
8. **If answered "YES" to Question 7, what was the last date on which you received unemployment insurance benefits?**
☐ ____/____/____

Certification and Signature:

I certify and declare under penalty of perjury that my answers to the questions in Part A are true and correct to the best of my knowledge and belief. I further understand that my reemployment must be in compliance with the terms outlined in Section C. I certify and declare under penalty of perjury that I had no agreement or understanding prior to my retirement to become re-employed by the County.

Applicant Signature: _____ Date: _____

After you have signed above, return this form to department contact.

Part B: To be Completed by Department
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Be sure the applicant signed and dated the Extra-Help Retirees Certification of Compliance Form.

1. **The Job Classification in which the retiree is to be employed is designated by SJCERA in the:**
 ____ General Member category
 ____ Safety Member category
2. **Is the applicant a retiree of SJCERA? (Part A Question 1)**
☐ Yes Proceed to Question 3
☐ No Applicant is eligible, proceed to Determination
3. **Did the applicant answer YES to Part A Question 2 ("golden handshake")?**
☐ Yes
☐ No

4. Did 180 days elapse between the retirement effective date marked in Part A Question 1 and the expected date of employment?
- ☐ Yes
 - ☐ No
5. Based on your answers to Questions 3 and 4 in Part B, respectively, the applicant is...
- ☐ YES/YES Potentially eligible, proceed to Question 6
 - ☐ YES/NO Applicant is ineligible at this time, proceed to Determination
 - ☐ NO/YES Potentially eligible, proceed to Question 6
 - ☐ NO/NO Proceed to Question 8
6. Did the applicant answer YES to both Questions 6 AND 7 in Part A?
- ☐ Yes Proceed to Question 7
 - ☐ No Applicant is eligible, proceed to Determination
7. Did at least 12 months elapse between the date of last unemployment insurance payment and expected date of employment?
- ☐ Yes Applicant is eligible, proceed to Determination
 - ☐ No Applicant is ineligible at this time, proceed to Determination
8. Is the applicant necessary to fill a critically needed position before 180 days have passed?
- ☐ Yes Applicant is potentially eligible subject to Board of Supervisors approval
 - ☐ No Proceed to Question 9
9. Is the position for public safety officer?
- ☐ Yes Applicant is eligible, proceed to Determination
 - ☐ No Applicant is ineligible for at this time, proceed to Determination

Justification: Describe the specific project for which the applicant is being considered, include a description of the "skills" which necessitate the hire/re-hiring of this particular applicant, and describe the duration of the project, including the anticipated end date of the project.

Department Head or Designee Signature: _____

Date: _____

Employer Determination of Eligibility:

- ☐ Eligible
- ☐ Ineligible
- ☐ Board of Supervisors approval needed

Director, Human Resources Signature: _____

Date: _____

Part C – Terms of Post-Retirement Services

1. Pursuant to federal law, a retired person who is receiving benefits from a qualified retirement plan such as the San Joaquin County Employees' Retirement Association (SJCERA) who retired at an age younger than Normal Retirement Age must have a bona fide separation from service before employment after retirement. Normal Retirement Age for SJCERA is age 59 for General Members, and age 54 for Safety Members. A bona fide separation from service means the member, prior to the effective date of retirement, has not entered into any predetermined agreement, either written or unwritten, with a participating employer to return to work after retirement, regardless of the length of the separation from service, and the member has a separation from service of at least the greater of (a) the separation from service required by state law (180 days unless an exception applies) or (b) a continuous 90 calendar day separation from service.
2. Pursuant to state law, a retired person who is receiving pension benefits from SJCERA cannot serve, be employed by, or be employed through a contract directly by, the County except during an emergency to prevent stoppage of public business or unless the retired person has a skill needed to perform work of a limited duration on (Gov. Code Section 7522.56 (b) and (c)). In those cases in which a retired person has skills and work of a limited duration is necessary, specific regulations and guidelines must be adhered to, which include the following:
 - A. There must be a 180-day separation of services before a SJCERA retiree may return for an extra-help work assignment with the County of San Joaquin, with the following exceptions. (Gov. Code Section 7522.56(f))
 - i. An exception can be made if the governing body certifies that the nature of the employment and that the appointment is necessary to fill a critically needed position and that the 180 days has not yet passed, provided the approval is in a properly noticed public meeting of the Board of Supervisors and is not on a consent calendar. (Gov. Code Section 7522.56 (f)(1))
 - ii. The 180-day separation of service does not apply to a public safety officer or firefighter hired to perform public safety officer or firefighter functions (Gov. Code Section 7522.56 (f)(4)).
 - iii. No retiree who benefitted from a retirement incentive (i.e. cash incentive, "golden handshake" program) may return prior to the end of the 180 days regardless, of the exception provided above in i. and ii. (Gov. Code Section 7522.56 (g))
3. Retiree extra-help employees are limited to working 960 hours in a fiscal year. By law, the County cannot pay for any work done in excess of 960 hours. (Gov. Code Section 31680.2 (a); Gov. Code Section 31680.6 (a))
4. Departments are prohibited by law from hiring retirees as extra-help if, during the 12-month period prior to the appointment, the retiree received unemployment insurance payments arising out of prior California public employment. Proof of compliance with the requirement must be certified in writing and be submitted by the individual. (The Certification of Compliance Form serves this purpose.) A retired person who accepts an appointment after receiving unemployment insurance compensation as described shall terminate employment on the last day of the current pay period and shall not be eligible for re-appointment for a period of 12 months following the last day of employment, or 12 months from receipt of unemployment insurance arising out of their public employment, whichever is later. Additionally, retirees who have received or will receive unemployment arising out of prior California public appointment, cannot be used as employees for emergency situations. (Gov. Code Section 7522.56 (e))

Recordkeeping Requirements

Human Resources Department must retain Parts A and B. If the Board of Supervisors approved the hire, a copy of the Board Agenda Item and Resolution attached to the form, is required to be submitted to the Human Resources Department.