

RESOLUTION NO. 2020-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, FOR
EXEMPTION TO THE 180-DAY WAIT PERIOD
GOVERNMENT CODE SECTIONS 7522.56 &
21224**

WHEREAS, in compliance with Government Code section 7522.56 the City Council of the City of Merced must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date;

WHEREAS, Joni Vierra retired from the City of Merced in the position of Payroll Supervisor, effective September 13, 2020, shortly after the lone Payroll Technician retired, leaving both key payroll positions vacant;

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 12, 2021, without this certification resolution;

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive;

WHEREAS, the City Council, the City of Merced and Joni Vierra certify that Joni Vierra has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, Joni Vierra shall certify in writing upon accepting an offer of employment, that she has not received any unemployment insurance compensation arising out of a prior employment with a public employer subject to Government Code section 7522.56;

WHEREAS, the City Council hereby appoints Joni Vierra as an extra help retired annuitant to perform the duties of a Payroll Supervisor for the City of Merced under Government Code section 21224, effective September 14, 2020;

WHEREAS, the entire employment agreement, contract or appointment document between Joni Vierra and the City of Merced has been reviewed by this body and is attached herein;

WHEREAS, the matters, issues, terms or conditions related to this employment and appointment have not and will not be placed on a consent calendar;

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

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;

WHEREAS, the maximum base salary for this position is \$7,616.39 and the hourly equivalent is \$43.94, and the minimum base salary for this position is \$6,266.00 and the hourly equivalent is \$36.15;

WHEREAS, the hourly rate paid to Joni Vierra will be \$43.94; and,

WHEREAS, Joni Vierra 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced hereby certifies the nature of the appointment of Joni Vierra as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Payroll Supervisor for the City of Merced effective September 14, 2020. Specifically, the City has a need for an experienced Payroll Supervisor in order to be a resource to other Finance staff and for training purposes when the positions are filled. Both positions leaving so close together leaves the City at a disadvantage. Payroll for a government entity that includes Public Safety and CalPERS is very complex and niche specific.

As the positions are filled there will be a need to provide training in the areas of bi-weekly payroll, quarterly and calendar year tax reporting, W-2's, CalPERS oversight and reporting, OPEB, FLSA, fiscal year-end financial statement transactions and reporting, labor negotiation/bargaining group requests, payroll budgeting, and multi-year payroll forecasts. Furthermore, not only will she be

advising on payroll in general but how to complete the transactions needed in our current financial system which is not very user friendly and has required several modifications in the past. The Deputy Finance Officer will be dedicating her time to training with the Payroll Supervisor for two weeks but that is insufficient to learn all of tasks handled in the payroll area. In order to keep as much continuity as possible to a very critical area staff has determined it is imperative to continue to use the current Payroll Supervisor as a resource.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

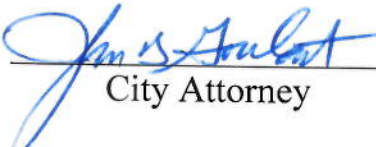
Mayor

ATTEST:
STEPHANIE DIETZ, ACTING CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 8-31-20
City Attorney Date