



**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	July 16, 2024
<b>TITLE</b>	Authorization to Approve a Resolution Waiving the 180-Day Waiting Period to Hire Retired CalPERS Member Ernie Haga as a Police Sergeant/Chief Helicopter Pilot
<b>DIVISION</b>	Human Resources
<b>FROM</b>	Allyson Cook, Assistant General Manager Human Resources Roberto Filice, Assistant General Manager of Public Safety and Chief of Police
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors of the East Bay Regional Park District (Park District) approve an exception to the 180-day waiting period to hire retired CalPERS member Ernie Haga as Police Sergeant/Chief Helicopter Pilot pursuant to Government Code section 7522.56.

**BACKGROUND**

The Park District has employed Police Sergeant/Chief Helicopter Pilot, Ernie Haga, since July 3, 2021. Haga service retired from the Park District on June 15, 2024. In light of Haga's special skills as a sworn Helicopter Pilot, the Public Safety Division has a significant need to retain him and hereby seeks an exception to the 180-day waiting period required in California Government Code section 7522.56

**ANALYSIS**

The Public Employees' Pension Reform Act of 2013 (PEPRA) made significant changes to the public employee pension laws in California. One of those changes requires retired annuitants to be separated from employment for at least one hundred and eighty (180) days before returning to work for an employer in the same retirement system from which they receive a pension. California Government Code section 7522.56(f). An exception to this rule may be made if the governing body adopts a Resolution waiving the waiting period that CalPERS requires before a retired annuitant can commence working for an employer in the same retirement system as long as the Park District certifies the annuitant meets one of the enumerated conditions set forth in Govt. Code section 7522.56(f). The Park District certifies that Haga meets the following conditions set forth in the Government Code: in that Haga will fill a critically needed position and is a retired public safety officer that will perform the functions regularly performed by a public safety officer. Govt. Code section 7522.56(f)(1),(4). The Public Safety Division has a number of vacancies in its sworn Police Officer ranks as well as vacancies in its Air Support Unit. This Unit recently moved to Livermore, California and the timing of this retirement is generally during a higher wildfire danger season. The vacancy of another pilot if not filled by retired annuitant Haga will cause the helicopters to be unavailable for a few days each week. The immediate need for Haga to return is to ensure sufficient number of pilots during wildfire season, assist in the transition of the newly promoted sergeant as well as several pertinent administrative projects. These projects include revision of the Air Support

Operation Manual, Update of the Hazardous Materials Business Plan, Update the FAA Part 133 External Load Manual. Review & Update the following: Aircrew training plans, training records, safety management system files. Additionally, Haga will assist in the recent transition of hangar facilities. Haga's work will be performed both in person and remotely. As a retired annuitant, Haga will be limited to working no more than 960 hours in fiscal year.

### **FISCAL IMPACT**

**No additional costs as the Police Sergeant/ Chief Helicopter Pilot position was funded in the 2024 Police Operations Department budget.**

### **ATTACHMENTS**

- I. Conditional Job Offer Letter to Ernie Haga
- II. Salary Schedule effective the first full pay period in April 2024



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 07 -  
JULY 16, 2024**

**AUTHORIZATION TO APPROVE A RESOLUTION WAIVING THE 180-DAY  
WAITING PERIOD TO HIRE RETIRED CALPERS MEMBER ERNIE HAGA AS A  
POLICE SERGEANT/CHIEF HELICOPTER PILOT**

**WHEREAS**, in compliance with Government Code Section 7522.56, the East Bay Regional Park District (Park District) must provide CalPERS a duly authorized Resolution from its Board of Directors when hiring a retiree before 180 days has passed since their retirement date; and

**WHEREAS**, Ernie Haga, CalPERS ID 3788401854, will retire from the Park District, Public Safety Division, from the position of Police Sergeant/Chief Helicopter Pilot, effective June 15, 2024; and

**WHEREAS**, California Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 12, 2024, unless there is formal approval from the governing body of the agency in a public meeting; and

**WHEREAS**, Government Code section 7522.56(g) provides that this exception to the 180-day waiting period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the Park District and Ernie Haga certify that Ernie Haga has not and will not receive a Golden Handshake or any other retirement related incentive; and

**WHEREAS**, the entire employment agreement, contract or appointment document between Ernie Haga and the Park District has been reviewed by this governing body and is attached herein; and

**WHEREAS**, no matters, issues, terms, or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the maximum monthly base salary for this position is currently \$17,316.00 and the hourly equivalent is \$99.90 while the minimum monthly base salary for this position currently is \$13,896.13 and the hourly equivalent is \$80.17; and

**WHEREAS**, the hourly rate paid to Ernie Haga will be \$97.46; and

**WHEREAS**, Ernie Haga has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes the nature of the appointment of Ernie Haga as described herein and detailed in the attached appointment document and that his appointment is necessary to fill the critically needed position of Police Sergeant/Chief Helicopter Pilot for the Park District from July 27, 2024 through July 27, 2025,

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this Resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted July 16, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: