



## Legislation Details (With Text)

**File #:** 20-0079      **Version:** 2      **Name:** HR - 180-Day Waiting Period for Rosa Jackson DHHS

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

**File created:** 1/3/2020      **In control:** City Council

**On agenda:** 2/4/2020      **Final action:** 2/4/2020

**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 Rosa Jackson for a limited duration to work in the Health and Human Services Department. (Citywide)

**Sponsors:** Human Resources

**Indexes:**

**Code sections:**

**Attachments:** 1. 012120-R-26sr&att.pdf, 2. 020420-R-26sr&att.pdf, 3. RES-20-0022.pdf

Date	Ver.	Action By	Action	Result
2/4/2020	2	City Council	approve recommendation and adopt	Pass
1/21/2020	1	City Council	withdrawn	

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 Rosa Jackson for a limited duration to work in the Health and Human Services Department. (Citywide)

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 Health and Human Services Department (Department) is requesting City Council approval to hire Rosa Jackson, a recently retired Public Health Professional III who worked in the Human Services Bureau, effective February 4, 2020 for a limited duration. Ms. Jackson would be hired to complete several critical pending projects related to the Life Coaching and Fundamentals of Fatherhood Program (LCFFP), funded by the U.S. Department of Health and Human Services, Office of Family Assistance, through the end of its grant term on September 29, 2020. Since Ms. Jackson's proposed start date is less than the required 180-day waiting period following her retirement, City Council approval is required for this hire. The proposed rate of pay for the limited duration of her employment is \$45.039 per hour, the amount she made at the end of her employment. This amount is comparable to the

compensation afforded to other employees in the Public Health Professional III classification. Furthermore, this position will be fully funded by the LCFFP grant.

The request to hire Ms. Jackson to fill this position is based on the short-term nature of the appointment, as the LCFFP grant will expire at the end of its grant period on September 29, 2020. Conducting a recruitment to fill this position, and subsequent onboarding and training of a new employee, would limit the Department's ability to sufficiently close out the grant and meet its deliverables. Such an arrangement would likely result in a failure to meet grant directives, jeopardizing federal grant funding awarded to the City, including grants awarded to other departments. Furthermore, hiring a new employee to fulfill these duties would result in separation from employment in less than a year's time due to a loss of grant funding.

Ms. Jackson is highly qualified to oversee these projects, having overseen the Life Coaching and Fundamentals of Fatherhood Program for the last 12 years of her 30-year tenure with the City. As a result, Ms. Jackson would not need to be trained to function in the role of data manager for the grant as a retired annuitant. This arrangement would allow the Department to meet its grant deliverables and close out the grant in good standing, preserving the City's relationship with the granting agency and preventing an impact to existing federal grant funding.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on December 19, 2019 and by Budget Management Officer Rhutu Amin Gharib on December 30, 2019.

City Council action is requested on February 4, 2020 to ensure the City is able to complete the upcoming projects in a timely manner.

The total annual cost is estimated to not exceed \$43,237 (960 hours at \$45.039/hour) during each CalPERS fiscal year ending June 30. There is sufficient appropriation in the Health Fund Group in the Health and Human Services 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.

Approve recommendation.

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ALEJANDRINA BASQUEZ,  
DIRECTOR DEPARTMENT OF HUMAN RESOURCES

APPROVED:

THOMAS B. MODICA  
ACTING CITY MANAGER