



County of San Mateo

Inter-Departmental Correspondence

Department: CONTROLLER

File #: 22-391

Board Meeting Date: 6/14/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Juan Raigoza, Controller

Subject: Resolution Authorizing the Hiring of Retired Departmental Systems Analyst, Regina (Gina) di Gualco, to an Extra Help Position Prior to the Expiration of the Post-Retirement 180-Day Separation Period.

RECOMMENDATION:

Adopt a resolution authorizing the hiring of retired Departmental Systems Analyst, Gina di Gualco, to an extra help position prior to expiration of the post-retirement 180-day separation period.

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 Section 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.

One exception to the PEPRA sit-out period is provided in Government Code Section 7522.56(f)(1), which allows for a retiree to work during the sit-out period, if "the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting." The section also states that the appointment may not be placed on a consent calendar.

However, the 180 day sit out requirement was suspended by executive order of the Governor for a period of time during the COVID-19 pandemic.

DISCUSSION:

Gina di Gualco retired on March 19, 2022 after working for the County for nearly 37 years. Ms. di Gualco was hired back as extra help on March 21, 2022 under Executive Order N-08-21 which

extended the waiver of the 180 day sit out requirement for retirees. However, another executive order has since terminated that waiver and the County must once again comply with the 180 day sit out requirement. As a result, a certification from this Board is now necessary for Ms. di Gualco to continue to perform critical work for the County.

Ms. di Gualco has been responsible for system maintenance, support, and configurations of the payroll compensation rules, leave balances, and timekeeping for 5 years, during which she has acquired extensive expertise. As the new replacement staff started on May 16, 2022, it is anticipated that training of the new staff will extend beyond June and, until the new staff is efficient and effective, her assistance will be required to ensure proper timekeeping and payroll systems configuration is maintained to avoid impacts to employees' pay and leave balances.

For these services Ms. di Gualco will be paid \$64.59 per hour plus a 5% confidential allowance for a period not to exceed 960 hours in 12 months. This rate is equivalent to the hourly rate of pay for a Departmental Systems Analyst.

Approval of this Resolution contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring the Controller's Office is able to effectively and efficiently configure and maintain payroll compensation rules and leave balances in the payroll and timekeeping systems.

The County Attorney has reviewed and approved the Resolution as to form.

PERFORMANCE MEASURE:

| Measure | FY 2020-21 Actual | FY 2021-22 Projected |
|---|--------------------------|-----------------------------|
| Percentage of customer survey respondents rating services good or excellent | 97% | 90% |

FISCAL IMPACT:

There is no increase in net County cost associated with the recommended action. Appropriation to cover extra help costs are included in the Controller's Office budget.