



County of Fresno

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Fresno, California
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Legislation Text

File #: 22-0504, **Version:** 1

DATE: May 17, 2022
TO: Board of Supervisors
SUBMITTED BY: Sanja Bugay, Director, Department of Social Services
SUBJECT: Resolution to Fill Deputy Director Position with Extra-Help-Retiree-California Public Employees' Pension Reform Act Exception and Waive the Extra-Help Weekly Maximum Hours Limitation for Calendar Year 2022

RECOMMENDED ACTION(S):

- 1. Adopt resolution to fill Department of Social Services' Deputy Director position with Extra-Help retiree Linda Espinosa, full-time, effective May 18, 2022, 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,**
- 2. Authorize a waiver of the 28 hours per week maximum limitations for Extra-Help position in the Department of Social Services as listed on Attachment A for calendar year 2022, pursuant to the provisions set forth in Salary Resolution, section 1100 and Personnel Rules 2040 and 4240.**

Approval of the recommended actions 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 ("sit-out") period following the date of retirement for employees who are re-employed by a public agency within the same retirement system. The related action meets the requirements of the California Public Employees' Pension Reform Act (PEPRA), which went into effect January 1, 2013. In addition, approval would waive the 28 hours per week maximum limitations for the Extra-Help position. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, there would be a reduction in oversight and experience in the Department of Social Services' Administrative branch in the immediate future. In calendar year 2022, the incoming Department Director, through collaboration with the Human Resources Department, will review the Department's organizational structure and return to your Board with recommendations.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The cost for 960-hour maximum Extra-Help position (\$78,810) will be offset with State and Federal Social Services funds (\$67,940), 2011 Realignment (\$7,164) in lieu of State General Fund for Child Welfare Services and Adult Protective Services programs that were realigned to counties through Assembly Bill (AB) 118, 1991 Social Services Realignment (\$3,067), and the required Net County Cost (\$639) which offsets the General Relief program share of cost which will be absorbed by existed budgeted appropriations.

Sufficient appropriations and estimated revenues are included in the FY 2021-22 Department's Org 5610 Adopted Budget and will be included in the FY 2022-23 Recommended 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.

On April 25, 2022, the incoming Department Director began her tenure. The Director intends to use the Deputy Director vacancy to immediately add additional support to the Department's Child Welfare Services branch. However, in the interim, Linda Espinosa's continued management of DSS Administration will assist the Director as she reviews of the Department's organizational structure.

Deputy Director Linda Espinosa announced her retirement in early 2022, with her last working day being March 30, 2022. In her role as Deputy Director, she oversaw the administrative branch of the Department including Facilities, Personnel, Staff Development, California Work Opportunity and Responsibility to Kids Information Network (CalWIN)/ Information Technology (IT) Support, Program Integrity, as well as other areas. Linda Espinosa has worked for the County for over 30 years; as a Deputy Director for seven years.

It is anticipated that the need for Linda Espinosa to work extra-help will continue until the Department is able to fill the position. In this full-time, extra-help capacity, Linda Espinosa will return as a Deputy Director and not work more than 960 hours during the calendar year as set forth in PEPRA. The Department will be subject to, and will comply with, all other extra-help rules and requirements.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa