

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Community Services Agency

BOARD AGENDA #: B-14

AGENDA DATE: November 22, 2016

**SUBJECT:**

Approval to Rehire a Retired Supervising Legal Clerk II in the Community Services Agency Adult, Child and Family Services Division Prior to the 180-day Waiting Period Under the Public Employees' Pension Reform Act of 2013

BOARD ACTION AS FOLLOWS:

No. 2016-588

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Community Services Agency  
Urgent  Routine

BOARD AGENDA #: B-14

AGENDA DATE: November 22, 2016

CEO CONCURRENCE: \_\_\_\_\_ *ph...*

4/5 Vote Required: Yes  No

**SUBJECT:**

Approval to Rehire a Retired Supervising Legal Clerk II in the Community Services Agency Adult, Child and Family Services Division Prior to the 180-day Waiting Period Under the Public Employees' Pension Reform Act of 2013

**STAFF RECOMMENDATIONS:**

1. Authorize Community Services Agency (CSA) to rehire Betty Emery as an extra-help Supervising Legal Clerk II of the Adult, Child and Family Services Division prior to the 180-day waiting period as outlined in the Public Employees' Pension Reform Act (PEPRA) of 2013.
2. Certify as required by PEPRA that the re-hiring of Betty Emery as an extra-help Supervising Legal Clerk II is necessary to fill a critically needed position prior to the passage of the 180-day waiting period.

**DISCUSSION:**

The Public Employees' Pension Reform Act (PEPRA) (AB 340 and AB 197) contains limitations on the use of retire annuitants, requiring that an annuitant have a 180-day break in service prior to returning to work for an employer in the same retirement system from which they receive a pension benefit. Under this same legislation, a retired annuitant can return to work for the same agency prior to the 180-day period following retirement if the employer certifies the appointment is necessary to fill a critically needed position and the Board of Supervisors approves the appointment in a public meeting in a non-consent agenda item.

The Supervising Legal Clerk plays a major role when the Continuum of Care Reform (CCR) is implemented in January 2017. There will be additional responsibilities for Legal Clerks and Supervisors such as developing new policies and procedures. Ms Emery will be able to guide the new supervisor and the Legal Clerks on these additional functions under the direction of a Program Manager III.

The unit in Child Welfare assigned to Ms. Emery is comprised of five Legal Clerk IV and five Stock/Delivery Clerks. The Legal Clerks IV and Stock/Delivery Clerks perform critical work to support the Social Workers in the Court, Family Reunification and Permanent Placement programs. The Legal Clerks' responsibilities include: processing notices of hearings, 388 petitions, addendums to court reports, 366.26 orders, custody orders, subpoenas, affidavits, citations, warrants, applications for medical treatments, recover Indian Child Welfare Act (ICWA) information, declarations and motions; conducting absent parent searches and criminal history checks via California Law Enforcement Telecommunications Systems (CLETS);

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maintaining calendar of Juvenile Court hearings; maintaining control cards and files of all Juvenile Court dependents and recording of Juvenile Court Hearings and minute orders. The Stock/Delivery Clerks' responsibilities include: providing transportation for children and families both in and out-of-county in county owned vehicles to counseling, medical appointments, supervised and unsupervised visits, to and from court, to visit incarcerated parents, and for placement purposes. The work that this unit provides is critical in supporting families for successful reunification and completion of case plans.

Community Services Agency is requesting to appoint Betty Emery, retired Supervising Legal Clerk II of Adult, Child and Family Services Division, to the Department as an extra-help Supervising Legal Clerk II of Adult, Child and Family Services Division for up to six (6) months. Ms. Emery retired on September 16, 2016. CSA made a job offer on 10/25/16 and the applicant is in the background verification process. Ms. Emery was hired as a Legal Clerk in Child Welfare in December, 1995 and has been a Supervising Legal Clerk since November, 2002. This position performs complex and responsible types of duties in the legal unit of Adult, Child and Family Services Division. These years of experience show that she has in depth knowledge of the legal processes required in Child Welfare programs. Ms. Emery is the only Supervising Legal Clerk II in Community Services Agency. Ms. Emery's knowledge and experience in Juvenile Dependency Court processes, skill in preparation and analysis of legal documents, ability to respond to court and attorneys inquiries and request for court documents, skill in completing legal materials and preparing reports and documents, and skill in reviewing legal documents for accuracy, signatures and attachments are needed to complete the complicated Child Welfare court tasks and to transition the new Supervising Legal Clerk. Ms. Emery will be able to provide functional and technical training to the new supervisor and continue to assist legal clerks and the new supervisor during the transition phase. It is crucial that the Agency's relationship with the Juvenile Dependency Court remain collaborative. Ms. Emery will be able to provide the appropriate training to the new supervisor to ensure that all matters and duties pertaining to court mandates are done appropriately and timely.

The ability to offer retired annuitant Ms. Emery extra-help employment prior to the 180-day waiting period is a good investment contributing to the leadership team of the Adult, Child and Family Services Division.

This extra-help position will be funded with savings created from current vacancies in the Community Services Agency.

**POLICY ISSUE:**

Government Code Sections 7522-7522.71 describes the California Public Employees' Pension Reform Act of 2013 (PEPRA). The PEPRA provides that a non-safety retired person shall not be eligible to be employed for a period of 180 days following the date of retirement unless the employer certifies the nature of the employment and that the appointment has been approved by the governing body in a public meeting. The appointment may not be placed on the consent calendar. Appointments under this section shall not exceed 960 hours per year.

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**FISCAL IMPACT:**

The total annual cost of the Supervising Legal Clerk II includes six (6) months of salaries and benefits for \$46,916, which is supported with Federal, State and Realignment funds of \$39,879 and existing County General Fund Match of \$7,037. There will be no fiscal impact, as the extra-help position will be funded by savings acquired through current Department vacancies.

<b>Cost of recommended action:</b>	\$	46,916
<b>Source(s) of Funding:</b>		
Federal/State Realignment		39,879
Existing CSA County General Fund Match		7,037
<b>Funding Total:</b>	\$	46,916
<b>Net Cost to County General Fund</b>	\$	-

<b>Fiscal Year:</b>	2016/2017
<b>Budget Adjustment/Appropriations needed:</b>	No

**Fund Balance as of** N/A

**BOARD OF SUPERVISORS' PRIORITY:**

Approval to re-hire Ms. Emery prior to the 180-day waiting period as required by the PEPRA will enable CSA to maintain a collaborative relationship with the Juvenile Dependency Court, provide technical training to the new supervisor during the transition phase and this supports the Board of Supervisors' priority of Efficient Delivery of Public Services.

**STAFFING IMPACT:**

The Community Services Agency is requesting to rehire Ms. Emery as an extra-help Supervising Legal Clerk II in the Community Services Agency's Adult, Child and Family Services Division pursuant to the Public Employees' Pension Reform Act (AB 340 and AB 197).

**CONTACT PERSON:**

Kathryn M. Harwell, Director (209) 558-2500

**ATTACHMENT(S):**

NONE