

15. 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) (ID# 24-5272) Resolution No. BOS-2024-42

RESOLUTION NO. BOS-2024-42

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
CERTIFYING THE NEED FOR THE INTERIM EMPLOYMENT OF MATTHEW CLARK AS
AN ACADEMY INSTRUCTOR – EXTRA HELP IN THE COUNTY OF SANTA CLARA OFFICE
OF THE SHERIFF PRIOR TO THE END OF THE 180-DAY WAITING PERIOD, TO FILL A
CRITICALLY NEEDED POSITION**

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the Board of Supervisors of the County of Santa Clara must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date;

WHEREAS, Matthew Clark retired from the County of Santa Clara in the position of Deputy Sheriff, effective January 2, 2024;

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is July 1, 2024 without this certification resolution;

WHEREAS, Gov. 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;

WHEREAS, the Board of Supervisors, County of Santa Clara, and Matthew Clark certify that Matthew Clark has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, the Board of Supervisors hereby appoints Matthew Clark as an extra help retired annuitant to perform the duties of the Academy Instructor - Extra Help for the County of Santa Clara under Gov. Code section 21224, effective April 16, 2024;

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

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers;

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate;

WHEREAS, the maximum base salary for this position is \$14,811.33 and the hourly equivalent is \$85.45, and the minimum base salary for this position is \$11,108.41 and the hourly equivalent is \$64.09;

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WHEREAS, the hourly rate paid to Matthew Clark will be \$85.45; and

WHEREAS, Matthew Clark 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;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Clara hereby certifies the nature of the appointment of Matthew Clark as described herein and that this appointment is necessary to fill the critically needed position of Academy Instructor - Extra Help for the County of Santa Clara by April 16, 2024 because Matthew Clark is currently the only Academy Instructor who can provide the Santa Clara County Sheriff's Office Crisis Intervention Training (CIT) training to Academy students, peace officers, and dispatchers. This CIT training provides Academy students, peace officers, and dispatchers with the skills and knowledge to recognize individuals with mental illness, identify potential mental disorders, and to minimize escalations in contacts with mentally ill individuals.

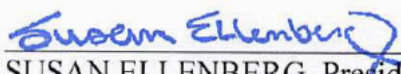
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on APR 16 2024, by the following vote:

AYES: ARENAS, CHAVEZ, ELLENBERG
LEE, ~~SIMITIAN~~

NOES: NONE

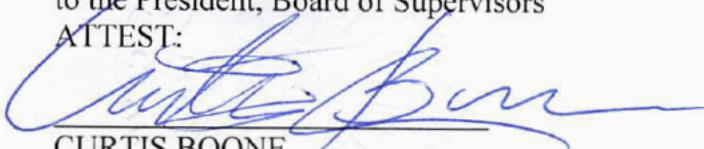
ABSENT: NONE

ABSTAIN: SIMITIAN

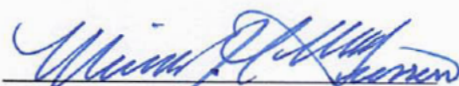

SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors

ATTEST:


CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:


MICHAEL LEON GUERRERO
Deputy County Counsel



Academy Instructor - Extra Help

Class Code:
X2A

Bargaining Unit: Not Applicable

COUNTY OF SANTA CLARA
Established Date: Sep 15, 2015
Revision Date: Oct 20, 2015

SALARY RANGE

\$64.09 - \$85.45 Hourly
\$5,126.96 - \$6,836.00 Biweekly
\$11,108.41 - \$14,811.33 Monthly
\$133,300.96 - \$177,736.00 Annually

DEFINITION:

Under general supervision, to provide instruction to recruits attending the Basic Academy and Adult Correctional Academy in a classroom and practical setting to include outside classroom locations.

DISTINGUISHING CHARACTERISTICS:

The Academy Instructor is an extra help classification. The Academy Instructor possesses expertise in law enforcement and is distinguished from other County training classifications such as the Training and Staff Development Specialist series, in that incumbents are only hired in extra help status and teach a variety of classes to train and prepare recruits for their law enforcement duties and required certifications.

TYPICAL TASKS:

- Presents required learning material based on and in compliance with state Peace Officer Standards & Training (POST) and Standards and Training for Corrections (STC) training and testing specifications;
- Plans, organizes, implements, and evaluates lesson plans to include expanded course outlines, safety plans, power point presentations, and relevant instructional handouts;
- Presents course material based in lecture or practical format on required needs and mandates for academy learning domains outlined in POST or STC as well as instructors own experience and expertise;

- Presents effective and innovative teaching strategies that engage others while integrating new and emerging technology into teaching strategies consistent with utilization of Adult Learning Theory;
- Adheres to all local, state, and federal guidelines for California Basic Academy and Adult Correctional Academy training;
- Participates in professional development opportunities to continuously improve skills that are relevant to teaching/training and knowledge of law enforcement;
- Acts as a mentor and role model for all academy recruits while delivering academy training;
- Works continuously with academy staff to achieve objectives and goals for ensuring the delivery of innovative and progressive public safety training to entry level law enforcement recruits;
- May be assigned as a Disaster Service Worker, as required;
- Performs other duties as required.

EMPLOYMENT STANDARDS:

Sufficient education, training, and experience which demonstrates possession and application of the following knowledge and abilities.

Training and Experience Note: The knowledge, skills and abilities required to perform this function are typically acquired through training and experience equivalent to graduation from an accredited college or university with a Bachelor's Degree and two (2) years of experience in the related teaching topic/field or possession of an Associate's Degree and six (6) years of experience in the related teaching topic/field.

Special Certification:

- An Academy Instructor is required to complete the State Instructor Certification program within one year of appointment as an Academy Instructor.
- Possession of a valid California Drivers license prior to appointment, and the ability to qualify for and maintain a County Drivers Permit.

Knowledge of:

- Peace Officer Standards and Training (POST) as applicable to training topic;
- Standards and Training for Corrections (STC) as applicable to training topic;
- Law enforcement and functions and relationships of the criminal justice system as applicable to training topic;
- Principles and modern methods of police administration and organization, police practices and procedures as applicable to training topic;
- Modern methods of correctional administration, and laws governing the care and custody of prisoners as applicable to training topic;
- Adult Learning Theory concepts, practices and training methods;
- Principles and techniques of curriculum development;
- Effective methods of using audio/visual equipment and other training aids or materials.

Ability to:

- Ensure adult learning principles and outcomes are achieved;
- Ensure collaborative teaching and student-centered learning;

- Listen effectively and demonstrate written and oral communication skills including public speaking and presentation abilities;
- Demonstrate organizational skills, interpersonal skills, problem-solving abilities and collaborative leadership experiences;
- Be sensitive to cultural, racial, and ethnic diversity;
- Establish and maintain effective working relationships;
- Take initiative, reason logically, and be creative in developing and introducing new ideas;
- Maintain a positive outlook, high personal standards of excellence, and passion for the vision, mission and values of the Sheriff's Office;
- Demonstrate active listening skills, and utilize group dynamic skills and techniques.



24-5272

DATE: April 16, 2024

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.

Adopted: 04/16/2024

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