Subject: PERS Post Retirement Employment Exemption

Department: Behavioral Health
Contact: Dorian Kittrell  Phone: 891-2850

Meeting Date Requested: 7/24/18
Regular Agenda □ Consent Agenda □

Department Summary: (Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background as necessary).

The Public Employees’ Pension Reform Act (PEPRA) of 2013 makes retirees ineligible for a period of 180 days. An exemption to this rule is permitted by Government Code Section 7522.56(f)(1), if approved by the governing body in a public meeting on the regular agenda.

The Behavioral Health Department has a substantial need for psychiatric services that are critical to department operations. The department recently received notice from two contracted psychiatrists of the intent to end their contracted services. Dr. Carolyn Kimura retired from the Medical Director position effective March 9, 2018. Although there is an open recruitment for the position, there is a critical need to have the retiree available to perform the work for a limited duration.

Approval is requested to hire the retiree in a limited duration extra-help position, given the difficulty in procuring on-site psychiatrists, and the fact that the retiree has the specialized skill set needed to perform this work of limited duration, per Government Code section 7522.56. The term of this extra-help placement will begin July 28, 2018 and will not exceed 960 hours.

Fiscal Impact:

None.

Personnel Impact:

None, extra help position only.

Action Requested:

1. Approve PERS post-retirement exemption pursuant to Government Code Section 7522.56(f)(1)
2. Adopt resolution and authorize the Chair to sign.

Administrative Office Review:  Meegan Jessee, Deputy Chief Administrative Officer
Resolution No.

RESOLUTION FOR EXEMPTION
TO THE 180-DAY WAIT PERIOD TO HIRE CALPERS RETIREE
PER GOVERNMENT CODE SECTIONS 7522.56 AND 21224

WHEREAS, in compliance with Government Code section 7522.56, the County of Butte must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Carolyn Kimura (Employee # 32051) retired from the Butte County Department of Behavioral Health on March 9, 2018, from the position of Medical Director; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is September 5, 2018, without this certification resolution; and

WHEREAS, Government Code section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the County of Butte, the Butte County Department of Behavioral Health and Carolyn Kimura certify that Carolyn Kimura has not received any retirement-related incentive; and

WHEREAS, the County of Butte hereby appoints Carolyn Kimura as an extra help retired annuitant to perform specialized duties as a Psychiatrist for the Butte County Department of Behavioral Health as permitted under Government Code section 21224, effective July 28, 2018; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees does not exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the minimum monthly base salary for this position is $14,594.67 and the hourly equivalent is $84.20, and the maximum monthly base salary for this position is $19,557.20 and the hourly equivalent is $112.83; and

WHEREAS, the hourly rate to be paid to Carolyn Kimura will be $112.83; and

WHEREAS, Carolyn Kimura has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

WHEREAS, Carolyn Kimura has the skills needed to perform this work of limited duration, per Government Code section 7522.56.
NOW, THEREFORE, BE IT RESOLVED that the Butte County Board of Supervisors hereby certifies the nature of the appointment of Carolyn Kimura as described herein and that this appointment is necessary to provide critical psychiatric services to maintain mandated level of services. Given the unique subject matter expertise and knowledge the retiree possesses, and the difficulty in procuring on-site psychiatrists, the retiree is uniquely suited to meet this critical short-term need.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 24th day of July, 2018, by the following vote:

AYES:
NOES:
ABSENT:
NOT VOTING:

______________________________
Steve Lambert, Chair
Butte County Board of Supervisors

ATTEST:

Shari McCracken, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: _______________________________
   Deputy