

January 17, 2023

R-23

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 Ms. Francine S. Wiegelman for a limited duration to work in the Financial Management Department. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Section 7522.56 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 Financial Management Department requests City Council approval to hire Ms. Wiegelman, former Assistant City Controller in Financial Management, as a Retired Annuitant- Specialized Support, effective January 18, 2023, for a limited duration, to transfer her knowledge to staff and train her replacement in the areas of Legacy Payroll System, MOUs and all payroll reporting requirements and regulations. She will also document the intricacies and background of the payroll processes that she has managed, in addition to serving as a critical backup to stabilize operations.

Ms. Wiegelman has over 20 years of payroll experience with the City of Long Beach (City) which includes implementing and ensuring compliance with federal, State, CalPERS, and other requirements related to payroll. She is also technically proficient in the use of the legacy payroll system and has worked with the Technology and Innovation Department on the configuration, updating, and testing of the system. Due to her knowledge and familiarity with the many City labor MOUs, she has experience in the necessary changes required in the payroll system to ensure accurate payroll processing. The department will prioritize filling the vacancy for her position, but her continued involvement until the position is filled is imperative. Since Ms. Wiegelman's proposed start date is less than the required 180-day waiting period after her retirement on December 26, 2022, City Council approval to hire Ms. Wiegelman is required. The approved rate of pay will be \$67.754 per hour. This amount represents the hourly rate she

HONORABLE MAYOR AND CITY COUNCIL

January 17, 2023

Page 2

received upon retirement and is within the minimum and maximum compensation paid to other employees performing comparable duties as listed in the City publicly available pay schedule and will be funded by the Financial Management Department.

This matter was reviewed by Assistant City Attorney Gary Anderson on December 7, 2022 and by Budget Management Officer Nader Kaamouch on December 27, 2022.

TIMING CONSIDERATIONS

City Council action is requested on January 17, 2023, to ensure the continued support of the Financial Management Department and the payroll process.

FISCAL IMPACT

The total annual cost is estimated to not exceed \$70,020. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30th, at a salary rate of \$67.754 per hour plus 7.65 percent for Medicare and FICA. The actual costs will be based on hours worked and not expected to exceed 960 in Fiscal Year 2023. The cost will be funded within existing appropriations in the General Fund Group in the Financial Management Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOE AMBROSINI
HUMAN RESOURCES DIRECTOR

APPROVED:



THOMAS B. MODICA
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 GOVERNMENT CODE SECTIONS
7522.56 AND 21224, FOR RETIRED ANNUITANT FRANCINE
S. WIEGELMAN

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of
the Public Employees' Retirement Law, the City of Long Beach must provide CalPERS this
certification resolution when hiring a retiree before 180 days has passed since their
retirement date; and

WHEREAS, Francine Wiegelman, CalPERS ID 5724827087, retired from
the City of Long Beach in the position of Assistant City Controller, effective December 26,
2022; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement
employment commence no earlier than 180 days after the retirement date, which is June
24, 2023, without this certification resolution; and

WHEREAS, Gov. Code 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
Francine Wiegelman, certify that Francine Wiegelman 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
Francine Wiegelman, as an extra help retired annuitant to perform the duties of the Retired
Annuitant – Specialized Support which are comparable to the duties of Special Projects
Officer for the City of Long Beach under Government Code Section 21224, effective January

1 18, 2023; and

2 WHEREAS, the appointment letter between Francine Wiegelman and the City
3 of Long Beach has been reviewed by this body and is attached herein; and

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

6 WHEREAS, the employment shall be limited to 960 hours per fiscal year for
7 all CalPERS employers; and

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

11 WHEREAS, the maximum base salary for this position is \$20,000 monthly and
12 the hourly equivalent is \$115.38, and the minimum base salary for this position is \$2,500
13 monthly and the hourly equivalent is \$14.42; and

14 WHEREAS, the hourly rate paid to Francine Wiegelman will be \$67.754; and

15 WHEREAS, Francine Wiegelman has not and will not receive any other
16 benefit, incentive, compensation in lieu of benefit or other form of compensation in addition
17 to this hourly pay rate;

18 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
19 follows:

20 Section 1. The City Council hereby certifies the nature of the appointment
21 of Francine Wiegelman as described herein and detailed in the attached appointment letter
22 and that this appointment is necessary to fill the critically needed position of Retired
23 Annuitant – Specialized Support, for the City of Long Beach by January 18, 2023, for the
24 purpose of transferring her knowledge to staff and train her replacement in the areas of
25 Legacy Payroll System, MOUs and all payroll reporting requirements and regulations. She
26 will also document the intricacies and background of the payroll processes that she has
27 managed, in addition to serving as a critical back-up to stabilize operations within the
28 Financial Management Department. If the 180-day exception is not authorized, the City of

1 Long Beach may be out of compliance with State regulations and fail to meet State-
2 mandated reporting requirements resulting in financial penalties.

3 Section 2. Francine Wiegelman has acquired the relevant experience and
4 specialized skills from their employment with the City of Long Beach as an Assistant City
5 Controller. Ms. Wiegelman has over 20 years of payroll experience with the City that
6 includes implementing and ensuring compliance with federal, state, CalPERS and other
7 requirements related to payroll. She is also technically proficient in the use of the legacy
8 payroll system and has worked with TID on configuration, updating, and testing of the
9 system. Due to her knowledge and familiarity with the many City labor MOUs, she has
10 experience in the necessary changes required in the payroll system to ensure accurate
11 payroll processing.

12 Section 3. This resolution shall take effect immediately upon its adoption
13 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

City Clerk

January 3, 2023

Francine S. Wiegelman

Dear Ms. Wiegelman:

It is my pleasure to make you a conditional offer of employment as a Retired Annuitant-Specialized Support in the Financial Management Department. Your appointment as a PERS retired annuitant will be effective at a mutually agreed upon date, at an hourly rate of \$67.754, contingent upon approval by the Human Resources Director and City Council.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30) and will not receive any other benefit, incentive, compensation in lieu of benefit or other forms of compensation in addition to your hourly pay rate. It will be your responsibility to monitor your hours so that they do not exceed the 960-hour limit.

If you accept this conditional offer of employment, please sign, and return this offer letter to Monica Dennis, Administrative Analyst in the Financial Management Department.

If have any questions, please direct them to Anna Reyes, Administrative Officer in the Department of Financial Management. She can be reached at 562-570-6688.

On behalf of the department staff, we look forward to continuing to work with you.

Sincerely,

Thomas B. Modica
City Manager

I hereby acknowledge receipt of this offer of employment:

Francine S. Wiegelman

Date

