

R-11

February 11, 2020

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 Arthur Cox for a limited duration to work in the Public Works Department. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Sections 7522.56 and 21224 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 Public Works Department is requesting City Council approval to hire Arthur Cox effective February 11, 2020, who retired as the Public Service Bureau Manager on December 30, 2019, for a limited duration, to assist with the facilitation of disaster preparedness response and special events during the transition to a new bureau manager. Since Mr. Cox's proposed start date is less than the required 180-day waiting period post retirement, City Council approval to hire Mr. Cox is required. The proposed rate of pay will be \$55,000 per hour, which represents the compensation for the Special Projects Officer and will be funded through the Department of Public Works budget.

Mr. Cox was with the City for 36 years, with the last 15 years in the Public Service Bureau, and has gained valuable institutional knowledge that will serve as an asset to the Public Works Department during the transition to a new bureau manager. Mr. Cox is a subject-matter expert in disaster response and special events support.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on January 21, 2020 and by Budget Analysis Officer Julissa José-Murray on January 24, 2020.

TIMING CONSIDERATIONS

City Council action is requested on February 11, 2020, to ensure minimal impact to disaster response and special events support.

FISCAL IMPACT

The total annual cost through June 30, 2020 will not exceed \$19,800 (360 hours at \$55,000/hour). There is sufficient appropriation budgeted in the General Fund Group in the Public Works 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,



ALEJANDRINA BASQUEZ, DIRECTOR
DEPARTMENT OF HUMAN RESOURCES

Attachment - Resolution

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802

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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, ARTHUR COX

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, Arthur Cox, CalPERS ID 7630414429, retired from the City of
Long Beach in the position of Manager – Public Service Bureau in the Department of
Public Works effective December 30, 2019; and

WHEREAS, Government Code Section 7522.56 requires that post-
retirement employment commence no earlier than 180 days after the retirement date,
which is June 30, 2020, without this certification resolution; and

WHEREAS, Government 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 Arthur Cox certify that Arthur Cox has not and will not receive a Golden Handshake
or any other retirement-related incentive; and

WHEREAS, the Department, with City Council approval, hereby appoints
Arthur Cox as an extra help retired annuitant to perform the duties of the Special Projects
Officer for the City of Long Beach under Government Code Section 21224, effective
February 11, 2020; and

WHEREAS, no matters, issues, terms or conditions related to this

1 employment and appointment have been or will be placed on a consent calendar; and
2 WHEREAS, the employment shall be limited to 960 hours per fiscal year;
3 and

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

7 WHEREAS, the maximum base salary for this position is \$115,000 monthly
8 and the hourly equivalent is \$55.099, and the minimum base salary for this position is
9 \$100,000 monthly and the hourly equivalent is \$47.912; and

10 WHEREAS, at the direction of City Council, the hourly rate paid to Arthur
11 Cox as a retired annuitant will be \$55.000; and

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

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

17 Section 1. The City Council hereby certifies the nature of the
18 appointment of Arthur Cox as described herein and detailed in the attached appointment
19 letter and that this appointment is necessary to fill the critically needed position of Special
20 Projects Officer for the City of Long Beach by February 11, 2020, for the purpose of
21 assisting with disaster response and special event support.

22 Section 2. Arthur Cox is qualified to work on the disaster response and
23 special project support and has acquired the relevant experience and specialized skills
24 from his employment with the City. He has 36 years of service with the City and over 15
25 years as a manager in the Public Service Bureau in the Public Works Department. The
26 effective date of this appointment will be February 11, 2020.

27 Section 3. The compensation for retired annuitant Arthur Cox will be
28 \$55.000 per hour.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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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 _____, 2020, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

THOMAS B. MODICA
Acting City Manager

February 11, 2020

Arthur Cox
[REDACTED]
[REDACTED]

Dear Mr. Cox,

It is my pleasure to make you a conditional offer of employment as a Special Projects Officer in the Department of Public Works, contingent upon approval by the City Council on February 11, 2020. Your appointment as a PERS retired annuitant will be effective February 11, 2020, at an hourly rate of \$55.000.

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

If you accept this conditional offer of employment, please sign and return this offer letter to Chris Kuebert, Acting Business Operations Bureau Manager in the Department of Public Works. He can be reached at (562) 570-6947.

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

Sincerely,



Tom Modica
Acting City Manager