SUTTER COUNTY BOARD OF SUPERVISORS
Board Agenda Staff Report

To: Honorable Board of Supervisors

From: Brandon Barnes, Sheriff-Coroner

Department: Sheriff Coroner

Subject: Adoption of a resolution authorizing an exception to the 180-day waiting period to rehire an annuitant with critical skill set

Recommendation:

It is requested the Board of Supervisors approve the following:

1. Approval to request an exception to CalPERS 180-Day Wait Period Requirement rule to rehire Earl Mercer, a retired annuitant with critical skills set as extra help employee.

2. Adoption of a resolution authorizing an exception to the 180-day waiting period to rehire an annuitant with critical skill sets.

Background:

Earl Mercer retired on 12/20/2018 from the Sheriff’s Office as Sheriff’s Sergeant Detective. During the summer months Mr. Mercer worked as Sheriff’s Boat Patrol Sergeant. Sheriff’s Boat Patrol budget is approximately 56.50% funded by California State Parks-Division of Boating and Waterways. Therefore, the Sheriff’s Office must adhere to regulations and services as outlined in the State contract. Responsibilities of the Boat Patrol Unit include enforcement of boating laws and regulations, assistance to stranded boaters, inspection of vessels for proper equipment, supervision of organized water events, search and rescue operations, recovery of drowning victims, investigation of boating accidents, boating safety presentations, and evacuation of citizens in flood conditions.

Due to Mr. Mercer’s extensive experience as the Sheriff’s Boat Patrol Sergeant and shortage on staffing; we would like to rehire Mr. Mercer as Deputy Sheriff on extra help basis for this very critical position in Sheriff’s Boat Patrol unit. Retaining his services would be a major asset for the Boat Patrol upcoming summer months however due to the CalPERS Rule “180-Day Wait Period Requirement” rule; we cannot rehire him sooner than 6 months after his retirement date unless an exception is approved by the Board of Supervisors.

Pursuant to Section 7522.56(c) and 7522.56(2)(f) of the Government Code as amended by AB 3409, the 180 day waiting period between retirement and post-retirement temporary reemployment may be waived in certain circumstances. Section 7522.56(c) provides that where the retired person has skills needed to perform work of limited duration and not to exceed 960 hours in fiscal year, they may be temporarily reemployed for that purpose. Section 7522.56(2)(f) prescribes that the employer must certify the nature of
the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting as an appearance item.

We are requesting the Board to exercise their authority and grant the Sheriff's Office an exception to the CalPERS 180-Day Wait Period Requirement rule so that we could rehire Earl Mercer as extra help before the 180-day waiting period. We plan to utilize Mr. Mercer’s vast knowledge and experience on Sheriff’s Boat Patrol unit immediately for this very critical position after your approval is granted. We plan to have Earl Mercer assist us for 40 hours a week for a period of about 6 months at salary range of step 1 Deputy Sheriff at hourly rate of $24.6843.

Prior Board Action:

A Similar item for the Sheriff’s Office was approved by the Board on 3/12/2019.

Board Alternatives:

The Board may decline to approve our request for exception to the CalPERS 180-Day Wait Period Requirement rule. This will cause hardship to the Sheriff’s Office to fulfill responsibilities of a very critical position.

Other Department and/or Agency Involvement:

County Administrator’s Office, County Counsel.

Action Following Approval:

The Sheriff’s Office will rehire Earl Mercer immediately as extra help after your approval is granted

Fiscal Impact:

We plan to pay the expenditures for Earl Mercer’s extra help services with Salaries budgeted in Sheriff Boat Patrol budget unit 2-205.

Countywide Goals and/or Top Priorities Compliance:

The Board of Supervisors ’s approval of the exception to the CalPERS 180-Day Wait Period Requirement rule would allow the Sheriff’s Office to provide continued exceptional services to the Sutter County Community in the area of Sheriff’s Boat Patrol Unit law enforcement for Sutter County Community.

Standing Committee Review:

N/A.

Respectfully Submitted,

S/ Brandon Barnes
Sheriff-Coroner

Attachments:
1. E Mercer 180-Day Waiting Resolution