

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
14	10/24/16	Open	Action	10/19/16

Subject: Appointment of Retired Annuitant Scott Hatala to Senior Procurement Analyst in Accordance with California Government Code Section 7522.56(f)(1)

## ISSUE

Whether to approve the temporary appointment of retired annuitant Scott Hatala to the position of Senior Procurement Analyst in accordance with the requirements of California Government Code Section 7522.56(f)(1).

## RECOMMENDED ACTION

Adopt Resolution 16-10-\_\_\_\_, Approving the Temporary Appointment of Scott Hatala to Perform Critical Senior Procurement Analyst Duties on a Limited Basis in Accordance with California Government Code Section 7522.56(f)(1).

## FISCAL IMPACT

This position will be funded through funds already budgeted for two positions in the Procurement Department that recently became vacant. There will be no fiscal impact with this action.

## DISCUSSION

AB 340, the Public Employee Pension Reform Act of 2013 also known as PEPRRA, was signed into law on September 12, 2012 and went into effect January 1, 2013. PEPRRA created Government Code Section 7522.56 which requires public agency retirees to wait the 180 days after retirement before returning to work for a public agency, unless the agency's governing Board determines it is necessary to fill the critically needed position before 180 days have passed since the needed former employee has retired. The appointment must be approved in a public meeting of the governing Board and cannot be placed on the consent calendar.

Scott Hatala ("Mr. Hatala") was employed by RT for 15 years as a Senior Procurement Analyst and retired on July 1, 2016. During his tenure with RT, Mr. Hatala provided complex procurement analysis and support while performing critical tasks related to the development of solicitation packages for procuring materials/supplies, professional, architectural and engineering services, public works, construction and commodities, analyzing proposals and determining contract strategies, soliciting and scheduling funding and authorizations, evaluating bid and proposals for technical compliance.

Due to the recent loss of two Procurement Analysts, the Procurement Department is unable to handle the current workload without skilled assistance, while RT recruits for and fills the vacant positions. Mr. Hatala has both knowledge and experience of RT's procurement processes, as well as the ability to return to work immediately. The return of Mr. Hatala will allow the Procurement Department to eliminate its current backlog, help with excess work that current staff cannot quickly

Approved:

Presented:

Final 10/19/16

General Manager/CEO

Director, Human Resources

J:\Board Meeting Documents\2016\18 October 24, 2016\Hatala IP Request to Waive PEPRRA Reform Act .doc

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address due to workload, as well as handle several special projects that are currently anticipated to occur within the next 120 days. Alternatively, if RT were to attempt to find a replacement through a temporary agency, staff believes the wait time would be approximately 30 days, and would yield a temporary employee unable to hit the ground running due to his/her lack of knowledge of RT's procurement procedures, leaving a number of critical projects without support. Additionally, returning Mr. Hatala as a retired annuitant, beginning October 31, 2016 through February 28, 2017, (120 days) will allow the HR staff sufficient time to complete the recruitment for the two vacant positions.

In addition to the above-referenced PEPRA regulations, staff will ensure that the additional PEPRA requirements are met:

- That the temporary employee does not exceed the 960 hour fiscal year cap;
- Compensation paid does not exceed the rate of any current employees in the same classification; and
- That the assignment be of limited duration.

Staff requests that the Board approve this action, appointing Mr. Hatala to return to RT as a retired annuitant in his former position of Sr. Procurement Analyst before 180 days have elapsed since his retirement, in accordance with the requirements of California Government Code Section 7522.56(f)(1).

RESOLUTION NO. 16-10-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

October 24, 2016

**APPROVING THE TEMPORARY APPOINTMENT OF RETIRED ANNUITANT SCOTT HATALA TO PERFORM CRITICAL SENIOR PROCUREMENT ANALYST RELATED DUTIES ON A LIMITED BASIS IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 7522.56(f)(1)**

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

WHEREAS, PEPRA applies to all public employers that participate in a public pension in California 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 which they receive a retirement allowance unless the governing Board certifies that there is a critical need to fill a vacancy before the 180 days have elapsed; and

WHEREAS, Scott Hatala (Hatala) was employed by Sacramento Regional Transit for 15 years as a Senior Procurement Analyst and retired on July 1, 2016; and

WHEREAS, the Procurement Department is currently recruiting for two Procurement Analyst and the recruitment process is in progress; and

WHEREAS, it is a critical time for the Procurement Department and the Senior Procurement Analyst is a critical position and performs essential functions such as complex procurement analysis and procurement support for a variety of Departments and Divisions at the District, and

WHEREAS, it is anticipated that Hatala's services would be required on a temporary basis from October 31, 2016 to February 28, 2017.

NOW THEREFORE, BE IT HEREBY RESOLVED BY BOARD OF DIRECTORS OF SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Board hereby determines and certifies that there is a critical need to immediately fill the Senior Procurement Analyst position, which requires a specialized skill set, in RT's Procurement Department; and

THAT, the Board hereby appoints Scott Hatala to the position of Senior Procurement Analyst on a limited term basis, in accordance with the requirements of California Government Code Section 7522.56(f)(1), because Mr. Hatala has the specialized skill set necessary to perform the duties of the position.

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JAY SCHENIRER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary