



Board Agenda Item 9

DATE: June 6, 2023

TO: Board of Supervisors

SUBMITTED BY: Sanja Bugay, Director, Department of Social Services

SUBJECT: Resolutions to Fill Positions with Extra-Help-Retiree-California Public Employee's Pension Reform Act Exception

RECOMMENDED ACTION(S):

1. **Adopt resolution to fill a Social Services Appeals Specialist position with Extra-Help retiree Maria Flores, part-time, effective June 12, 2023, finding, pursuant to Government Code section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board certification that the nature of employment and appointment is necessary to fill a critically needed position before the 180-day separation period;**
2. **Adopt resolution to fill an Eligibility Worker position with Extra-Help retiree Maria Castillo, part-time, effective June 12, 2023, finding, pursuant to Government Code section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board certification that the nature of employment and appointment is necessary to fill a critically needed position before the 180-day separation period;**
3. **Adopt resolution to fill a Job Specialist position with Extra-Help retiree Raquel Vidal, part-time, effective June 12, 2023, finding, pursuant to Government Code section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board certification that the nature of employment and appointment is necessary to fill a critically needed position before the 180-day separation period; and**
4. **Adopt resolution to fill an Office Assistant position with Extra-Help retiree Jeffrey Quarles, part-time, effective June 12, 2023, finding, pursuant to Government Code section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board certification that the nature of employment and appointment is necessary to fill a critically needed position before the 180-day separation period.**

Approval of the recommended actions will adopt resolutions consistent with exceptions identified in the provisions of Government Code section 7522.56 (f)(1) that, except certain critically needed positions, retirees are subject to a 180-day separation ("sit-out") period following the date of retirement for employees who are re-employed by a public agency within the same retirement system. The recommended actions meet the requirements of the California Public Employees' Pension Reform Act (PEPRA), which went into effect January 1, 2013. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could choose to not approve the recommended actions; however, loss of permanent staff and increasing workloads with the implementation of a Statewide Welfare Automated System may result in the Department being unable to meet program mandates to provide assistance to youth and families. Unmet mandates may result in monetary penalties due to failure to comply with state and federal regulations.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues are included in the Department's Org 5610 FY 2022-23 Adopted Budget and will be included in the FY 2023-24 Recommended Budget request.

DISCUSSION:

On September 12, 2012, the California Public Employees' Pension Reform Act, which is known as "PEPRA" (Assembly Bill 340), was signed into law effective January 1, 2013. Additionally, Assembly Bill 197, which amends a portion of the 1937 Act, was signed into law the same date to become effective January 1, 2013. The PEPRA legislation includes provisions in Government Code section 7522.56 requiring a 180-day separation ("sit-out") period following the date of retirement for retirees who are re-employed by a public agency within the same retirement system as an employee or through a contract unless:

- The employee is a "public safety officer", or
- The employer certifies the nature of the employment and that appointment is necessary to fill a critically needed position before the 180 days has passed.

For the second exception above, legislation stipulates that your Board, as the employer's governing body, must approve by resolution the appointment in a public meeting and not on the consent calendar.

As the Department continues to prepare for the implementation of the California Statewide Automated Welfare System (CalSAWS) and provide training, testing, and data clean-up efforts by permanent staff, assistance is needed to process the ongoing work demands. The utilization of experienced retirees to fill temporary short-term vacancies in Extra-Help capacities will rapidly assist with case processing during the time staff are attending CalSAWS implementation meetings and trainings, and data review and clean up, and alleviate the increased and ongoing workloads identified by the Department while responding to the needs of the community.

Each of the four identified retirees possess extensive experience in public assistance programs administered by the Department.

Maria Flores was with the County for over 30 years and has extensive knowledge of Eligibility programs and requirements, with the last several years spent as a Social Services Appeals Specialist. This is a critically needed position given a current 48% vacancy rate and the lifting of the public health emergency, which will increase the workload of appeals in the coming months.

It is anticipated that the need for Ms. Flores to work Extra Help will continue through the end of the year as new staff are hired to meet the workload demands. In her part-time, extra-help capacity, Ms. Flores would support the Department's Appeals Unit and not work more than 960 hours during the year as set forth in PEPRA. The Department of Social Services will be subject to, and will comply with, all other Extra-Help rules and requirements.

Maria Castillo has extensive experience in Eligibility programs. Ms. Castillo was with the County for over 30 years and has 15 years of experience as an Eligibility Worker. This is a critically needed position given the exiting vacancies within the Department, ongoing workload demands, and impending CalSAWS

implementation.

It is anticipated that the need for Ms. Castillo to work Extra Help will continue through the CalSAWS implementation, which is estimated by calendar year-end. In her part-time, extra-help capacity, Ms. Castillo would return as an Eligibility Worker and not work more than 960 hours during the year as set forth in PEPR. The Department of Social Services will be subject to, and will comply with, all other Extra-Help rules and requirements.

Raquel Vidal was employed by the County for over 30 years and has extensive knowledge of Eligibility programs and requirements, having ended her career with the Department as a trainer in the Staff Development division. In her part-time, extra-help capacity, Ms. Vidal would return as a Job Specialist and not work more than 960 hours during the year as set forth in PEPR. This is a critically needed position given the exiting vacancies within the Department, ongoing workload demands, and impending CalSAWS implementation.

It is anticipated that the need for Ms. Vidal to work Extra Help will continue through the CalSAWS implementation, which is estimated by calendar year-end. The Department of Social Services will be subject to, and will comply with, all other Extra-Help rules and requirements.

Jeffery Quarles was with the County for over 20 years and has extensive experience providing critical clerical support to Eligibility staff. In his part-time, extra-help capacity, Mr. Quarles would return as an Office Assistant and not work more than 960 hours during the year as set forth in PEPR. This is a critically needed position given the exiting vacancies within the Department, ongoing workload demands, and impending CalSAWS implementation.

It is anticipated that the need for Mr. Quarles to work Extra Help will continue through the CalSAWS implementation, which is estimated by calendar year-end. The Department of Social Services will be subject to, and will comply with, all other Extra-Help rules and requirements.

On April 11, 2023, your Board approved waiving the 28 hours per week limitation for 19 Extra Help positions, which included the positions within this request. The Department is returning to your Board to fill four of those positions with retirees. Approval of the recommended actions will waive the 180-day separation period for retirees Maria Flores, Maria Castillo, Raquel Vidal and Jeffery Quarles as they are needed to fill critically needed positions.

REFERENCE MATERIAL:

BAI #46, April 11, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (Flores)
On file with Clerk - Resolution (Castillo)
On file with Clerk - Resolution (Vidal)
On file with Clerk - Resolution (Quarles)

CAO ANALYST:

Ron Alexander