



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 20-1221, **Version:** 1

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**DATE:** November 24, 2020

**TO:** Board of Supervisors

**SUBMITTED BY:** Margaret Mims, Sheriff-Coroner-Public Administrator

**SUBJECT:** Resolution to Fill Account Clerk Position with Extra-Help-Retiree-California Public Employees' Pension Reform Act Exception

### RECOMMENDED ACTION(S):

**Adopt resolution to fill a Sheriff's Account Clerk III position with Extra-Help retiree Helen H. Chu, part-time, effective December 14, 2020, 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.**

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 ("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):

Your Board could choose to not approve the recommended action, which would result in the full time Account Clerk working further overtime to staff the shifts that would be covered by this extra-help employee.

### FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. Sufficient appropriations and revenues for the appointment are included in the FY 2020-21 Sheriff-Coroner-Public Administrator's Org 3111 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 with the same retirement systems 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.

Helen Chu's last working day is scheduled to be December 11, 2020. Ms. Chu has been in her position with the County for over 30 years and has irreplaceable knowledge of the financial functions within the Public Administrator's Office. Ms. Chu's position as an Account Clerk with the Public Administrator's Office focuses on account and bank related activities. The specialty of the position will require an extended period of time to train a replacement. Recent internal and countywide transfer options have failed to fill the position. A public recruitment for an Account Clerk was posted and Sheriff's Office will be conducting interviews from the qualified candidate list.

It is anticipated that the need for Ms. Chu to work extra-help will continue until the Department is able to fill the position. It is anticipated the need will be limited to a few months. In this part-time, extra-help capacity, Ms. Chu will return as an Account Clerk III and will not work more than 960 hours during the year as set forth in PEPRA. Ms. Chu will continue to maintain operational mandates, and will train her replacement. The Sheriff's Office will be subject to, and will comply with, all other extra-help rules and requirements.

The Fresno County Employees' Retirement Association and the County Human Resources - Employee Benefits Division have reviewed this item and have no objections to Ms. Chu's extra-help employment.

REFERENCE MATERIAL:

California Government Code 7522.56

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Yussel Zalapa