



# County of San Mateo

## Inter-Departmental Correspondence

**Department:** HEALTH

**File #:** 22-523

Board Meeting Date: 7/12/2022

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Louise F. Rogers, Chief, San Mateo County Health  
Chester J. Kunnappilly, MD, Chief Executive Officer, San Mateo Medical Center  
**Subject:** Resolution Certifying the Critical Need for Retiree Appointment

### **RECOMMENDATION:**

Adopt a resolution approving the continued employment of Department of Psychiatry at San Mateo Medical Center staff Dr. John Herbert to an Extra Help position to provide psychiatric clinical care and certifying, pursuant to Governor Code §7522.56 (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 (PEPRA), which is known as 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 on 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 this 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 Department of Psychiatry at San Mateo Medical Center (SMMC) provides psychiatric clinical care in the Psychiatric Emergency Room (PES), Inpatient Psychiatric Unit, Consult Liaison Service on the Medical-Surgical Unit, Long Term Care Unit and Intensive Care Unit, Cordilleras Mental Health Services, and two SMMC outpatient primary care clinics. On some units, the department is required to provide psychiatric coverage 24/7, 365 days a year, which currently translates to approximately 450 hours of clinical service per week. These service hours are covered by Regular and Extra Help

employees.

The Covid-19 pandemic continues to have a significant impact on SMMC's ability to staff these service lines. Over the past two years, multiple psychiatrists have separated from the organization either through retirement or resignation. Recruitments have struggled since the pandemic started. Currently, within San Mateo County Health, there are 8.5 full-time equivalents of psychiatrist positions open, and a number of these positions have been open for over a year. In addition, at any given time, a number of psychiatrists may be out sick, isolating or in quarantine, on vacation, etc. The ongoing shortage of psychiatrists is a major challenge, and to keep up with effective patient care in all service lines, SMMC relies heavily on Extra Help staff.

SMMC's Department of Psychiatry seeks Dr. John Herbert to return to the County in an Extra Help capacity to help cover SMMC clinical service lines. Dr. Herbert has extensive experience working with the organization and has provided coverage one to two-night shifts a week for the past two decades. Dr. Herbert will be paid the current Extra Help hourly pay rate of \$169.81, plus the applicable allowances. He will also be eligible for all benefits currently offered to Extra Help employees.

The resolution has been reviewed and approved by the County Attorney.

**FISCAL IMPACT:**

There is no increase in Net County Cost associated with the recommended action beyond SMMC budgeted expenses for this staffing. Appropriations to cover extra help costs are included in the SMMC budget.