



## Legislation Text

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**SUBJECT:** Adoption of a Resolution for an Exemption to CalPERS 180-day Wait Period Pursuant to Government Code Sections 7522.56 and 21224

### REPORT IN BRIEF

Adoption of a resolution approving the hiring of Roberta Medina as an extra-help retired annuitant to perform the duties of a Temporary Community Services Officer under Government Code sections 7522.56 and 21224, effective February 8, 2016.

### RECOMMENDATION

**City Council** - Adopt **Resolution 2016-08**, a Resolution of the City Council of the City of Merced, approving an exception to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

### ALTERNATIVES

1. Approve as recommended; or
2. Deny; or
3. Take no action.

### AUTHORITY

Section 200 of the City of Merced Charter.  
California Government Code sections 7522.56 and 21224.

### CITY COUNCIL PRIORITIES

As provided for in the 2015-16 Adopted Budget.

### DISCUSSION

California Government Code section 7522.56, subdivision (f)(1) provides that a CalPERS retiree is not eligible to work for a CalPERS employer for a period of 180 days following the date of their retirement unless an exception applies. One such exception allows the 180-day waiting period to be waived if the retired employee is needed to fill a critically-necessary position and the employee has the specialized skills and knowledge for the position. Under this circumstance, the retired employee can be hired before the expiration of the 180-day waiting period if the governing body of the CalPERS agency certifies through the adoption of a resolution that the appointment is necessary to fill a critical need. Additional requirements for the post-retirement employment include:

- The retired employee can only work for a limited duration and must be hired into a retired

- annuitant or part-time temporary/extra-help position (not a permanent part-time position);
- The retired employee can only work 960 hours in a fiscal year (July 1 to June 30);
  - The retired employee can only be paid an hourly compensation without benefits or any additional or special compensation;
  - The compensation paid to the retired employee must be an hourly rate that is not greater than nor less than the hourly rate on the salary schedule for the equivalent position; and,
  - The appointment of the employee must be made by the governing body at a public meeting and the appointment cannot be placed on a consent calendar.

Roberta Medina retired from the City on December 31, 2015, as a Community Services Officer. Ms. Medina worked for the City as a Community Services Officer, or the equivalent position as a Code Enforcement Officer, for 17 years. She has invaluable institutional knowledge of the City's Code Enforcement procedures and practices. Following the retirement of Ms. Medina, the City hired two (2) new Community Services Officers who now need to be properly trained to perform their job duties. Ms. Medina has the necessary experience, skills, and temperament to train these new-hires so that they can independently perform the essential functions of their jobs. The City does not have another experienced Community Services Officer who can train the new-hires.

The attached resolution authorizes the City Council to make the required findings to allow Ms. Medina to be hired as a Temporary Community Services Officer on February 8, 2016, which is before the expiration of her 180-day post-retirement wait period. As set forth in further detail in the attached resolution, Ms. Medina will be paid on an hourly basis within the same hourly range as other employees performing the same duties. Moreover, her hours will not exceed 960 hours in a fiscal year and no other benefits will be paid or provided.

Approval of the attached resolution is therefore requested to waive the 180-day waiting period to allow the City to hire Ms. Medina on February 8, 2016, to coincide with the start date of the new Community Services Officers.

### **IMPACT ON CITY RESOURCES**

Funds are available in the 2015/2016 Police Budget to cover this temporary cost; no additional funding is needed.

### **ATTACHMENTS**

1. Resolution No. 2016-08