ADMINISTRATIVE PROCEDURE

SUBJECT:
HIRING DISTRICT RETIREES, FORMER EMPLOYEES OR FORMER BOARD MEMBERS AS TEMPORARY EMPLOYEES OR CONSULTANTS

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PURPOSE:

To ensure compliance with the CCWD Code of Regulations, Chapter 3.05, and Government Code section 7522.56 (relating to post-retirement employment without reinstatement in the retirement system) by providing procedures for hiring District retirees, former employees, or former Board members as temporary employees or consultants/contractors.

POLICY:

A District retiree, former employee or former Board member may be hired as a temporary employee, or as a consultant/contractor through a Contractual Services Agreement, when he/she possesses unique knowledge, skills or abilities that provide continuity, training, or services that cannot be provided by any other persons, and subject to compliance with Chapter 3.05 of the CCWD Code of Regulations and Government Code section 7522.56. Contracting with, or temporarily employing a former Board member, CCWD retiree or former employee requires Board approval based on its finding that the proposed arrangement is in the best interest of the District. Justification for hiring a former employee, retiree, or former Board member is an ongoing requirement applied to each instance such an employment action or Contractual Service Agreement is initially made, renewed or otherwise modified. Persons hired under this policy do not acquire service credit or retirement rights for the period of the work; and District retirees may only acquire service credit or retirement rights for the period of the work by reinstating from retirement.

PROCEDURE:

Temporary Employment:

1. Requests to hire District retirees, former employees or former Board Members as temporary employees are considered non-routine and subject to the review and endorsement of the General Manager, and require subsequent authorization by the Board of Directors. Such requests must first be submitted in writing through the Department/Division Manager to the General Manager, and contain the following information:
a. Description of the Scope of Work to be performed for the temporary assignment;

b. Detailed explanation as to why existing staff/resources are insufficient to effectively address this specific need, and how the retiree or former employee (or former Board member) possesses unique knowledge, skills, or abilities that cannot be provided by another person, including existing District staff;

c. Identification of the classification for the temporary assignment;

d. When the person requested for hire is a CCWD retiree, the following will apply and must be identified in consultation with Human Resources: (1) the CCWD retiree is further restricted to work no more than 960 hours in a calendar year; (2) the District retiree cannot be appointed if he/she received unemployment insurance compensation arising out of employment with a public employer during the 12 month period prior to the appointment; and (3) the District retiree cannot be appointed until at least 180 days have passed since the person’s retirement from CCWD, unless: (a) the District certifies that appointment is necessary to fill a critically needed position before passage of the 180 days; and (b) the District retiree has not accepted a retirement incentive upon retirement from CCWD.

2. **Approval:** Approval of an employment action to hire as a temporary employee a District retiree, former employee or former Board member shall be made by the Board of Directors based on the review and recommendation of the General Manager. With respect to employment of a District retiree within the first 180 days after retirement from CCWD, the Board of Directors must consider the appointment in a public meeting and certify the nature of the employment and that appointment is necessary to fill a critically needed position before the passage of the 180 days.

3. **Compensation and Benefits:** If the CCWD retiree or former employee is being temporarily hired back directly in the classification he/she held as a regular employee, the rate of pay shall be at the same step he/she held as a regular employee; and with respect to District retirees, if that rate of pay is reflected as a salary, the rate of pay must be divided by 173.333 to equal an hourly rate. For all other classifications, the rate of pay shall be the first step in the range, unless otherwise approved by the General Manager or his/her designee; and, as to District retirees, the amount cannot be less than the minimum or more than the maximum paid by the District to other employees performing comparable duties, and any salary rate shall be divided by 173.333 to equal an hourly rate. No benefits, other than those mandated by law, shall be provided to these temporary appointments.
Contractual Services Contracts:

1. **Prime Consultant/Contractor:** Procedures for hiring CCWD retirees, former employees or former Board members as prime consultants or contractors on service contracts shall be the same procedures for requesting any service for the District. Contracts to hire District retirees, former employees or former Board members as the prime consultant/contractor, regardless of whether the contract is within the General Manager’s financial authority, require Board approval. Approval is limited to a 12-month period from the date of Board authorization. Any continuation or modification of the contract past that term will require new authorization from the Board of Directors. With respect to District retirees: (1) they cannot work in excess of 960 hours per calendar year; (2) the rate of pay shall not be less than the minimum or more than the maximum paid by the District to others performing comparable duties, divided by 173.333 to equal an hourly rate; (3) the District retiree cannot be retained if the District retiree received any unemployment insurance compensation arising out of prior employment with a public employer during the previous 12-month period; and (4) the District retiree is not eligible to serve within the first 180 days after retirement from the District unless: (a) he/she has not accepted a retirement incentive upon retirement from the District; and (b) the District’s Board approves of the appointment in a public meeting after the District certifies the nature of the work and that hiring of the District retiree is necessary to fill a critically needed position before passage of the 180 days.

2. **Sub Consultant/Contractor — Board Authorization Required:** Board authorization is required under the following circumstances:

   a. In the event that the District is directing the prime consultant/contractor to use the CCWD retiree, former employee, or former Board member as a sub consultant/contractor; or:

   b. If the CCWD retiree, former employee or former Board member is performing work outside the primary scope of work for the prime consultant/contractor.

Approval is limited to a 12-month period from the date of Board authorization. Any continuation or modification of the contract past that term will require new authorization from the Board of Directors. The exception being that if it is known that the work to be performed will require more than a 12 month term, the Board may consider authorizing a contract term greater than 12 months for the subcontractor/consultant provided that the Department/Division Manager provides justification as to the need and benefit to the District afforded by the longer-term contract, and the General Manager concurs.
With respect to District retirees: (1) they cannot work in excess of 960 hours per calendar year; (2) the rate of pay shall not be less than the minimum or more than the maximum paid by the District to others performing comparable duties, divided by 173.333 to equal an hourly rate; (3) the District retiree cannot be retained if the retiree received any unemployment insurance compensation arising out of employment for a public employer during the previous 12-month period; and (4) the District retiree is not eligible to serve within the first 180 days after retirement from the District unless: (a) he/she has not accepted a retirement incentive upon retirement from the District; and (b) the District’s Board approves of the appointment in a public meeting after the District certifies that the nature of the work and hiring of the retiree is necessary to fill a critically needed position before passage of the 180 days.

3. **Sub Consultant/Contractor – Board Authorization NOT Required:**
   Board authorization is not required if the District retiree, former employee or former Board member is a full-time employee or sub consultant/contractor by the prime consultant/contractor was independently selected by the prime consultant/contractor, and is performing work consistent with the scope of work contracted to be performed by the prime consultant/contractor.

**RESPONSIBILITY:**

**General Compliance:**
Each Department/Division Manager is responsible for ensuring compliance with this Administrative Procedure, subject to the review of the General Manager and approval of requested action by the Board of Directors.

**APPROVED:**

[Signature]

Jerry Brown
General Manager