



**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
Los Angeles River Center and Gardens  
570 West Avenue Twenty-six, Suite 100  
Los Angeles, California 90065  
Phone (323) 221-9944 Fax (323) 221-9934

## **Mountains Recreation and Conservation Authority** **Retired Annuitant Employment Policy**

### **Purpose**

This policy memorandum shall be used to establish the Mountains Recreation and Conservation Authority's (MRCA) Retired Annuitant Employment Policy ("Policy"). The purpose of this Policy is to allow the MRCA, at the discretion of the Executive Officer or designee, to appoint persons retired from employment with the MRCA ("Retired Annuitants") to a vacant position during recruitment for a permanent appointment where such positions are deemed to require specialized skills or during an emergency to prevent stoppage of public business, in full compliance with California Government Code Section 21220, *et seq.* and 21222(h), in particular.

### **Emergency Declaration**

As a prerequisite to invoking this Policy, the Executive Officer (or designee) must make the specific finding that an emergency condition exists, that the MRCA cannot adequately provide staffing during such emergency using existing personnel, and that utilizing this Policy will increase public safety, protect public property and natural resources, and prevent the stoppage of public business.

Each emergency requires a separate and specific finding. Each emergency situation shall be tracked separately and assigned separate names and accounting codes, as appropriate.<sup>1</sup>

Upon such declaration, the Executive Officer or designee may appoint members of the MRCA's Extra Help Public Safety Professional – Management Class Pool ("Pool"), as described below, to resolve critical personnel shortfalls on a temporary basis, only for the duration of the specific emergency. At the conclusion of the specific emergency, this temporary appointment/activation is terminated, with the employee returning to the Pool.

Examples of such emergencies may include, but are not limited to; fires, flood/swiftwater threats, investigations and surveillance, high fire danger/Red Flag conditions, OES requests for resources, earthquakes, civil unrest, law enforcement patrol shortfalls, and search and rescue incidents.

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<sup>1</sup> An accounting code should be assigned if cost reimbursement is anticipated through a third party (OES, FEMA, etc.).

The Governing Board of the MRCA, by adoption of this Policy, expressly delegates its appointment authority under the Section 21222(h) to the Executive Officer.

### **Eligible Retired Annuitant Pool**

In order to be eligible for a temporary appointment under this Policy, a retired person must qualify for the Pool. The criteria for qualification for the Pool are as follows:

1. Persons retired from regular employment with the MRCA;
2. Persons who retired from MRCA as a sworn Peace Officer Ranger, as a Division Chief (or higher);
3. Persons with at least twenty (20) years employment with the MRCA, and
4. Persons with specialized certifications, knowledge, training, expertise and experience not currently found in a sufficient number of existing personnel for the emergency.<sup>2</sup>

### **Term, Compensation, and Miscellaneous Regulations**

**Maximum Hours.** Appointments may not exceed 960 hours in a fiscal year (July 1 through June 30).

**Compensation.** Compensation will fall within the salary range for positions performing the same duties. Compensation (converted to an hourly rate) shall not exceed ninety percent of the salary for the MRCA's Ranger Division's Chief of Operations or the Retired Annuitant's previous pay rate, whichever is less. Retired Annuitants are entitled to the same expense reimbursement, timekeeping and, when authorized, portal to portal compensation programs as any other employee classification. The overtime, hazard and travel pay policies as outlined in the MRCA Employee Handbook also apply to Retired Annuitants.

**Law Enforcement and Firefighter Exemption.** Retired Annuitants appointed pursuant to this Policy are exempt from the six month break in service requirement.<sup>3</sup> Retired Annuitants retain their twenty four hour peace officer (Penal Code Sec. 830.31(b)) status and the Law Enforcement Officers Safety Act (LEOSA) rights to ensure immediate availability, as applicable. All Retired Annuitants hired for this under this Policy will be performing peace officer work.

**Supervisory Authority.** Retired Annuitants appointed under this policy may exercise management and/or supervisor level authority under the delegated authority of the Executive Officer, in keeping with Incident Command System principles.

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<sup>2</sup> Positions that may be filled by these Retired Annuitants include, but are not limited to; ICS Overhead positions, Engine Captain, Division/Group Supervisor, Strike Team Leader, Firefighter, Medical Unit Leader, Safety Officer, Technical Specialist, Trainer/Instructor, Investigator, Resource Adviser, ICS Security positions 1 and 2, Park Ranger/Peace Officer, Firefighter and Security Manager.

<sup>3</sup> <https://www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf>

Personal Protective Equipment; Firearms. Issuance of personal protective equipment (PPE) and retention of previously issued safety, medical, rescue, communications/computer equipment, fire and law enforcement equipment to Retired Annuitants appointed under this Policy is authorized. Retired Annuitants may be permitted to use their firearms previously purchased from the MRCA upon retirement in the course of an appointment under this Policy.

Required Training. Subject employees may be compensated while attending position required continuing education and qualification training. Position required continuing education and requalification training may include, but are not limited to, Firefighter recertifications, Ranger refreshers and firearm qualifications, emergency medical trainings, swiftwater rescue training, search and rescue trainings, etc. Compensated training hours shall not exceed 120 hours per year. Per statute, Retired Annuitants may not volunteer hours or services.

No Obligation; At-Will Employment. Nothing contained in this Policy shall be interpreted to obligate the MRCA to undertake any appointment of members of the Pool or any other person or persons. This Policy is not intended to alter the "at-will" nature of employment with the MRCA for regular full or part time employees or for Retired Annuitants or members of the Pool.

Amendment of Policy. In order to protect the interests of the MRCA and Retired Annuitants, this Policy may be amended from time to time by the Executive Officer to remain compliant with state and federal law and CalPERS regulations