

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
SUSPENDING WORK LIMITATIONS FOR  
RETIRED ANNUITANTS DUE TO THE DECLARED STATE AND LOCAL  
EMERGENCY**

**WHEREAS**, California Government Code sections 21220 and 7522.56(b) require a person who has been retired under the CalPERS retirement system to be reinstated prior to beginning employment in any capacity thereafter with a CalPERS contracting agency (such as the County of Shasta) except as otherwise permitted by law; and

**WHEREAS**, California Government Code sections 21224 and 7522.56(d) limit the hours worked by a retired CalPERS annuitant to 960 hours in a fiscal year for all employers in that retirement system; and

**WHEREAS**, California Government Code sections 21224 and 7522.56(d) also establishes that the rate of pay for the employment of a retired CalPERS annuitant shall not be less than the minimum, nor exceed the maximum, paid by the employer to other employees performing comparable duties as listed on a publicly available pay schedule, divided by 173.333 to equal an hourly rate; and

**WHEREAS**, California Government Code section 7522.56(f) and (g) establish that a CalPERS retired person shall not be eligible for employment with a CalPERS contracting agency for a period of 180 days following the date of retirement unless he or she meets certain criteria; and

**WHEREAS**, California Code of Regulations, title 2, section 586.2 also requires a separation of service of at least 60 calendar days between the date of the CalPERS member's retirement and the first day of work for the County as a retired person; and

**WHEREAS**, in the event an emergency has been declared as provided in Government Code section 8558 that requires the employment of a retired person, the 60 calendar day separation in service requirement shall not apply; and

**WHEREAS**, California Government Code sections 8567 and 8571 authorize the Governor of the State of California to temporarily suspend any regulatory statute prescribing the procedure for conduct of state business, or the regulations of any state agency, where the Governor declares that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the emergency; and

**WHEREAS**, on August 9, 2018, Edmund G. Brown, Jr., Governor of the State of California, issued Executive Order B-53-18 which proclaimed a state of emergency to exist in Shasta County as a result of the Carr Fire; and

**WHEREAS**, pursuant to Executive Order B-53-18, the reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g) are suspended;

**WHEREAS**, on July 30, 2018, the Shasta County Board of Supervisors ratified the proclamation of a local emergency by the Director of Emergency Services due to the Carr Fire and ordered that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors; and

**WHEREAS**, on August 21, 2018, the Board of Supervisors continued the proclamation of a local emergency by the Director of Emergency Services due to the Carr Fire and proclaimed and ordered that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors; and

**WHEREAS**, pursuant to Government Code section 8634, the Board of Supervisors may, during a local emergency, promulgate orders and regulations necessary to provide for the protection of life and property;

**WHEREAS**, the Shasta County Personnel Rules Chapters 1 *Definitions* and 19 *Regular Part-Time and Extra Help*, establish employment limitations for CalPERS retired annuitants regarding maximum hours worked in a Fiscal Year, a bona fide separation in service of 60 days prior to re-entering employment, rate of pay and reinstatement provisions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Shasta that the following provisions in the Shasta County Personnel Rules are hereby suspended to ensure adequate staffing to expedite disaster response and recovery efforts:

1. The provision in Section 1.18 of the Shasta County Personnel Rules that “A California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year.”
2. The provision in Section 19.2(B) of the Shasta County Personnel Rules that “A California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year (If a CalPERS retiree works for multiple CalPERS employers, the total hourly limit for all employers is 960 hours in a fiscal year).”
3. The provisions in Section 19.2(C)(1)(b) of the Shasta County Personnel Rules requiring a 60 day separation in service.
4. The provisions in Section 19.2(F), and (G) of the Shasta County Personnel Rules relating to rate of pay.

**BE IT FURTHER RESOLVED**, that the suspension of the reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g) by Executive Order B-53-18 shall apply to the employment of CalPERS retirees by the County of Shasta.

**BE IT FURTHER RESOLVED**, that the Director of the California Department of Human Resources and the California Public Employees' Retirement System shall be notified of any individual employed pursuant to these suspended provisions.

**BE IT FURTHER RESOLVED** that the suspension of these provisions remains in effect until the Board of Supervisors of the County of Shasta removes the proclamation of a local emergency related to the Carr Fire, or the Governor removes the proclamation of a state of emergency related to the Carr Fire, whichever occurs first.

**DULY PASSED AND ADOPTED** this 11th day of September, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

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LES BAUGH, CHAIRMAN  
Board of Supervisors  
County of Shasta, State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy