



# PRIME TIME

Volume 40, Number 1 September 2021 RESBCinfo@gmail.com

## PRESIDENT'S COLUMN by John Michaelson

While it is an honor to be the new President of RESBC, I have to tell you I am well aware I have big shoes to fill. Deborah Barmack, our immediate Past President, set a high bar of excellent leadership and great organizing skills. Thanks, Deborah, hope I can live up to that.

On a very sad note, for me, Dorothy Lueking passed away in early August. Those of you who have been retired for a while will remember Dorothy as the long-time editor of our newsletter (before Virginia Adams). I can remember the first time (way back around 2005) when I went to my first RESBC meeting and was greeted by a wonderful lady, Dorothy Lueking. She was very welcoming to someone she didn't

know. I don't think I know anyone who put more effort into supporting retirees and was always ready to volunteer to help out on any project. My condolences to her husband Ted (she always referred to him as her German farmer). RIP Dorothy. We will dearly miss you.

On a happier note, I am pleased to announce the addition of three new volunteers to our governing body of RESBC. Gary Amelio, retired CEO of several California Public Retirement systems. Later in this newsletter you will see his first article. With his wealth of knowledge in many matters important to retirees, he has agreed to write articles for this newsletter and participate on the Board. My old column, Benefit Bits, will stop, at least as long as I am President.

Janet Ward, a retired attorney with the District Attorney's office has agreed to help Wes McDaniel with Programs, and maybe some other stuff we can talk her into.

Cheryl Napier, a retiree of several county departments, has agreed to be our Sunshine Committee Chair, sending out sympathy cards and related issues and again, whatever else we can talk her into. A Big Thank you to the three new volunteers! As always I



\*\*\*\*\*  
\* RESBC has an \*  
\* email address: \*  
\* [RESBCinfo@gmail.com](mailto:RESBCinfo@gmail.com) \*  
\* If you have questions, \*  
\* suggestions, or \*  
\* comments, please \*  
\* let us know. We would \*  
\* like to hear from you! \*  
\*\*\*\*\*

- RESBC Board Members**  
John Michaelson, President  
Virginia Adams  
Gary Amelio  
Deborah Barmack  
BJ Cruz  
Wes McDaniel  
Cheryl Napier  
Rhett Rehage  
Dena Smith  
Ruth Stringer  
Janet Ward  
Vicki Watson  
AB Brand, Treasurer Emeritus

**QUESTIONS OR CONCERNS REGARDING MEMBERSHIP OR ADDRESS CHANGES, PLEASE CONTACT:**  
BJ Cruz  
Membership Chair  
resbcinfo@gmail.com  
909-633-0812

would remind you, that volunteers, as we have no paid staff, are one of the reasons we can, so far, keep dues to only \$1 per month.

These new volunteers will be very helpful as we are losing one, Doug Brogdon who, besides being ready to help on any issue, has been the RESBC Membership Chair. BJ Cruz, another jack of all trades, is moving over to take Doug's place. Wes McDaniel, besides being a Vice President, will take over BJ's old job as Program Chair. He will be assisted by Janet Ward.

I am also happy to report a resumption of face- to- face meetings (as long as new COVID rules allow). Later in this newsletter you find detailed information about an outing to a **baseball game** in San Bernardino, this is on a short-time frame, so if you are interested get your attendance form in quickly.

**Things in the Works** The Board has approved the purchase of a software app, with which we hope to create our very own website. Add to this the board is discussing the hiring of part-time help. After all, we have more than 7,000 members and we think we need to move forward into the 21<sup>st</sup> Century. As you may know, our biggest single expense is the printing and mailing of this newsletter, and this is just one reason we are encouraging those who have computers to accept electronic distribution of the newsletter. So, if you're of a mind to switch from hard copy to electronic, just let us know.

As President I would close with the thought that I feel any or-

ganization is made better via the involvement of its members, so if you have any thoughts on how we can improve as an organization, or if you have had a burning question, please don't hesitate to write, or send an email. All on the board are open to new ideas.

Your President may be reached by email at johnmichaelson1@verizon.net.

