



24-5272

**DATE:** April 16, 2024 (Item No. {{item.number}})

**TO:** Board of Supervisors

**FROM:** Robert Jonsen, Sheriff

**SUBJECT:** Resolution Approving Exception to the 180-day waiting period to hire a CalPERS Retired Annuitant in accordance with Government Code Sections 7522.56 and 21224

### **RECOMMENDED ACTION**

Adopt Resolution certifying the critical need for the extra-help employment of retired Deputy Matt Clark prior to the 180-day waiting period to fill a critically needed position. (Office of the Sheriff)

### **FISCAL IMPLICATIONS**

Approval of the recommended action will have no impact to the General Fund and will not require modification to the current Board-approved budget for the Office of the Sheriff.

### **REASONS FOR RECOMMENDATION AND BACKGROUND**

The Public Employee's Pension Reform Act of 2013 (PEPRA) made substantial changes to the public employee pension laws in California. One of the changes requires retired annuitants to be separated from employment for at least 180 days before returning to work for an employer in the same retirement system from which they receive a pension. An exception may be made if the governing body adopts a resolution to waive the waiting period for separation. The waiver allows an employer to hire a retired annuitant to perform work of limited duration, such as the elimination of backlogs, limited term special projects, and work that is in excess of what regular staff can reasonably perform.

Government Code 7522.56 and 21224 permit an agency to waive the 180-day waiting period through an approved resolution and by providing an Authority to Hire document to CalPERS.

Retired Deputy Matt Clark is the Santa Clara County Sheriff's Office primary Crisis Intervention Team (CIT) certified instructor. He has been instructing this course for both the Sheriff's Office as well as allied agencies and civilian staff since 2020 and is a well known and respected instructor and Subject Matter Expert (SME).

On January 2, 2024, Matt Clark retired in good standing from the Sheriff's Office after 25 years.

Per Peace Officer Standards and Training (POST) regulations, an Affidavit of Separation must be submitted within 10 days of a peace officer's separation (retirement) from employment. Matt Clark was separated in good standing from employment per his retirement.

The time limitation and compensation parameters of the Annuitant assignment are described in the attached Resolution. Pursuant to CA Government Code 7522.56(b), the Santa Clara County Board of Supervisors is to review and approve the Resolution in a public meeting as an action item rather than a consent calendar item.

### **CHILD IMPACT**

The recommended action will have a positive impact on children and youth.

### **SENIOR IMPACT**

The recommended action will have a positive impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have a positive sustainability implication.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Sheriff's Office will not be able to conduct the Crisis Intervention Team (CIT) training courses scheduled in March and April at the Sheriff's Office Academy. Allied law enforcement agencies that depend on this critical training will be left without the training and will have to receive it later. The Crisis Intervention Team training is a state-mandated POST required training course and without this mandated instruction the Sheriff's Office will be unable to graduate new Academy cadets, thereby exacerbating the current staffing crisis for new sworn peace officers at the Sheriff's Office.

### **STEPS FOLLOWING APPROVAL**

Please notify Martin Coronel in the Office of the Sheriff upon adoption of the resolution.

### **ATTACHMENTS:**

- Resolution Certifying Need for Interim Employment of Matthew Clark
- Extra Help – Academy Instructor