



CITY OF LONG BEACH

DEPARTMENT OF HUMAN RESOURCES

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

ALEJANDRINA BASQUEZ
DIRECTOR

December 11, 2018

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 Gamal Elgaali for a limited duration to work in the Harbor 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 Harbor Department hereby requests City Council's approval to hire Gamal Elgaali, former Senior Civil Engineer, effective December 15, 2018, for a limited duration, to assist with trial preparation and related discovery in the defense of pending lawsuits. Since Mr. Elgaali's proposed start date is less than the required 180-day waiting period subsequent to his retirement on October 19, 2018, City Council approval to hire Mr. Elgaali is being requested. The approved rate of pay will be \$64.291 per hour. This amount represents the compensation paid to other employees performing comparable duties and will be funded with salary savings in the Harbor Department.

Mr. Elgaali has over eight years of service working for the Harbor Department as a Manager of Port Construction Contracts. His relevant experience and expertise will be utilized to assist in trial preparation and related discovery regarding the defense of critical pending lawsuits and related projects.

HONORABLE MAYOR AND CITY COUNCIL

December 11, 2018

Page 2

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on November 15, 2018 and by Budget Management Officer Rhutu Amin Gharib on November 21, 2018.

TIMING CONSIDERATIONS

City Council action is requested on December 11, 2018, to ensure the City can prepare strong defenses for pending civil trials and interrelated projects.

FISCAL IMPACT

The total annual cost of a CalPERS retired annuitant will not exceed \$61,719 (960 hours at \$64.291/hour). There is sufficient appropriation budgeted in the Harbor Fund (HR) in the Harbor Department (HA) to hire the annuitant. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ALEJANDRINA BASQUEZ, DIRECTOR
DEPARTMENT OF HUMAN RESOURCES

ATTACHMENT – RESOLUTION

APPROVED:



PATRICK H. WEST
CITY MANAGER

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING THE EXCEPTION
5 TO THE 180-DAY WAIT PERIOD PURSUANT TO
6 GOVERNMENT CODE SECTIONS 7522.56 AND 21224
7 FOR RETIRED ANNUITANT GAMAL ELGAALI
8

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

12 WHEREAS, Gamal Elgaali, CalPERS ID 638308614, retired from the City
13 of Long Beach in the position of Senior Civil Engineer, effective October 20, 2018; and

14 WHEREAS, Government Code Section 7522.56 requires that post-
15 retirement employment commence no earlier than 180 days after the retirement date,
16 which is April 19, 2019, without this certification resolution; and

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

20 WHEREAS, the City Council, the City Attorney, the City of Long Beach and
21 Gamal Elgaali certify that Gamal Elgaali has not and will not receive a Golden
22 Handshake or any other retirement-related incentive; and

23 WHEREAS, the City Attorney with City Council approval hereby appoints
24 Gamal Elgaali as an extra help retired annuitant to perform the duties of a Senior Civil
25 Engineer for the City of Long Beach under Government Code Section 21224, effective
26 December 15, 2018; and

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

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

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

6 WHEREAS, the maximum base salary for this position is \$11,182 monthly
7 and the hourly equivalent is \$64.291, and the minimum base salary for this position is
8 \$8,209 monthly and the hourly equivalent is \$47.198; and

9 WHEREAS, at the direction of City Council, the hourly rate paid to Gamal
10 Elgaali as a retired annuitant will be \$64.291; and

11 WHEREAS, Gamal Elgaali has not and will not receive any other benefit,
12 incentive, compensation in lieu of benefit or other form of compensation in addition to this
13 hourly pay rate;

14 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
15 follows:

16 Section 1. The City Council hereby certifies the nature of the
17 appointment of Gamal Elgaali as described herein and detailed in the attached
18 appointment letter and that this appointment is necessary to fill the critically needed
19 position of Senior Civil Engineer for the City of Long Beach by December 15, 2018, for
20 the purpose of assisting in trial preparation and related discovery regarding critical
21 pending civil trials and related projects.

22 Section 2. Mr. Elgaali is qualified to assist in these projects and has
23 acquired the relevant experience and specialized skills from his employment with the City
24 as a Senior Civil Engineer. He has over 8 years of service with the City working in the
25 Harbor Department as a Manager of Port Construction Contracts. As a result of his
26 expertise, he is needed to assist in the defense of pending lawsuits. The effective date of
27 this appointment will be December 15, 2018.

28 //

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 3. The compensation for retired annuitant Gamal Elgaali will be \$64.291 per hour.

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk



Port of
LONG BEACH
The Green Port

November 27, 2018

Notification via email and regular US Mail

Gamal Elgaali
15503 Bonsai Way
Tustin, California 92702

Email address: gamalelgaali@gmail.com

Dear Gamal:

In conjunction with the recent discussions regarding a temporary assignment with the Port of Long Beach, we would like to extend a conditional offer of temporary employment to you.

This offer of employment is contingent upon your passing the LiveScan, submitting to an Oath of Allegiance and approval by the Long Beach City Council and the Board of Harbor Commissioners.

The terms of the appointment will be as follows:

Position/Title: Senior Civil Engineer

Reporting Relationship: The position will report to Darrin Lambrigger, Director of Construction Management.

Duties: You agree that while employed by the Port of Long Beach, you will devote your best energies in pursuit of the duties of a Senior Civil Engineer on behalf of the Port, and to the best of your ability, experience and talents, perform all that may be required of you in this role. You agree to observe and conform to the policies and directions established by Port management, and that you faithfully assume and perform all duties customarily performed by a Senior Civil Engineer that you are fulfilling on an interim basis.

Confidentiality: You understand and agree that during the course of your employment with the Port, you will receive and become aware of information, projects, practices, customer contacts, methodologies and management relating to the Port's business. Except for that information within the public domain, you acknowledge the sensitivity and confidential nature of such information and agree to keep such information strictly confidential.



Port of
LONG BEACH
The Green Port

Compensation & Benefits: In consideration of the performance of all services required by the Port, an hourly salary of \$64.291 will be paid to you, based on a 20-hour workweek. In addition, you will not be entitled to any benefits during the course of this temporary employment, except where required by law, if any.

Term of Employment: You acknowledge that this is a temporary position that is expected not to exceed 365 calendar days. It is anticipated that the matter in which you will be working on will be resolved within this time period. Either party may terminate this agreement for any reason by providing thirty (30) days' notice to the other party. You understand and agree that you will not receive continued compensation in any form if this agreement is terminated by the Port or if you voluntarily elect to terminate this agreement upon thirty days' notice. If you were to violate any of the provisions of this agreement, engage in any criminal activity or engage in any activity which the Port deems to be wrongful or detrimental to its business, the Port may at its option and sole determination, terminate this agreement for cause.

Effective Date: Will be determined after the Long Beach City Council and the Board of Harbor Commissioners approve appointment. It is our intent to take your appointment to the Board on **January 14, 2019**.

This conditional offer of employment will be in effect for three (3) business days from the date of this letter.

Please advise me, in writing, by **November 29, 2018**, to accept or to decline this conditional offer. You may send a signed, scanned copy via email to: Stacey.Lewis@polb.com to expedite processing. If we do not hear from you by this date, this offer will be rescinded.

If you have any questions or need additional information, please contact Stacey Lewis at (562) 238-7500 or via email at the aforementioned email address.

Kind Regards,

Stacey V. Lewis, SHRM, SPHR, IPMA-SCP
Director, Human Resources



Port of
LONG BEACH
The Green Port

Acknowledgement:

_____ I accept the conditional offer of employment.

_____ I decline the conditional offer of employment.

Candidate's Signature

Date

Paul Spurr

11/28/2018