



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
District Attorney



Date: March 21, 2016

Board Meeting Date: April 26, 2016

Special Notice / Hearing: None

Vote Required: Majority

To: Honorable Board of Supervisors

From: Stephen M. Wagstaffe, District Attorney

Subject: Resolution Certifying The Critical Need For Retiree Appointment

RECOMMENDATION:

Adopt a resolution approving the hiring of retired Legal Secretary Christine Thoresen to an extra help position in order to provide training on the juvenile office processes, and certifying, pursuant to Government Code §7522.56(f) (1), that the nature of employment and appointment is necessary to fill a critically-needed position before the post-retirement 180 day separation period expires.

BACKGROUND:

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 be effective January 1, 2013. The PEPRA legislation includes provisions in Government Code §7522.56 requiring a 180 day separation ("sit-out") period following the date of retirement for non-safety retirees who are re-employed by a public agency within the same retirement system as an employee or through a contract unless:

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 exception to apply, legislation requires 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.

DISCUSSION:

The District Attorney's Office Legal Secretaries in the Juvenile Office are responsible for providing all support to the attorneys that work in that division. They process all

paperwork, and work with the clerk's office and probation departments in order to process petitions for the minors that commit crimes. In fulfilling this role, the District Attorney's Office seeks to have Christine Thoresen return to the County in an extra help capacity to train new staff members in the juvenile processes and work on an archived files project.

Ms. Thoresen retired on March 31, 2016 after serving over 14 years. The Juvenile Branch has only two legal secretaries and the other secretary also retired on March 31, 2016. Since both of the legal secretaries retired at the same time the District Attorney's Office is in need of the expertise that Ms. Thoreson has acquired in juvenile processes in order to train new employees. Since the department did not receive notice of her retirement until February 9th, 2016, it is anticipated that training of the new legal secretaries will be required immediately in order for the Juvenile Office to continue to function in an efficient and effective manner. In addition to training, Ms. Thoresen will also be using her years of experience in the Juvenile Office to assist and guide the new staff in the archiving of past cases.

For these services Ms. Thoresen will be paid \$33.58 per hour for a period not to exceed 960 hours in 12 months. This rate is equivalent to the hourly rate of pay for a legal secretary.

County Counsel has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no increase in net County cost associated with the recommended action. Appropriations to cover extra help costs are included in the County Manager/Clerk of the Board Adopted Budget.