



Legislation Details (With Text)

**File #:** 19-0093      **Version:** 1      **Name:** HR - 180-Day Waiting Period to hire back David Ternullo

**Type:** Resolution      **Status:** Adopted

**File created:** 1/18/2019      **In control:** City Council

**On agenda:** 2/5/2019      **Final action:** 2/5/2019

**Title:** Recommendation to adopt 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)

**Sponsors:** Human Resources

**Indexes:**

**Code sections:**

**Attachments:** 1. 020519-R-24sr&att.pdf, 2. RES-19-0013.pdf

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt 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)

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.

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.

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

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.

Approve recommendation.

ALEJANDRINA BASQUEZ, DIRECTOR  
DEPARTMENT OF HUMAN RESOURCES

APPROVED:

PATRICK H. WEST  
CITY MANAGER