



CITY OF LONG BEACH

DEPARTMENT OF HUMAN RESOURCES

R-24

333 West Ocean Boulevard 13th Floor • Long Beach, CA 90802 • (562) 570.6621

ALEJANDRINA BASQUEZ
DIRECTOR

September 5, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution approving an exception to the 180-day waiting period for Public Agencies pursuant to Government Code 7522.56 and 21224 to hire Kenneth A. Walker for a limited duration to work in the Human Resources Department. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Sections 7522.56 and 7522.57 to the Government Code, which set forth post-retirement employment requirements applicable to all retirees who are employed by CalPERS employers on or after January 1, 2013. This change added the requirement that all retirees must wait 180 days after their retirement date before they are eligible to begin post-retirement employment with a CalPERS agency. An exception to the 180-day wait period can be made if a public agency certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed. The appointment must be approved by the governing body of the employer in a public meeting and may not be placed on a consent calendar.

The Human Resources Department requests City Council approval to hire Kenneth A. Walker, current Manager of Labor Relations, effective October 2, 2017, for a limited duration, to oversee several critical pending labor relations projects, including the representation at several pending Public Employment Relations Board cases, negotiating four outstanding labor contracts, reviewing Local Rules, and coordinating the Meet and Confer obligations for the FY 18 Budget. Since Mr. Walker's proposed start date is less than the required 180-day waiting period subsequent to his retirement, City Council approval to hire Mr. Walker is required. The approved rate of pay for the limited duration is \$61.577 per hour. This amount represents the compensation paid to other employees performing comparable duties and will be funded with salary savings from the Manager of Labor Relations vacancy.

Mr. Walker is qualified to oversee these projects and has acquired the relevant experience and specialized skills from his employment with the City as the Manager of Labor Relations. He has over 29 years of service with the City working in several different Departments. As a result of his expertise, he has successfully overseen the negotiation process for several labor contracts.

HONORABLE MAYOR AND CITY COUNCIL
September 5, 2017
Page 2

This matter was reviewed by Principal Deputy Attorney Gary J. Anderson on August 15, 2017 and by Revenue Management Officer Geraldine Alejo on August 17, 2017.

TIMING CONSIDERATIONS

City Council action is requested on September 5, 2017, to ensure the City is able to progress with labor negotiations and meet legal obligations in a timely manner.

FISCAL IMPACT

Funding is currently appropriated in the Employees Benefits Fund (IS 391) in the Human Resources Department (HR). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

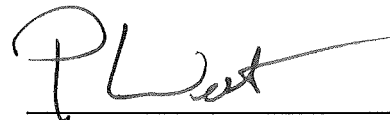


ALEJANDRINA BASQUEZ, DIRECTOR
DEPARTMENT OF HUMAN RESOURCES

R:\Administration\CITY COUNCIL LETTERS\2007\09-05-17 ccl - Human Resources 180-Day Wait Exception.docx

Attachment – Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING THE EXCEPTION TO
THE 180-DAY WAIT PERIOD PURSUANT TO
GOVERNMENT CODE SECTIONS 7522.56 AND 21224 FOR
RETIRED ANNUITANT KENNETH A. WALKER

WHEREAS, in compliance with Government Code (GC) Section 7522.56
the City of Long Beach must provide CalPERS this certification resolution when hiring a
retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Kenneth A. Walker, CalPERS ID 6873173878, will retire from
the City of Long Beach in the position of Manager of Labor Relations, effective
September 30, 2017; and

WHEREAS, GC Section 7522.56 requires that post-retirement employment
commence no earlier than 180 days after the retirement date, which is March 29, 2018,
without this certification resolution; and

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

WHEREAS, the City Council, the City Manager, the City of Long Beach and
Kenneth A. Walker certify that Kenneth A. Walker has not and will not receive a Golden
Handshake or any other retirement-related incentive; and

WHEREAS, the City Manager with City Council approval hereby appoints
Kenneth A. Walker as an extra help retired annuitant to perform the duties of the Human
Resources Officer for the City of Long Beach under Government Code Section 21224,
effective October 2, 2017; and

WHEREAS, the entire appointment letter between Kenneth A. Walker and
the City of Long Beach has been reviewed by this body and is attached herein; and

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

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

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

8 WHEREAS, the maximum base salary for this position is \$11,000 monthly
9 and the hourly equivalent is \$63.461, and the minimum base salary for this position is
10 \$7,333 monthly and the hourly equivalent is \$42.306; and

11 WHEREAS, at the direction of City Council, the hourly rate paid to Kenneth
12 A. Walker as a retired annuitant will be \$61.577; and

13 WHEREAS, Kenneth A. Walker has not and will not receive any other
14 benefit, incentive, compensation in lieu of benefit or other form of compensation in
15 addition to this hourly pay rate; and

16 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
17 follows:

18 Section 1. The City Council hereby certifies the nature of the
19 appointment of Kenneth A. Walker as described herein and detailed in the attached
20 appointment letter and that this appointment is necessary to fill the critically needed
21 position of Human Resources Officer for the City of Long Beach by October 2, 2017, for
22 the purpose of overseeing several critical pending labor relations projects. Mr. Walker
23 will represent the City in several pending Public Employment Relations Board (PERB)
24 cases, will continue to negotiate the four outstanding labor contracts (MOU), review Local
25 Rules requiring major revisions, and will coordinate the Meet & Confer obligations for the
26 FY 18 Budget.

27 Section 2. Mr. Walker is qualified to oversee these projects and has
28 acquired the relevant experience and specialized skills from his employment with the City

1 as the Manager of Labor Relations. He has over 29 years of service with the City
2 working in several different Departments. As a result of his expertise, he has
3 successfully overseen the negotiation process for several labor contracts. The effective
4 date of this appointment will be October 2, 2017.

5 Section 3. The compensation for retired annuitant Kenneth A. Walker will
6 be \$61,577; and

7 Section 4. This resolution shall take effect immediately upon its adoption
8 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City
10 Council of the City of Long Beach at its meeting of _____, 2017, by the following
11 vote:

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13 Ayes: Councilmembers: _____

14 _____

15 _____

16 _____

17 Noes: Councilmembers: _____

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19 Absent: Councilmembers: _____

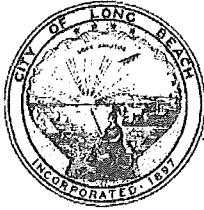
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23 _____
City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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CITY OF LONG BEACH

CITY MANAGER'S OFFICE

333 West Ocean Boulevard, 13th Floor • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-6583

PATRICK H. WEST
CITY MANAGER

August 25, 2017

Kenneth A. Walker
2109 Zandia
Long Beach, CA 90815

Dear Mr. Walker:

Ken

It is my pleasure to make you a conditional offer of employment as Human Resources Officer in the Human Resources Department, pending City Council approval. Your appointment as a PERS retired annuitant will be effective October 2, 2017, at an hourly rate of \$61.577.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30).

I look forward to continuing to work with you.

Sincerely,

PAT

PATRICK H. WEST
CITY MANAGER

cc: Alex Basquez
Personnel File