



San Joaquin County Employees' Retirement Association

TO: SJCERA Participating Employers

FROM: Johanna Shick 
Chief Executive Officer

DATE: April 2, 2020

SUBJECT: Temporary Suspension of State Restrictions on Reemployment of Retirees

On March 4, 2020, Governor Gavin Newsom declared a statewide state of emergency due to the COVID-19 pandemic. Governor Newsom issued Executive Order N-25-20 on March 12, 2020, which temporarily waived the work hour limitations for retired annuitants of CalPERS. On March 21, 2020, Governor Newsom issued Executive Order N-35-20, which applied the retired annuitant provision of N-25-20 to all local government employers.

The purpose of this memo is to inform SJCERA participating employers of the effect of Executive Order N-35-20 on San Joaquin County Employees' Retirement Association (SJCERA) retired members employed under the 960- hour return-to-work provisions.

Work Hour Limitation Exceptions

To ensure adequate local government staffing to expedite emergency response and recovery, the work hour limitations for SJCERA retirees are waived from the date Executive Order N-35-20 was issued until the state of emergency is lifted, or until further notice. The intent of the executive order is to suspend the SJCERA retiree's work hour limitation of 960 hours per fiscal year during the state of emergency. Any hours worked by a SJCERA retiree to ensure adequate staffing during the state of emergency will not be counted toward the 960-hour limit for the fiscal year.

Wait Period Exceptions

Under Executive Order N-25-20, as applied to SJCERA's participating employers through Executive Order N-35-20, the 180-day break in service required under Government Code section 7522.56(f) is also waived, provided (1) there is no verbal or written prearrangement to return to work and (2) they are hired to provide adequate staffing during the state of emergency. In addition, those who retired before attaining Normal Retirement Age as defined in [SJCERA Policy](#) (generally age 54 for Safety members, and age 59 for General members), are exempt from the 90-day separation in service requirement provided they meet the two criteria listed above.

Required Actions

Employers must take the following steps for each SJCERA retiree who will be employed under the emergency provisions:

- 1. Complete the Emergency Return to Work form and submit the form to SJCERA.**

Please note that this form must be signed by an authority within the organization authorized to hire retirees to support the state of emergency (i.e., County Administrator, Department

Appointing Authority, General Manager, Executive Officer, District Fire Chief or an individual authorized to act on the authority of the governing body's chief executive). Submit completed forms by email to ContactUs@sjcera.org or fax to 209.468.0480.

2. Notify the California Department of Human Resources.

As outlined in the Governor's Executive Order N-25-20, the Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers. Notification must be sent to CAStateofEmergencycalhr.ca.gov.

3. Report emergency hours worked to SJCERA separately.

Each pay period employers must submit the emergency hours worked by SJCERA retirees pursuant Executive Order N 35-20 using the spreadsheet provided with this notice.

County Departments: Submit the spreadsheet to the County Human Resources Division. The spreadsheet is due on the last day of each pay period.

Participating Employers other than the County: Submit the spread sheet directly to SJCERA at ContactUs@sjcera.org, using "Emergency Return to Work Hours" as the subject line of the email. The spreadsheet is due on the last day of each pay period, and must reflect only those hours worked pursuant to Executive Order 35-20.

The work hours for SJCERA retirees, including those covered by this order, will be monitored for compliance.

Timeline

The suspension of the SJCERA retiree work hour limitation and wait period exceptions are effective as of March 21, 2020, the date Executive Order N-35-20 was issued, and will remain in place until the state of emergency is lifted or until further notice.

Continued Compliance

All other working-after-retirement provisions still apply:

- There must not be any predetermined agreement between an employer and an impending retiree for the retiree to return to work.
- Compensation for SJCERA retirees shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule.
- A SJCERA retiree shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

Questions

If you have any questions, please call SJCERA Assistant Chief Executive Officer, Kathy Herman at 209.468.2137 or send an email to Kathyh@sjcera.org.