

COUNTY OF PLUMAS
RESOLUTION NO. 15- 8081

**WAIVING THE 180 DAY SIT-OUT PERIOD FOR A RETIRED ANNUITANT TO
PERFORM THE DUTIES OF PROBATION ASSISTANT**

WHEREAS, the State Legislature has adopted AB 340 in order to implement comprehensive pension reform through the enactment of the California Public Employees' Pension Reform Act of 2013 (PEPRA) as well as other statutory changes; and

WHEREAS, PEPRA applies to all public employers that participate in the California Public Employees' Retirement System (PERS) on or after January 1, 2013; and

WHEREAS, California Government Code section 7522.56, as enacted in PEPRA, requires newly retired persons to sit out for at least 180 days before returning to work for an employer in the same retirement system in which they receive a retirement allowance; and

WHEREAS, an exception can be made if a county's Board of Supervisors certifies that the nature of the employment and the appointment is necessary to fill a critically needed position and the 180 days has not yet passed; and

WHEREAS, Michael Nolta has been employed by the County as a Probation Assistant since March of 2014 and prior to that had 18 years of experience as a California Highway Patrol Officer; and

WHEREAS, Mr. Nolta will retire from County service on or about March 24, 2015 and will not be accepting a retirement incentive upon retirement; and

WHEREAS, Mr. Nolta has attained "normal retirement age," as that term is used in Government Code section 21220.5, and therefore no bona fide separation is required under Government Code section 21220.5; and

WHEREAS, Mr. Nolta possesses specialized skills as a former peace officer, including extensive training and experience in officer safety, transporting high risk individuals and administering drug and alcohol tests; and

WHEREAS, although a recruitment has begun to fill the vacant position of Probation Assistant within the Probation Department, it is anticipated that it will take several months to recruit and train an appropriately qualified candidate; and

WHEREAS, it is anticipated that the recruitment period for the Probation Assistant position will create a gap in essential and critical functions within the Probation Department, which consists of only two other full-time Probation Assistants who have a number of other duties; and

WHEREAS, the Probation Assistant position also serves as the Training Specialist for Officer Safety, Transporting of High Risk Offenders and Drug and Alcohol Testing; and

WHEREAS, it is proposed that the 180-day waiting period be waived to allow Mr. Nolta to return to work after his retirement date on an interim appointment, not to exceed nine hundred and sixty hours, while the recruitment for the Probation Assistant position is ongoing, and shortly thereafter to provide training to the new incumbent;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Plumas, State of California, that:

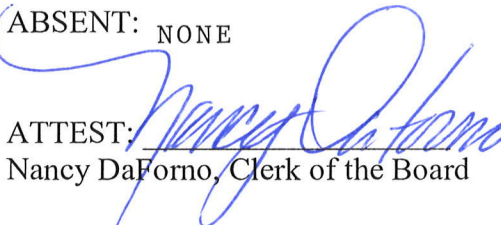
1. The Board of Supervisors certifies that the employment of Michael Nolta is necessary to fill a critically needed position before the 180 day sit-out period required by Government Code Section 7522.56 has passed.
2. The County needs Mr. Nolta's specialized knowledge and technical skills to perform the duties and functions of a Probation Assistant, including service as a Training Specialist, during recruitment for a permanent replacement for this position.
3. Mr. Nolta will be employed at \$15.29 per hour, which is his current hourly base rate for the Probation Assistant position, and no other compensation or benefits shall be provided.
4. Mr. Nolta shall not work more than nine hundred and sixty (960) hours during this interim appointment.
5. Mr. Nolta has certified in writing that he did not, during the 12-month period preceding the reemployment date of July 7, 2015, receive unemployment insurance arising from prior employment with the County.
6. This Resolution was adopted at a properly noticed public meeting and was not placed on the consent calendar, in compliance with Government Code section 7522.56(f)(1).
7. This appointment shall be effective beginning July 7, 2015.

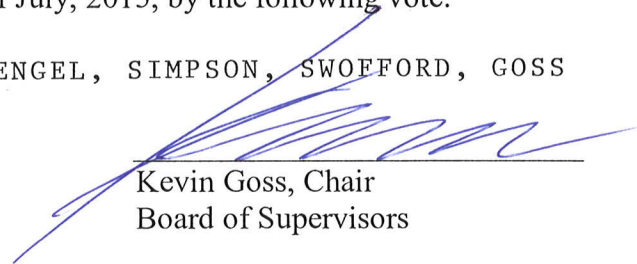
PASSED AND ADOPTED this 7th day of July, 2015, by the following vote:

AYES: SUPERVISORS THRALL, ENGEL, SIMPSON, SWOFFORD, GOSS

NOES: NONE

ABSENT: NONE

ATTEST: 
Nancy DaForno, Clerk of the Board


Kevin Goss, Chair
Board of Supervisors