**BEYOND RETIREMENT**  
(through July 2021)

Helene Altman  
Roy Alvarez  
Laura Ankerberg  
Bruce Arnett  
Vicki Aubin  
Denise Baker  
Barton Bonner  
Donald Breshears  
Charles Cairns  
Fern Caldwell  
Tony E. Campos  
Albert Carruthers  
Sarah Carter  
Ronald Chrisman  
John Clifford  
John Crouch  
Joan Danley  
Lucille Davis  
Wesley Daw  
Melvin Dorow  
Irma Farias  
Patricia Feary  
Stephen Franks  
Leonor Gish  
Gayle Glenn  
Carole Glover  
Alvin Guthmiller  
Charles Hammond  
Marilyn Hartwick  
Tressa Hayes  
Alfred Hernandez  
Dennis R. Hicks  
John Howard  
Richard Huch  
Ralph Jenkins

Mary Johnson  
Avelina Jones  
Gay Joyner  
Helen Kern  
Nancy La Garde  
Ruth Lantosh  
Bill Lasley  
Charles Loy  
Vicki J. Lupo  
Claude Mangrum  
Luana Mathews  
Newton Mathis  
Rudy Martus  
Carolyn McDaniel  
James McKeever  
Dorothy Mizysak  
Widad Mohr  
Mario Morales  
Ruben Narez  
David Negus  
Arthur Obst  
Carla Osborne  
Gail Page  
Richard Palacios  
Sherrie Persons  
Kenneth Pike  
Darlene A. Prante  
Ennis Renfroe  
Leroy Rois  
Alysaleh Saleh  
Carolyn Saunders  
Wilma Silva  
Judy Skaggs  
Kevin Sorrell  
Barbara Spencer-Ross  
Jeanne Stockdale  
Hamilton Stoddard  
Ray Tate  
Steve Taw  
Darryl Thompson  
Leroy Tofson  
Shirley Tuthill  
Jenny Ung  
Doris Valerius  
Donald Vanluven, Jr.  
Leola Vaughn-Makona  
Tuyet Ngo Vu  
Patricia Ann Waite  
Sheila Wilton  
Irene Winter  
Linda Wischnewsy  
Robert Woodrum  
Josephine Wright  
Maxine Zacharias

**Service-Connected Disability Retirement Presumptions  
by Dawn Stafford  
Retirement Board of Trustees  
Elected by Retirees**

This month I'd like to share with you this excellent article written by SBCERA Chief Counsel Barbara Hannah and Senior Staff Counsel David Lantzer. It covers the role "presumptions" play in establishing a service-connected disability retirement. It also includes the latest news on how disabilities related to COVID-19 will be handled.

*San Bernardino County Employees' Retirement Association administers several benefits to its participants and beneficiaries, such as a service retirement, survivor and survivorship benefits, and disability retirement. All benefits are governed by the County Employees' Retirement Law of 1937, with the main purpose to recognize a public obligation to county and district employees who become incapacitated by age or long service in public employment and its accompanying physical disabilities by making provision for retirement compensation.*

*A service retirement is based on a member's age, length of service, and applicable statutory formula at retirement, whereas a disability retirement benefit, regardless of age, is based solely on a member's inability to perform the usual duties of their employment. If a member is unable to perform their usual duties due to a physical or mental incapacity, the member may apply for a service-connected or non-service-connected disability retirement.*

*With a service-connected disability retirement, the member's inability to perform their job duties is a result of their employment and the member has the burden of establishing with substantial evidence that there is a real and measurable connection between their employment and incapacitation. However, there are circumstances where a member, specifically a member who is in certain safety classification positions, is relieved of the burden of proving that the injury or illness is a result of their employment. For these members, it is presumed that the incapacity is service-connected so long as certain prerequisite facts are established.*

*There are four presumptions in the County Employees Retirement Law. A presumption is defined as an assumption of fact the law requires to be drawn from one or more other facts already established in the action.*

*The first question we look at is whether the presumptions apply to a disability retirement applicant. The applicant must be in active law enforcement or active fire suppression – all sheriff's safety members and fire safety members qualify. In *Glover v. Board of Retirement*, the head cook in the jail suffered a heart attack. The court held that the presumption did not apply because the applicant was not engaged in active law enforcement even though he supervised inmates in the kitchen and sometimes had to break up fights and impose discipline.*

