



AGENDA REPORT

Department: Administrative Services - Human Resources
Prepared by: Molly Brennan, Administrative Services Director
Meeting Date: Tuesday, August 1, 2023
Approved by: Scott Huth, Acting City Manager

SUBJECT:

Temporary Appointment of Two (2) CalPERS Retirees Pursuant to Government Code Sections 7522.56 and 21221(H)

RECOMMENDATION:

Adopt a Resolution entitled, "A Resolution of the City Council of the City of National City, California, Appointing Eric Dennis as Interim Building Official and William Lopez as Interim Street & Wastewater Maintenance Superintendent per Government Code Section 21221 (h)."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City Manager has the responsibility of appointing the City's management staff. California Government Code § 7522.56 & 21221(h) requires that an agency's governing board approve the appointments of CalPERS retired annuitants to serve on an interim basis during recruitment for a permanent appointment.

Staff requests that City Council adopt a resolution authorizing the City to temporarily appoint CalPERS Retirees Eric A Dennis (CalPERS ID: 1818201532) as Building Official and William R Lopez (CalPERS ID: 3224553803) as Street & Wastewater Superintendent pursuant to Government Code § 7522.56 & 21221(h). The City Manager appointed the retirees in late June to prevent stoppage of public business while the permanent recruitments take place.

Adoption of the resolution will allow Mr. Dennis and Mr. Lopez to work in a limited duration capacity until the permanent hire is on boarded for their position or until they reach 960 hours worked during the 2023-2024 fiscal year, whichever occurs first.

Eric Dennis has been appointed to the position of Building Official as a vacant type appointment by the City Manager. The appointment had an effective date of 6/13/23 and an hourly pay rate of \$69.00 per hour. The position was opened for the permanent recruitment on 5/18/23 and closes on 7/31/23.

William Lopez has been appointed to the position of Street & Wastewater Maintenance Superintendent as a vacant type appointment by the City Manager. The appointment had an effective date of 6/26/23 and an hourly pay rate of \$57.09 per hour. The position was opened for the permanent recruitment on 6/22/23 and closes on 8/7/23.

The California Public Employees' Retirement System (CalPERS) recognizes that retirees can play an important role in maintaining city operations, particularly in short-term or emergency

situations; however, they also specify limitations on a retiree's service when returning to work for a CalPERS agency. Government Code § 7522.56 & 21221(h) provides specific guidance on employing a CalPERS retiree without interruption to retirement benefits or reinstatement from retirement. Key terms of hiring a retired annuitant under the Government Code and by which the City will be following are:

- The retiree must wait 180 days after his or her retirement date before he or she can return to work for a CalPERS employer, unless there is a qualifying exception.
- The appointment of a retired annuitant must be for a limited duration for a vacant position. A retired annuitant can only be appointed once to this vacant position as required by Gov. Code § 21221(h).
- The retired annuitant's salary cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule for the position.
- The retired annuitant cannot be paid any other compensation or benefits in addition to the hourly pay rate.
- A maximum of 960 hours can be worked within a fiscal year (July 1 to June 30) and CalPERS does not provide any exception to this limit. Nonpaid or volunteer hours can't be used in order to exceed 960 hours in a fiscal year.
- The retiree will not accrue service credit or any additional retirement rights or benefits.

FINANCIAL STATEMENT:

The Building Official and Street & Wastewater Maintenance Superintendent positions are already included in the budget and there is no impact to the current fiscal year. The cost will be absorbed in the personnel services department budgets. In accordance with CalPERS requirements, the retirees will not be eligible for any compensation or benefits in addition to their hourly pay rate while working for the City as a retired annuitant.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution