

# CITY OF LONG BEACH

DEPARTMENT OF HUMAN RESOURCES

**R-24**

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

**ALEJANDRINA BASQUEZ**  
DIRECTOR

February 5, 2019

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 David J. Ternullo for a limited duration to work in the City Prosecutor 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 vacant position to eliminate a backlog 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 City Prosecutor Department requests City Council approval to hire David J. Ternullo, retired Long Beach Police Detective, as an Investigator with the City Prosecutor Department, effective February 6, 2019, for a limited duration, to assist with investigator duties such as serving subpoenas, interviewing witnesses, retrieving evidence, locating witnesses, and other criminal case-related matters. Mr. Ternullo retired from the Long Beach Police Department on December 27, 2018, after 27 plus years of service. He is qualified to provide service to the City Prosecutor Department as an Investigator and has the relevant experience and expertise.

Since Mr. Ternullo's proposed start date is less than the required 180-day waiting period subsequent to his retirement on December 27, 2018, City Council approval to hire Mr. Ternullo is requested. The approved rate of pay will be \$30.00 per hour. This amount represents the compensation paid to other employees performing comparable duties and will be funded by an existing position within the City Prosecutor Department's budget.

HONORABLE MAYOR AND CITY COUNCIL

February 5, 2019

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This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on January 15, 2019 and by Budget Analysis Officer Julissa José-Murray on January 17, 2019.

TIMING CONSIDERATIONS

City Council action is requested on February 5, 2019, to ensure the City can prepare to prosecute pending criminal trials and interrelated projects.

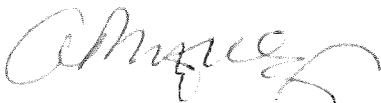
FISCAL IMPACT

The total annual cost will not exceed \$28,800 (960 hours at \$30.00/hour), and is budgeted in the General Fund (GF) in the City Prosecutor Department (CP). 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

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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 DAVID J. TERNULLO

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, David J. Ternullo, CalPERS ID 6260055782, retired from the  
City of Long Beach in the position of Police Detective, effective December 27, 2018; 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 28, 2019, 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 Prosecutor, the City of Long Beach  
and David J. Ternullo certify that David J. Ternullo has not and will not receive a Golden  
Handshake or any other retirement-related incentive; and

WHEREAS, the City Prosecutor with City Council approval hereby appoints  
David J. Ternullo as an extra help retired annuitant to perform the duties of an  
Investigator-City Prosecutor - NC for the City of Long Beach under Government Code  
Section 21224, effective February 6, 2019; and

WHEREAS, no matters, issues, terms or conditions related to this  
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 CalPERS  
2 fiscal year which runs July 1 to June 30; 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 hourly rate for this position is \$30.00 per hour. The retired  
7 annuitant will not work more than 960 hours in a CalPERS fiscal year (July 1 to June 30);  
8 and

9                   WHEREAS, at the direction of City Council, the hourly rate paid to David J.  
10 Ternullo as a retired annuitant will be \$30.00; and

11                   WHEREAS, David J. Ternullo 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; and

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 David J. Ternullo 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 Investigator-City Prosecutor – NC for the City of Long Beach by February 6,  
20 2019, for the purpose of assisting in serving subpoenas, interviewing witnesses and other  
21 criminal investigative matters.

22                   Section 2.    Mr. Ternullo 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 Police Detective. He has over 27 years of service with the Long Beach Police  
25 Department City working in the Violent Crimes as a Detective. As a result of his  
26 expertise, he is needed to assist with investigator duties. The effective date of this  
27 appointment will be February 6, 2019;

28                   Section 3.    The compensation for retired annuitant David J. Ternullo will

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

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be \$30.00 per hour; and

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 \_\_\_\_\_, 2019, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

City Clerk



OFFICE OF THE CITY PROSECUTOR  
*Long Beach, California*

*DOUGLAS P. HAUBERT, City Prosecutor*

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333 West Ocean Boulevard  
City Hall, Second Floor  
Long Beach, California 90802  
Telephone: (562) 570-5600  
Fax: (562) 570-7140  
prosecutor@longbeach.gov

February 5, 2019

David J. Ternullo  
[REDACTED]  
[REDACTED]

Dear David:

I am pleased to appoint you to the position of Investigator-City Prosecutor.

Your appointment as a PERS retired annuitant is effective Wednesday, February 6, 2019, at the hourly rate of \$30.000 for a maximum of 960 hours during the PERS fiscal year (July 1 through June 30).

Sincerely,

DOUGLAS P. HAUBERT  
City Prosecutor

cc: Alex Basquez