



# Board Agenda Item 8

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DATE: January 28, 2025

TO: Board of Supervisors

SUBMITTED BY: Antoinette Taillac, Public Defender

SUBJECT: Resolution to Fill Executive Assistant Position with Extra-Help Retiree - California Public Employees' Pension Reform Act Exception

**RECOMMENDED ACTION(S):**

**Adopt resolution to fill an Executive Assistant position with Extra-Help retiree, Marsha Koop, 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, the Department will not have an Executive Assistant available to assist with Human Resources (HR) issues moving forward. We will need to adjust our processes accordingly to ensure that HR-related tasks are effectively managed without this support.

**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 Public Defender Org 28809999 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.

Marsha Koop brings over 25 years of extensive experience in the Public Defender's office. Her tenure has equipped her with a unique understanding of the office, particularly in navigating complex personnel submittals. Marsha will support our current office administration needs and collaborate with main HR to deliver requested information.

It is anticipated that the need for Mrs. Koop to work extra help will continue until the Public Defender is able to fully staff the Department needs. In this part-time, extra-help capacity, Mrs. Koop will return as a Executive Assistant and will not work more than 960 hours during the year as set forth in PEPRA. The Public Defender 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:

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