

Retiree Extra-Help Certification of Compliance Form

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

Retiree Information (to be completed by retiree)

Last Name	First Name	Middle Initial	Last 4 Digits of SSN
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Date of Retirement

Month	Day	Year

Expected Date of Reemployment

Month	Day	Year

**Expected Break
in Service**

Job Classification

The **Expected Break in Service** is the number of calendar days between the Date of Retirement and the Expected Date of employment as a retiree

Part A: Break in Service Information (to be completed by retiree)

1. **Did you or will you receive within the 12 months prior to the expected date of reemployment any unemployment insurance compensation arising out of public employment in California?**
 Yes (STOP – you are not eligible for this kind of reemployment at this time; notify hiring manager/department)
 No (continue to question 2)

2. **Is this employment during an emergency to prevent stoppage of public business?**
 Yes (Skip the remaining questions and please sign below)
 No (continue to question 3)

3. **Is your Expected Break in Service at least 60 days?**
 Yes (continue to question 5)
 No (continue to question 4)

4. **If you are a general retiree member, were you 58 years of age or older on your date of retirement; or, if you are a safety retiree member, were you 50 years of age or older on your date of retirement?**
 Yes (continue to question 5)
 No (STOP – you are not eligible for this kind of reemployment at this time; notify hiring manager/department)

5. **Is your Expected Break in Service at least 180 days?**
 Yes (Skip the remaining questions and please sign below)
 No (continue to question 6)

6. **Did you receive any retirement incentive (“golden handshake”) upon retirement?**
 Yes (STOP – you are not eligible for this kind of reemployment at this time; notify hiring manager/department)
 No (continue to question 7)

7. **Is the job classification for which you wish to be considered a Public Safety Officer as defined by Penal Code and in the job specification?**
 Yes (Please sign below)
 No (you are not eligible for this kind of reemployment at this time without Board of Supervisors’ approval; notify hiring manager/department)

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

Retiree Signature	Date
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After you have signed above, return this form to your perspective employer/department contact.

Part B: Determination of Eligibility (to be completed and signed by the department designee)

Be sure the retiree has signed and dated Part A.

- For questions 1, 4 and 6 in Part A, did the retiree check a box that had the word STOP in the parenthetical after it?**
 Yes (retiree is not eligible for this kind of reemployment at this time; skip the remaining questions and check 'No' on the **Determination of Eligibility** below)
 No
- Did the retiree answer 'Yes' to question 2 in Part A?**
 Yes (retiree is eligible for reemployment in this capacity; skip the remaining questions and check 'Yes' on the **Determination of Eligibility** below; employment must be limited to "during an emergency to prevent stoppage of public business")
 No
- Did the retiree answer 'No' to question 5 and 'No' to question 7, in Part A?**
 Yes (retiree is only eligible for reemployment with Board of Supervisor approval; skip the remaining question and check Board of Supervisor approval on the **Determination of Eligibility** below)
 No
- Did the retiree answer 'No' to question 5 and 'Yes' to question 7, in Part A?**
 Yes (Retiree is eligible for reemployment; skip the next step and check 'Yes' on the **Determination of Eligibility** below. Hiring department must confirm that job class is a Public Safety Officer.)
 No
- If you answered 'No' to the four questions above and the retiree has signed and dated Part A, retiree is eligible for reemployment. Check 'Yes' on the **Determination of Eligibility** below.

Determination of Eligibility: Based on the information provided by the retiree, the retiree is eligible for post-retirement employment of or after the Expected Date of Reemployment indication on the front of this form.

- Yes, the retiree is eligible for reemployment** (review requirements in Section C)
 No, the retiree is not eligible for this kind of reemployment at this time (review requirements in Section C)
 Board of Supervisor approval is required prior to the start date (review requirements in Section C)

I certify that the retiree had no agreement or understanding prior to retirement to become re-employed by the County. I further understand that reemployment must be in compliance with the Terms of Post-Retirement Service listed in Part C

Employer Representative Signature	Date
Employer Representative Name and Title (please print)	Phone

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Section C – Terms of Post-Retirement Services

- I. A retired person who is receiving retirement benefits from the Sonoma County Employees' Retirement Association (SCERA) 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 special skills needed to perform work of limited duration [Gov. Code Section 7522.56 (b) and (c)]. In those cases in which a retired person has special skills and work of a limited duration is necessary, specific regulations and guidelines must be adhered to, which include the following:
- II. There must be a 180-day separation of service before a SCERA retiree may return for an extra-help work assignment with County of Sonoma, with the following exceptions. [Gov. Code Section 7522.56(f)]
- A. *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 and is not on a consent calendar. [Gov. Code Section 7522.56 (f)(1)]*
- B. *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)]. "Public safety officer" includes park rangers and welfare fraud investigators. Gov. Code Section 3301.*
- C. *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 exceptions provided above in I. and II.A. and B.) [Gov. Code Section 7522.56 (g)].*
- III. Regardless of the exceptions in I. and II. above, retirees who retire at an earlier age than the "normal" age of the retirement system, which is defined as age 50 for safety members and age 58 for general members, may not return to work for the County as extra-help until there has been a bona fide break in service, which is established as *60 continuous days* that have elapsed between the date of retirement and the return to work date. Additionally, there may be no agreement or understanding prior to the employee's retirement that the retiree would become reemployed with the County. Retirees who retire earlier than the normal retirement age may only be allowed to return to work within the 60-day break in service for emergency situations to prevent stoppage of public business. Retirees may be appointed to any job class the former employee held over the course of their employment, a lower level job class in the same series in which they had held a position, or a job class that is determined by Human Resources as being "closely related". Human Resources will use the Civil Service Rule definition of closely related classes. The rate of pay for the appointment shall not be less than the minimum nor greater than the maximum paid to other employees performing comparable job duties (i.e. same job class).
- A. *If a retiree is interested in extra-help positions that are outside the criteria listed above, then retirees may apply through the normal recruitment process for extra-help positions; the restrictions stated above still apply [I., II.) and III.].*
- IV. 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. There is no limit to the number of fiscal years in which a retiree extra-help employee may work provided the assignment is limited in duration and requires special skills, or is due to an emergency to prevent business stoppage.
- V. 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

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public employment. Proof of compliance with this 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 reappointment 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. [Govt. Code Sect. 7522.56 (e)]

VI. Retirees who returned to work in an Extra Help capacity prior to January 1, 2013 were not subject to the 180-day waiting period. However, for employees who deferred retirement to a date after January 1, 2013, but began working as an extra-help employee in 2012, there must then be a 180-day waiting period starting the date in which they become a retiree as provided in I. and II. above. Additionally, the 60-day break in service would be required [III.], if the individual is below the normal retirement age.

VII. If a retiree is returning to work with the County and “unretiring” (becoming an active retirement system member, discontinuing their benefit and contributing to the retirement system) who initially retired at the normal retirement age or older, no waiting period is required. If a retiree is returning to work and “unretiring” who initially retired earlier than the normal retirement age, AND there was no agreement or understanding (a “plan”) that the retiree would return to work, the individual may return without a 60-day break-in-service. (Normal re-employment processes and rules still apply.) The County recommends the retiree contact the Sonoma County Employees’ Retirement Association (707-565-8100) for information on how becoming an active member will affect your retirement benefits.

Recordkeeping Requirements

Departments must retain Parts A and B. If the Board of Supervisor’s approved the hire, a copy of the Board report, attached to the form, is recommended. A centralized, secure, and separate and distinct file to retain these forms is recommended rather than including them in personnel files. Retain documents for 5-years from date signed.