



# Board Agenda Item 9

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DATE: January 28, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Resolution to Fill Public Works and Planning Position with Extra-Help Retiree - California Public Employees' Pension Reform Act Exception

**RECOMMENDED ACTION(S):**

**Adopt resolution to fill a Road Operations Lead Supervisor position with Extra-Help retiree, Philip Ferdolage, effective February 3, 2025, finding pursuant to Government Code Section 7522.56(f)(1), that a 180-day separation period for retired employee returning to employment as Extra-Help is not applicable based on your Board's 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 action will adopt a resolution consistent with exceptions identified in the provisions of Government Code section 7522.56 (f)(1) which state that, except in 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 action meets 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):**

Should your Board not approve the recommended action, there would be a reduction in experienced oversight in our Road Maintenance yards.

**FISCAL IMPACT:**

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations and revenues for the appointments are included in the FY 2024-25 Department of Public Works and Planning Org 45104514 Adopted Budget.

**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.

Phillip Ferdolage has an extensive background with over 32 years of experience in the field of road maintenance with the County of Fresno. This experience has given him a unique understanding of the Public Works and Planning Department, including operation of County's heavy equipment and knowledge of addressing road maintenance issues. For the past several years, the Road Maintenance and Operations Division has been unable to completely fill all vacancies in our 10 area yards due to continual staffing turnover despite constant recruitments and frequent hiring. The majority of our operators have less than a few years' experience operating equipment, and several of our area supervisors and lead supervisors are new to their positions. Mr. Ferdolage would be able to assist the area supervisors with planning, directing, and coordinating maintenance throughout the County and provide technical training on operation of heavy equipment.

It is anticipated that the need for Mr. Ferdolage to work extra help will continue until the Public Works and Planning Department is able to fully staff all road maintenance yards and average years of experience reaches approximately five years. In this part-time, extra-help capacity, Mr. Ferdolage will return as a Road Operations Lead Supervisor and will not work more than 960 hours during the year as set forth in PEPRA. The Public Works and Planning Department will be subject to, and will comply with, all other Extra-Help rules and requirements.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Salvador Espino