



Board Agenda Item 11

DATE: October 9, 2018

TO: Board of Supervisors

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

SUBJECT: Resolution to allow a Retiree to return as Extra-Help - California Public Employees' Pension Reform Act Exception

RECOMMENDED ACTION(S):

Adopt resolution to allow Donna Conley, subsequent to her June 16, 2018 retirement, to return to part time work as Extra-Help, effective October 15, 2018, finding pursuant to Government Code, section 7522.56(f)(1) that the 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on the Board's certification that the nature of the 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 the provision of Government Code, section (§) 7522.56 that requires a 180-day separation ("sit-out") period following the date of retirement for employees who are re-employed by the 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. Donna Conley is an experienced Associate Real Property Agent. This item is countywide.

ALTERNATIVE ACTION(S):

If Board does not approve the recommended action, the Department of Public Works and Planning would be unable to retain an experienced Associate Real Property Agent (RPA) on a part time basis. The retention is critical, as the Department would have only one experienced RPA to acquire all of easements necessary for more than 25 time-critical projects to repair roads, construct traffic signals, and replace bridges. In addition, the lone experienced RPA would be required to concurrently train three Junior RPA's, one of whom was hired in February 2018, and the other two were hired in July 2018. Not employing the experienced RPA on an Extra-Help basis would substantially slow the training of the new Junior RPA's and delay the construction of time-critical safety projects. Prior to Ms. Conley's retirement, the Department attempted to employ an RPA at the Associate level; however, only one qualified candidate applied and did not accept an offer of employment. Ms. Conley's Extra-Help would end upon the completion of training for the new Junior RPAs, expected by July 2020.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. If the action is approved, it is anticipated Ms. Conley will work approximately 28 hours per week until the Junior RPAs are fully trained. Sufficient appropriations and estimated revenues are included in the Department's Org 4510 FY 2018-19 Adopted Budget.

DISCUSSION:

On September 12, 2012, PEPRA, Assembly Bill (AB) 340 (Chapter 296, Statutes of 2012), was signed into law effective January 1, 2013. Additionally, AB 197 (Chapter 297, Statutes of 2012), which amends a portion of the 1937 Act, was signed into law the same date to be effective January 1, 2013. The PEPRA legislation included provisions in Government Code, §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 have passed.

For the second exception, 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.

Donna Conley, Associate Real Property Agent, retired from County service on June 16, 2018, and, although the Department now employs one Associate RPA and three new Junior RPA's, the Junior RPA's will require extensive training before they can effectively assist with the Department's extensive workload. Subsequent to Ms. Conley's retirement, the Department attempted to employ an RPA at the Associate level; however, only one qualified candidate applied and did not accept an offer of employment.

The Department has nearly 80 projects in various stages of completion, and it is anticipated that more than 25 of the projects are, or will soon be, in the property acquisition phase. Property acquisition requires skilled staff and the Junior RPA's, due to their lack of experience, cannot effectively assist in the process now. This leaves only one experienced RPA to train the Junior RPAs, attempt to acquire rights-of-way, and perform various other duties such as property disposal and processing right-of-way dedications.

In an Extra-Help capacity, Ms. Conley will significantly enhance the Department's ability to acquire rights-of-way in a timely manner. This, in turn, will accelerate the delivery of critical safety projects, reduce associated costs, and facilitate the training of the Junior RPA's, allowing them to become proficient much sooner.

Although Salary Resolution, Section 1112 requires that an Extra-Help individual start and remain at the first step of the salary range, the Department requests that Ms. Conley start and remain at the sixth step. Ms. Conley has comprehensive knowledge of and experience with real property acquisition, which is critically needed until the Junior RPAs have been adequately trained to work with less direct supervision, anticipated to be complete by July 2020. Fresno County Employees Retirement Association staff reviewed the proposed action and found that there were no issues with Ms. Conley's return.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa