

**R-26**

February 4, 2020

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

**DISCUSSION**

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.

TIMING CONSIDERATIONS

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


FISCAL IMPACT

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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
ALEJANDRINA BASQUEZ, DIRECTOR  
DEPARTMENT OF HUMAN RESOURCES

APPROVED:

  
THOMAS B. MODICA  
ACTING CITY MANAGER

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING THE EXCEPTION  
5 TO THE 180-DAY WAIT PERIOD PURSUANT TO  
6 GOVERNMENT CODE SECTIONS 7522.56 AND 21224  
7 FOR RETIRED ANNUITANT ROSA JACKSON  
8

9 WHEREAS, in compliance with Government Code (GC) Section 7522.56  
10 the City of Long Beach must provide CalPERS this certification resolution when hiring a  
11 retiree before 180 days has passed since his or her retirement date; and

12 WHEREAS, Rosa Jackson, CalPERS ID 6989587566, retired from the City  
13 of Long Beach in the position of Public Health Professional III in the Human Services  
14 Bureau of the Department of Health and Human Services ("the Department"), effective  
15 December 6, 2019; and

16 WHEREAS, Government Code Section 7522.56 requires that post-  
17 retirement employment commence no earlier than 180 days after the retirement date,  
18 which is June 2, 2020, without this certification resolution; and

19 WHEREAS, Government Code Section 7522.56 provides that this  
20 exception to the 180-day wait period shall not apply if the retiree accepts any retirement-  
21 related incentive; and

22 WHEREAS, the City Council, the City Manager, the City of Long Beach,  
23 and Rosa Jackson certify that Rosa Jackson has not and will not receive a Golden  
24 Handshake or any other retirement-related incentive; and

25 WHEREAS, the Department, with City Council approval, hereby appoints  
26 Rosa Jackson as an extra help retired annuitant to perform the duties of a Public Health  
27 Professional III for the City of Long Beach under Government Code Section 21224,  
28 effective February 4, 2020; and

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CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

1 WHEREAS, no matters, issues, terms or conditions related to this  
2 employment and appointment have been or will be placed on a consent calendar; and

3 WHEREAS, the employment shall be limited to 960 hours per fiscal year;  
4 and

5 WHEREAS, the compensation paid to retirees cannot be less than the  
6 minimum nor exceed the maximum monthly base salary paid to other Public Health  
7 Professional IIIs performing comparable duties, divided by 173.333 to equal the hourly  
8 rate; and

9 WHEREAS, the maximum base salary for this position is \$7,834.00 monthly  
10 and the hourly equivalent is \$45.039, and the minimum base salary for this position is  
11 \$5,756.00 monthly and the hourly equivalent is \$33.093; and

12 WHEREAS, at the direction of City Council, the hourly rate paid to Rosa  
13 Jackson as a retired annuitant will be \$45.039; and

14 WHEREAS, Rosa Jackson has not and will not receive any other benefit,  
15 incentive, compensation in lieu of benefit or other form of compensation in addition to this  
16 hourly pay rate;

17 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
18 follows:

19 Section 1. The City Council hereby certifies the nature of the  
20 appointment of Rosa Jackson as described herein and detailed in the attached  
21 appointment letter and that this appointment is necessary to fill the critically needed  
22 position of Public Health Professional III for the City of Long Beach by February 4, 2020,  
23 for the purpose of completing several critical pending projects related to the Life  
24 Coaching and Fundamentals of Fatherhood Program grant.

25 Section 2. Rosa Jackson is qualified to complete these projects and has  
26 acquired the relevant experience and specialized skills from her employment with the City  
27 as a Public Health Professional III in the Human Services Bureau in the Health and  
28 Human Services Department. She has worked with the City for 30 years at the Health

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1 and Human Services Department, including 12 years overseeing the Life Coaching and  
2 Fundamentals of Fatherhood Program. The effective date of this appointment will be  
3 February 4, 2020.

4 Section 3. The compensation for retired annuitant Rosa Jackson will be  
5 \$45.039 per hour.

6 Section 4. This resolution shall take effect immediately upon its adoption  
7 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

8  
9 I hereby certify that the foregoing resolution was adopted by the City  
10 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020, by the  
11 following vote:

12  
13 Ayes: Councilmembers: \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17 Noes: Councilmembers: \_\_\_\_\_  
18 \_\_\_\_\_

19 Absent: Councilmembers: \_\_\_\_\_  
20 \_\_\_\_\_

21 Recusal(s): Councilmembers: \_\_\_\_\_  
22 \_\_\_\_\_

23  
24 \_\_\_\_\_  
25 City Clerk

26  
27  
28

THOMAS B. MODICA  
Acting City Manager

January 16, 2020

Rosa Jackson  
6441 Michelson Street  
Lakewood CA, 90713

Dear Ms. Jackson

I am pleased to inform you that you are being offered the position of Public Health Professional III (Retired Annuitant) in the Department of Health and Human Services, Community Impact Division. Your salary will be \$45.039 (Step 7) per hour effective February 4, 2020. This appointment will end on Tuesday, September 29, 2020.

Retired Annuitants are limited to 960 working hours in a fiscal year and are not eligible to receive benefits but may qualify for sick leave accruals subject to applicable federal and state provisions.

I look forward to continuing to work with you.

Sincerely,



Tom Modica  
Acting City Manager