



# Board Agenda Item 15

DATE: July 11, 2016

TO: Board of Supervisors

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

SUBJECT: Resolution to fill Water/Wastewater Specialist III with Extra-Help retiree per California Public Employees' Pension Reform Act Exception

## RECOMMENDED ACTION(S):

**Adopt Resolution to fill a Water/Wastewater Specialist III with extra-help retiree, Jeff Weldon, part-time, effective July 12, 2017, finding, pursuant to Government Code section 7522.56(f)(1), the Board certifies 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) that, except certain critically needed positions, retirees are subject to a 180 day separation 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.

## ALTERNATIVE ACTION(S):

There is no viable alternative to the recommended action. The County, via County Service Areas (CSAs) and Waterwork Districts (WWDs), operates 12 permitted Grade III wastewater facilities and 23 water systems. Due to the recent retirement of the Supervising Water/Wastewater Specialist and the unanticipated retirement of two Water/Wastewater Specialists, the County only has one active employee holding a Grade III wastewater certification and that one individual is not physically capable of managing the daily operations of all 12 wastewater facilities. Mr. Weldon holds the required wastewater and water certifications and is willing to work part-time, utilizing his certificates; until the vacant positions are filled or current Water/Wastewater Specialists pass their Grade III certification (anticipated in December, 2017).

## FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. Sufficient appropriations are available in the Public Works and Planning - Special Districts Org 9140 budget. All costs associated with the operation of CSA and WWD facilities are funded through fees and assessments charged to the benefiting parties within each district.

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

The County, via its CSAs and WWDs, operates 12 permitted Grade III wastewater facilities and 23 water systems spread throughout the County from as far west as El Porvenir (close to I5) and east to Tamarack (close to China Peak Mountain Resort). Due to the recent retirement of the Supervising Water/Wastewater Specialist and the unanticipated retirement of two Water/Wastewater Specialists, the County only has one active employee holding a Grade III wastewater certification and that one individual is not physically capable of managing the daily operations of all 12 wastewater facilities. Mr. Weldon holds the required wastewater and water certifications and is willing to work part-time, utilizing his certificates; until the vacant positions are filled or current Water/Wastewater Specialists pass their Grade III certification (anticipated in December 2017).

The County's Water/Wastewater Specialist III classification requires the candidate to possess multiple certifications in water treatment, water distribution and wastewater, which is not common in the industry. Most jurisdictions only require one series of certification (water treatment, water distribution or wastewater). The multiple certification requirement, in conjunction with the current salary range has been a significant factor in recruiting new staff for the Water/Wastewater Specialist series. The recruitment for a Water/Wastewater Specialist III has been active since May 1 and advertised on multiple websites, but the County has yet to receive any qualified candidates. The Department and Human Resources are aware of the recruitment issue and will be working on potential solutions which will include a review of the changing labor market for this position.

The Department of Public Works and Planning (Department) initial plan is to fund the preparation and testing of two existing Water/Wastewater Specialist II employees in hopes that they pass the Grade III wastewater test in late 2017 and obtain their Grade III certification by December 2017. Once the Grade III certification has been obtained, the employees will be promoted to Water/Wastewater Specialist IIIs. In addition, the Department will request a modification to the Water/Wastewater Specialist III job specification that will eliminate the requirement of a T3 water treatment certificate as the County currently has no T3 classified water treatment facilities.

If the Board approves Mr. Weldon to be hired back as an extra-help Water/Wastewater Specialist III, the Department will be also be requesting Human Resources for an exception to Salary Resolution 1111.1 (to appoint extra-help at the entry level classification) and Salary Resolution 1112.1 (to compensate at the first step of the salary range) as the intent is to bring Mr. Weldon back at step 9 of the salary range. Mr. Weldon will be temporarily assigned as the primary operator of up to 6 of the 12 wastewater facilities. The Department anticipates utilizing Mr. Weldon through December 31, 2017.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

John Hays