



County of San Mateo

Inter-Departmental Correspondence

Department: HEALTH SERVICES ADMIN

File #: 22-929

Board Meeting Date: 12/6/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Louise F. Rogers, Chief, San Mateo County Health
Marc Meulman, Director, Public Health Policy and Planning

Subject: Resolution Certifying the Critical Need for Retiree Appointment

RECOMMENDATION:

Adopt a resolution approving the continued employment of County Health Officer, Dr. Scott Morrow, in an Extra Help position, to continue to act as County Health Officer subsequent to retirement and certifying, pursuant to Government Code §7522.56, 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:

The California Public Employees' Pension Reform Act (PEPRA), adopted pursuant to Assembly Bill 340, includes provisions codified at Government Code §7522.56 which generally require 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. However, this 180-day sit out period may be waived if an employer certifies that, given the nature of the employment, the appointment is necessary to fill a critically needed position before the 180 day sit out period has passed.

For the exception to apply, legislation requires that this Board, as the employer's governing body, approve the appointment by resolution at a noticed meeting and on the regular agenda.

DISCUSSION:

Each county in California is mandated to preserve and protect the public health. The County Health Officer serves a key role in discharging this duty. The Health Officer role is unique and challenging, and possesses numerous distinct duties and broad authorities, defined in California law, to take action to prevent disease and protect the community's health status. The Health Officer is central to providing public health leadership, developing public health policy for the community, ensuring the enforcement of California codes and regulations, and assuring the effectiveness of the mandated

health protection function of local government.

The Health Officer is an important spokesperson and a trusted voice during outbreaks or emergencies to inform policies and plans that support individual and community health efforts. In San Mateo County, the COVID-19 pandemic continues as a public health emergency with significant impact on County residents. This public health response continues in the context of other public health threats, such as the Mpox outbreak, an Ebola outbreak in Uganda, and current concerns this Fall and Winter regarding respiratory viral conditions, including respiratory syncytial virus (RSV) and influenza (flu), all of which require ongoing guidance and leadership. During these times of current public health threats, it is critical to have steady and experienced Health Officer leadership to support protection of the public's health.

Recruiting and hiring a qualified and experienced Health Officer is difficult, given the unique and challenging role this position serves. The challenges are compounded with the critical need for expertise in the context of current public health circumstances and the reality of fewer qualified candidates available. During the pandemic, public health departments across the country have seen an exodus of public health leaders, including Health Officers, that has been referred to as "the great resignation" driven by the stresses and challenges of managing an unprecedented pandemic. This reality reduces the pool of candidates who can effectively serve this critical function, and local health departments have needed to call upon previously retired Health Officers to return to service to meet this need.

Dr. Morrow is planning to retire earlier than the department expected, in January 2023, and County Health seeks authority to allow Dr. Scott Morrow to return to the County after his retirement in an Extra Help capacity to cover the critical and mandated County Health Officer functions. Dr. Morrow's extensive experience as a Health Officer for San Mateo County cannot be replicated and maintaining continuity for this role is particularly important as the County continues responding to public health emergencies and threats described above and seeks to recruit a replacement. Dr. Morrow will be paid the current Extra Help hourly pay rate of \$153.01, 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 as to form.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action beyond County Health's budgeted expenses for this staffing. Appropriations to cover Extra Help costs are included in the FY2022-23 Public Health, Policy and Planning budget.