

## **STAFF REPORT**

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**DATE:** May 22, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Jason Johnson, VP, Finance/CFO  
**SUBJ:** APPROVING THE TEMPORARY APPOINTMENT OF RETIRED ANNUITANT, RACHEL JOHNSON

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

If the Board approves this action, retired Senior Clerk Rachel Johnson would return on a limited basis to assist with Operator payroll timekeeping and Operator payroll adjustments for the Payroll Department three months after her retirement. Per California Government code section 7522.56(f)(1), the Board may authorize a retiree's return immediately after the retirement date if it makes a finding that the retiree is needed to fill a "critically needed position" before 180 days have passed since retirement.

### FISCAL IMPACT

Total consideration for the seven-month contract will not exceed \$10,000. Funding for this contract is included in the adopted FY 2023 and proposed FY 2024 operating budget.

### DISCUSSION

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

Rachel Johnson has been employed by SacRT for nine years in the role of Senior Clerk with over a 10-year tenure at SacRT upon retiring on February 28, 2023. During her tenure with SacRT, Ms. Johnson provided coverage support for the Payroll Technician, a single incumbent position, during extended scheduled absences and tight payroll processing windows.

The purpose of the Payroll Technician position is to timely and accurately prepare and maintain District payroll function for Operator staff. This position requires special

knowledge of SacRT's operations including knowledge of all of SacRT's runs, which cannot be learned quickly. Consequently, using a temporary employee acquired through a temp agency is not a viable option. It is essential that whomever comes in to cover the Payroll Technicians' absences have this knowledge and skill set. Ms. Johnson has the background and knowledge to continue to perform these responsibilities during the Payroll Technicians' absences while SacRT recruits for, fills the position, and trains the staff that will be taking over these critical responsibilities.

This is a seven-month contract to be used on an "as needed" basis.

Authorizing Ms. Johnson to temporarily provide coverage for this critical position which requires specific knowledge of SacRT operations will be critical to ensuring that the 700 active Operators payroll continues to efficiently and effectively be processed during this period. In addition to the above-referenced PEPRAs statutory requirements, , staff will ensure that the additional PEPRAs requirements are met:

- That the temporary employee does not work more than the 960-hour calendar year cap; and
- 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 determine that Ms. Johnson is needed to temporarily fill this critical position and appoint Ms. Johnson to return to SacRT as a retired annuitant before 180 days have elapsed since her retirement, in accordance with the requirements of California Government Code section 7522.56(f)(1) and that the Board approve a temporary employment contract with Ms. Johnson.

RESOLUTION NO. 2023-05-057

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

May 22, 2023

**APPROVING THE TEMPORARY APPOINTMENT OF RETIRED ANNUITANT,  
RACHEL JOHNSON**

WHEREAS, the State Legislature adopted the California Employees' Pension Reform Act of 2013 (PEPRA) as well as other statutory changes to implement comprehensive pension reform; 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 from which they receive a retirement allowance unless the governing Board certifies that there is an urgent need to fill a critical position before the 180 days have elapsed; and

WHEREAS, Rachel Johnson has been employed by Sacramento Regional Transit District (SacRT) for nine years as Senior Clerk providing coverage for the Payroll Technician and retired on February 28, 2023; and

WHEREAS, the Payroll Technician is a critical position within SacRT that cannot be easily or quickly filled because the position requires specific, complex knowledge of SacRT's operations, including runs, which is expertise Rachel Johnson has; and

WHEREAS, given Rachel Johnson's expertise, knowledge, and skillset, it is necessary to have Rachel Johnson temporarily provide coverage assistance for the position of Payroll Technician during the first 180 days of her retirement, while SacRT recruits, hires, and trains a secondary Payroll Technician; and

WHEREAS, because of the complexity of the Payroll Technician position, it is anticipated that Rachel Johnson's services would be required on a temporary basis from May 30, 2023 to December 31, 2023.

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

**THAT, the Board hereby determines and certifies that the position of Payroll Technician is a critical position and that there is a critical need to temporarily appoint**

Rachel Johnson to fill that critical position while SacRT recruits for, fills the position, and trains the staff that will be taking over these critical responsibilities.

THAT, the Board hereby appoints Rachel Johnson on a limited term basis, in accordance with the requirements of California Government Code section 7522.56(f)(1), because she has the specialized skill set necessary to assist with the activities of the Payroll department.

THAT, the Board hereby approves the Personal Services Contract between Sacramento Regional Transit District, therein referred to as "SacRT," and Rachel Johnson, therein referred to as "TEMPORARY EMPLOYEE," wherein TEMPORARY EMPLOYEE agrees to temporarily provide services related to the position of Payroll Technician, for a limited term and subject to the limitations set forth in the Public Employee Pension Reform Act of 2013.

THAT, the Board hereby authorizes and directs the Chair and the General Manager/CEO to execute said Personal Services Contract.

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PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary