



Legislation Details (With Text)

**File #:** 20-0132      **Version:** 1      **Name:** HR - 180-Day Waiting Period for Art Cox

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

**File created:** 1/27/2020      **In control:** City Council

**On agenda:** 2/11/2020      **Final action:** 2/11/2020

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

**Sponsors:** Human Resources

**Indexes:**

**Code sections:**

**Attachments:** 1. 021120-R-11sr&att.pdf, 2. 021120-R-11sr&att Revised.pdf, 3. RES-20-0025.pdf

Date	Ver.	Action By	Action	Result
2/11/2020	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 Arthur Cox for a limited duration to work in the Public Works 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 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 and assist with existing litigation in the City Attorney's Office. 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 29, 2020 and by Budget Management Officer Rhutu Amin Gharib on February 4, 2020.

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

The total annual cost through June 30, 2020 will not exceed \$19,800. 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.

Approve recommendation.

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ALEJANDRINA BASQUEZ, DIRECTOR  
DEPARTMENT OF HUMAN RESOURCES

APPROVED:

THOMAS B. MODICA  
ACTING CITY MANAGER