*With a presumption, we consider this a substitute for causation, but the applicant must still establish they are permanently incapacitated (and they have the burden of proof to do so). Once permanent incapacity is established, a presumption may apply to establish service connection if the incapacity is due to one of the presumptive diseases. In the case of a Sheriff's Captain who suffered a heart attack a month after service retiring, the presumption did not apply because the applicant was performing his full duties with no knowledge of any heart trouble up to the date of his service retirement. He was not incapacitated at the time he voluntarily service retired.*

*The presumptions shift the burden to prove service connection from the applicant. The retirement system has the burden to show that the injury or disease is **not** service connected. This is a difficult task for all retirement systems.*

*Heart trouble and cancer are the two presumptions we see most commonly. The big difference between the heart presumption and the cancer presumption is that the heart trouble must develop or manifest itself during service. The cancer does not have to manifest during service. It must manifest within a maximum of five years after the discontinuance of service. In other words, the cancer may have a latency period while the heart trouble does not.*

*The less common retirement law presumptions are incapacity due to blood borne diseases or bio-chemical exposure. These are very rare. There is no orthopedic or hernia presumption as there is in Workers' Compensation.*

*Hot off the press, there is an additional presumption that is not only applicable to safety, but also general members of the retirement system. Governor Newsom signed a bill (AB 845) on July 23, 2021 that created a new presumption for retirement system members who are incapacitated due to COVID-19.*

*AB 845 creates a presumption for front-line workers such as sheriff's deputies, firefighters and paramedics, nurses, and hospital workers who directly treat COVID-19 patients. The presumption also extends to other retirement system members who contract COVID-19 when there is an outbreak in their workplace. An outbreak occurs when four percent of the employees in that workplace contract COVID-19. The members must be unable to perform the usual duties of their positions to be incapacitated. The incapacity is presumed to be work-related if the member meets the job criteria. According to the Legislature analysis of the law, the COVID-19 presumption would be beneficial to members who would not have to provide evidence that their injury was job-related, unless the employer rebuts the presumption by showing that the member did not contract COVID-19 in the workplace. The applicant would still have to establish that they are permanently incapacitated from COVID-19. The new law goes into effect on January 1, 2022 and will be repealed as of January 1, 2023.*

*SBCERA is reviewing policies and creating forms to assist members with disability applications related to COVID-19.*

**NEW MEMBERS**  
(through July 2021)

Lee Ann Adams  
Rhonda J. Almager  
Joseph Bonetpels  
Carol A. Brown  
Marion A. Browne  
Kevin Buchanan  
Joy Burgan  
Dede Cluett  
Vivian F. Croox  
Gertrude Dacuycuy  
Randall S. Dancer  
Mary E. Diaz  
Dawn Flamer-Parks  
Antonio M. Flores  
Linda L. Frodsham

Debbi S. Gomez  
Cherie A. Hudson  
Annalise Jones  
Glenn Kasai  
Eugenia P. Lucas  
Gloria Marquez  
Suzanna Martinez  
Lakita A. McDougale  
Steven Mintle  
Curtis L. Niehaus  
Nina Ninofranco  
Lupe Ortiz  
Julia Pelayes  
Frank Perriello  
Marianne Reid  
Jo Roca-Tuazon  
Monica L. Rodriguez  
Deanna J. Sherman

**SAVE**  
the **DATE**

**October 25 - 9:00 am**  
Zoom Meeting  
*Health Benefits, Open  
Enrollment & More*

**December 13 - 11:00 am**  
**Shandin Hills**  
*Holiday Luncheon*

## TREASURER'S REPORT Fiscal Year Ended June 30, 2021

<b>July 1, 2020 Balance</b>	<b>137,868.82</b>
<b>INCOME</b>	
Dues	84,391.83
Interest	353.21
Other	<u>2,000.00</u>
<b>TOTAL INCOME</b>	<b>86,745.04</b>
<b>EXPENDITURES</b>	
Administration	2,510.40
<b>CRCEA</b>	
Dues and Fees	3,834.60
Newsletter	<u>49,568.39</u>
<b>TOTAL EXPENDITURES</b>	<b>55,913.39</b>
<b>June 30, 2021 Balance</b>	<b>168,700.47</b>
<b>PERB Designation*</b>	<b>102,810.92</b>
Checking Account	3,010.24
Savings Account	83,983.49
CDs	81,317.20
Petty Cash Fund	<u>389.54</u>
Total	<u>168,700.47</u>

**Membership** **7,185**

**Dena M. Smith**  
Treasurer



\*Preservation and Enhancement of Retirement Benefits (PERB): Reserve funding and/or expenditures to support educational and advocacy activities to protect and enhance pension benefits for RESBC members.

