



## Legislation Details (With Text)

|                       |   |                      |   |                      |   |
|-----------------------|---|----------------------|---|----------------------|---|
| <b>File #:</b>        | 22-0704   | <b>Version:</b>      | 1 | <b>Name:</b>         | HR - 180-day wait period for Retired Annuitant Tye Johnson (Fire) |
| <b>Type:</b>          | Resolution  | <b>Status:</b>       |   | <b>Status:</b>       | Adopted   |
| <b>File created:</b>  | 6/3/2022  | <b>In control:</b>   |   | <b>In control:</b>   | City Council  |
| <b>On agenda:</b>     | 6/21/2022   | <b>Final action:</b> |   | <b>Final action:</b> | 6/21/2022   |
| <b>Title:</b>         | 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 Tye Johnson for a limited duration to work in the City of Long Beach Fire Department. (Citywide) |                      |   |                      |   |
| <b>Sponsors:</b>      | Human Resources   |                      |   |                      |   |
| <b>Indexes:</b>       |   |                      |   |                      |   |
| <b>Code sections:</b> |   |                      |   |                      |   |
| <b>Attachments:</b>   | 1. 062122-R-35sr&att, 2. RES-22-0101.pdf  |                      |   |                      |   |

| Date      | Ver. | Action By    | Action                           | Result |
|-----------|------|--------------|----------------------------------|--------|
| 6/21/2022 | 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 Tye Johnson for a limited duration to work in the City of Long Beach Fire Department. (Citywide)

On January 1, 2013, the Public Employees' Pension Reform Act added Section 7522.56 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 Fire Department requests the City Council approval to hire Tye Johnson, former Firefighter - Arson Investigator in the Fire Department, as a Retired Annuitant-Specialized Support, effective July 1, 2022, for a limited duration to assist the Arson Unit, specifically in peer-reviewing case filings, coordinating fireworks response and seizure, transporting evidence, training investigators, filing cases with DA and City Prosecutor's Office, creating an investigator task book, assisting in case investigation (document only reports) and assisting with reviewing and updating Arson policies and procedures (including the Use of Force policy).

Mr. Tye Johnson worked as a Deputy Sheriff with the San Bernardino County Sheriff's Department for 17 years prior to joining the Long Beach Fire Department. Tye investigated approximately 450 fires leading to dozens of arson-related arrests. He earned professional

certifications as a Fire Investigator through the International Association of Arson Investigators (IAAI) and National Association of Fire Investigators (NAFI) and is an Associate Member of the California Conference of Arson Investigators (CCAI). The department will prioritize filling the vacancy for his position, but his continued involvement until the position is filled is imperative.

Since Mr. Johnson's proposed start date is less than the required 180-day waiting period subsequent to his retirement on February 11, 2022, City Council approval to hire Mr. Johnson is required. The approved rate of pay will be \$45.845 per hour. This amount represents the hourly rate he received upon retirement and is within the minimum and maximum compensation paid to other employees performing comparable duties as listed in the City of Long Beach's publicly available pay schedule and will be funded by salary savings within the General Fund Group in the Fire Department.

This matter was reviewed by Assistant City Attorney Gary Anderson on May 26, 2022 and by Budget Management Officer Nader Kaamouh on June 6, 2022.

City Council action is requested on June 21, 2022, to ensure the continued support needed due to the Fire Department's high volume of cases within the Arson Unit.

The total annual cost is estimated to not exceed \$47,378. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30<sup>th</sup>, at a salary rate of \$45.845 per hour plus Medicare and FICA. The actual costs will be based on hours worked and are not expected to exceed 960 over the CalPERS fiscal year. The cost will be funded with salary savings within existing appropriations in the General Fund Group in the Fire 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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JOE AMBROSINI  
HUMAN RESOURCES DIRECTOR