### Questions/Comments for the RESBC Board?

The RESBC Board is always interested in hearing from members. Please do not hesitate to contact us with questions, or share comments with the board. Should a question/answer be one helpful to all members, we will share them in future issues of *PRIME TIME*.

Contact information may be found on the back page of each and every issue of *PRIME TIME*. We also have an email address:  
RESBCinfo@gmail.com

We look forward to hearing from you!



There are always many things to do when you move to a new address. One of the most important is to let the Retirement Board know your new address so you won't miss receiving your pension check. On their change of address form is a place for you to sign that authorizes them to release your new address to RESBC.

It would also be wise to send RESBC a letter, or postcard, telling us directly that you have moved. Mail changes to: RESBC, PO Box 2323, San Bernardino, CA 92406-2323.

*If you would like additional information regarding the budget, please, contact Dena Smith at: dena\_smith@sbcglobal.net, or call her: 951-359-5386.*

**SYMPATHY CARDS** are sent to families of our members whenever we are notified of a death. **GET WELL CARDS** are also sent to our members who are experiencing health problems.

Please call Cheryl Napier at 909-649-2001, or email her at: highlandgirlnapier@gmail.com if you know of someone who would be cheered by receiving a card from RESBC.



## **ARTICLE by Gary A Amelio    PERSPECTIVE**

The RESBC Board asked that I provide a periodic article for *PRIME TIME*. They graciously offered broad artistic freedom on any subject in the retirement world. These articles, produced by my hand, will not represent any official position of the RESBC, its Board, SBCERA [the Retirement System], the County government administration, or its Human Resources Department.

The article is titled PERSPECTIVE, based upon my view of retirement matters after a 40 year career as a CEO, Board member, attorney, and fiduciary in the retirement world, including tenure at SBCERA.

The focus of every article will be on YOU, the retiree!! What are you interested in, what should you be thinking about, what bothers you, and what you might like to know in more detail? Hopefully, these thoughts will be conveyed in basic day-to-day conversational terms, and not in technical jargon.

There are so many things to think about. Is your pension “safe”, are you withholding correct amounts of tax, what should you do with your 457/401k account accumulated during your working days [how to invest it and when do you start withdrawing from it], health insurance, social security, and so forth. Do you need to worry about “outside forces”; meaning can the legislature, your former employer, or county government change your benefits? Folks lose sleep over these types of questions, and many times there is no need for that kind of concern.

Over the span of a four decade career, I always approached my role, and the mission of the retirement system [or the pension trusteeship in my earlier career], as protecting the retiree. One of the best ways to do that, I found, was to instill confidence in the retiree that everything “would be OK”. This stems from interaction with my first retiree client; my own father. He was retiring after a decades long career as a fitter [a skilled welder] with Westinghouse Electric, back home in Pittsburgh, PA. He spent a career anticipating his retirement would be secure.

Of course, as a working person with no professional retirement skills, he lacked the “know how” to insure such. Having a son who was a recently minted attorney he expected I would help. After all, as a retiree, he didn’t have his large employer HR and union shop reps to call upon any longer. I found, in counselling him, that my legal/technical skills were the least important thing I could offer. Far more crucial was the confidence, stability, and security I provided ensuring him that all was “OK”. It was a continual process.

This confidence is far more needed today than back in the 1990s given the current world’s cynicism, considerable public outcry about the cost of public pensions and the constant criticism, carping, and negativity produced in today’s social media.

As retirees of San Bernardino County, and its affiliated government entities, you are in a more comfortable and stable situation than many, and you should be comforted in that fact. This is the “Perspective” that we’ll pursue in future articles. More to come.....



RESBC presents

# Take Me Out to the Ballgame

Sunday, September 12

All You can Eat Picnic 4:00 to 5:30 p.m.

No-Host Cocktails 4:30 pm.

Game Time 5:35 p.m.

**Inland Empire 66ers**

**vs.**

**Rancho Cucamonga Quakes**



280 South E St, San Bernardino, CA 92401

**CHECKS PAYABLE TO RESBC & RECEIVED BY  
WEDNESDAY, SEPTEMBER 8TH - MAIL TO:**

RESBC " P.O. Box 2323 " San Bernardino, CA 92406-2323

Name & Department\_\_\_\_\_

Guest\_\_\_\_\_

RSVP may also be made by email to [resbcinfo@gmail.com](mailto:resbcinfo@gmail.com)

**Checks must be received by due date.**

## GAME DETAILS

### TICKETS

**\$10 each.** Price includes food and game ticket. **TWO (2)** ticket maximum (RESBC member and spouse/guest)

### PARKING

\$10 per vehicle

### FOOD!!!

All you can eat hotdogs, hamburgers (vegetarian upon advance notice) with cheese option, potato salad, chips, cookie, and soft drinks!

### TIMES

4:00 Gates Open

4:00 to 5:30 Picnic

4:30 No Host Cocktails

5:35 Game Time

RESBC ♦ P.O. Box 2323 ♦ San Bernardino, CA 92406-2323 ♦ [resbcinfo@gmail.com](mailto:resbcinfo@gmail.com)

# **RETIRED EMPLOYEES OF SAN BERNARDINO COUNTY**

P.O. BOX 2323  
SAN BERNARDINO CA 92406-2323

**RETURN SERVICE REQUESTED**

**DATED MATERIAL**

## **RESBC MISSION STATEMENT**

As a voluntary non-profit association, the singular goal of the RETIRED EMPLOYEES OF SAN BERNARDINO COUNTY (RESBC) is to support and cherish the obvious need to maintain and improve our quality of life during retirement. The focal points of RESBC are to: keep its members informed and knowledgeable about retiree issues and concerns; provide programs and information on topics that will give members insight into the challenges affecting seniors; and focus on benefits retirees have earned, and, in the process, foster friendship and positive relationships among all retirees.

**NOTICE:** The information presented in *PRIME TIME* is believed to be from reliable sources. However, no responsibility is assumed by RESBC, the Editor, or the writers, for inaccuracies in articles published.

## **Privacy Statement:**

RESBC is very aware of the need for the privacy of its members and is committed to protecting your personal information. The only information RESBC has about you is your name, mailing address, and payment of membership dues. RESBC does not sell or share our member list. RESBC does not disclose any of this information about our members to third parties. The companies with which RESBC does business, such as Berg Print & Mail (for printing and mailing *PRIME TIME*), and Pacific Group Agencies (supplemental insurance), are obligated to keep your information confidential.

Spouses of deceased RESBC Members are eligible to become Associate Members of RESBC.

If you would like more information, please contact our Membership Chair, BJ Cruz, by writing to P.O. Box 2323, San Bernardino, CA 92406-2323, or via email: [resbcinfo@gmail.com](mailto:resbcinfo@gmail.com)  
909-633-0812

*PRIME TIME* is published monthly from September through June (with a combined December/January issue) by Retired Employees of San Bernardino County, P.O. Box 2323, San Bernardino, CA 92406-2323. Email: [RESBCinfo@gmail.com](mailto:RESBCinfo@gmail.com)

Please send changes of address to the address above.

Monthly dues are paid by payroll deduction only. For information and/or a payroll deduction form, please contact:

BJ Cruz, Membership Chair  
[resbcinfo@gmail.com](mailto:resbcinfo@gmail.com)  
909-633-0812

John Michaelson  
President, RESBC  
[johnmichaelson1@verizon.net](mailto:johnmichaelson1@verizon.net)  
909-821-2279

*PRIME TIME* membership/mailling list  
Contact: BJ Cruz at:  
[resbcinfo@gmail.com](mailto:resbcinfo@gmail.com)  
909-633-0812

Virginia Adams  
Editor, *PRIME TIME*  
909-790-7199  
[lvlyva@msn.com](mailto:lvlyva@msn.com)