

March 23, 2021

R-14

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 Cynthia Andrews-Tate for a limited duration to work in the Long Beach Water Department. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Section 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 Long Beach Water Department requests City Council approval to hire Cynthia Andrews-Tate, recently retired Manager of Water Quality, effective February 26, 2021, as a Retired Annuitant – Management Support effective March 27, 2021, for a limited duration, to provide technical oversight of operations of the Water Quality Division's State-certified laboratory. Ms. Andrews-Tate has over 25 years with the City, and she has been managing the Water Department's Water Quality Division for over 20 years. She has the educational background and technical expertise to oversee the Water Quality Division's daily operation to ensure the implementation of water quality monitoring programs for compliance with federal and state regulatory requirements and public health protection. As a retired annuitant, Ms. Andrews-Tate will assist with the technical oversight of the division's operation before the new division manager is in place and during their transition on an as-needed basis. Ms. Andrews-Tate will also provide technical expertise to assist the division's implementation of the NELAC Institute (TNI) standard to comply with the newly adopted Environmental Laboratory Accreditation Program (ELAP) regulations. Bringing Ms. Andrews-Tate back on a temporary basis will help ensure the Water Quality Laboratory maintains its certification and complies with regulatory monitoring requirements and public health protection during the selection process of a new Laboratory Services Officer.

HONORABLE MAYOR AND CITY COUNCIL

March 23, 2021

Page 2

Since Ms. Andrews-Tate's proposed start date is less than the required 180-day waiting period subsequent to her retirement on February 26, 2021, City Council approval to hire Ms. Andrews-Tate is required. The approved rate of pay for the limited duration is \$65.953 per hour. This amount represents the compensation she received upon retirement and is consistent with the compensation of other employees performing comparable duties and will be funded by the Water Department.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on February 24, 2021 and by Revenue Management Officer Geraldine Alejo on March 1, 2021.

TIMING CONSIDERATIONS

City Council action is requested on March 23, 2021, to ensure minimal impact to the Water Department's laboratory operations.

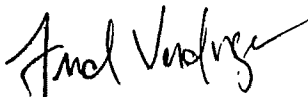
FISCAL IMPACT

The total annual cost is estimated at \$68,158. The cost is based on 960 hours over the CalPERS fiscal year ending June 30th, at a salary rate of \$65.953 per hour plus Medicare and FICA. During FY 21, the actual cost will be based on hours worked covering the period from February 2021 to September 2021. These costs will be funded by the Water Fund Group in the Water Department, offset by salary savings from a vacant Laboratory Services Officer. 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,



FRED VERDUGO
ACTING HUMAN RESOURCES DIRECTOR

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT - RESOLUTION

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING THE EXCEPTION TO
THE 180-DAY WAIT PERIOD GOVERNMENT CODE
SECTIONS 7522.56 AND 21224 FOR RETIRED ANNUITANT
CYNTHIA ANDREWS-TATE

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

WHEREAS, Cynthia Andrews-Tate, CalPERS ID 5659187237, retired from
the City of Long Beach in the position of Manager of Water Quality, effective February 26,
2021; and

WHEREAS, Section 7522.56 requires that post-retirement employment
commence no earlier than 180 days after the retirement date, which is August 25, 2021,
without this certification resolution; and

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

WHEREAS, the City Council, the City Manager, the City of Long Beach and
Cynthia Andrews-Tate, certify that Cynthia Andrews-Tate has not and will not receive a
Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Manager with City Council approval hereby appoints
Cynthia Andrews-Tate, as an extra help retired annuitant to perform the duties of the
Retired Annuitant – Management Support, which are comparable to the duties of Manager
of Water Quality for the City of Long Beach under Government Code Section 21224,
effective March 27, 2021; and

WHEREAS, the appointment letter between Cynthia Andrews-Tate and the

1 City of Long Beach has been reviewed by this body and is attached hereto; and

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

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

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

9 WHEREAS, the maximum base salary for this position is \$30,000 monthly
10 and the hourly equivalent is \$173.08, and the minimum base salary for this position is
11 \$4,000 monthly and the hourly equivalent is \$23.077; and

12 WHEREAS, at the direction of City Council, the hourly rate paid to Cynthia
13 Andrews-Tate as a retired annuitant will be \$65.953; and

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

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 appointment
20 of Cynthia Andrews-Tate as described herein and detailed in the attached appointment
21 letter and that this appointment is necessary to fill the critically needed position of Retired
22 Annuitant – Management Support, for the City of Long Beach effective March 27, 2021,
23 for the purpose of providing technical oversight of operations of the Water Quality
24 Division’s State certified laboratory, within the Water Department.

25 Section 2. Cynthia Andrews-Tate has acquired the relevant experience
26 and specialized skills from her employment with the City of Long Beach as a Manager of
27 Water Quality. She has over 25 years with the City, and she has been managing the
28 Water Department’s Water Quality Division for over 20 years. She has the educational

1 background and technical expertise to oversee the Water Quality Division’s daily operation
2 to ensure the implementation of water quality monitoring programs for compliance with
3 federal and state regulatory requirements and public health protection. As a retired
4 annuitant, Cynthia Andrews-Tate will assist with the technical oversight of the division’s
5 operation before the new division manager is in place and during their transition on an as
6 needed basis. Cynthia Andrews-Tate will also provide technical expertise to assist the
7 division’s implementation of the NELAC Institute (TNI) standard to comply with the newly
8 adopted Environmental Laboratory Accreditation Program (ELAP) regulations. Bringing
9 Cynthia Andrews-Tate back will help ensure the Water Quality Laboratory maintains its
10 certification and complies with regulatory monitoring requirements and public health
11 protection. The effective date of this appointment will be March 27, 2021. The
12 compensation for retired annuitant Cynthia Andrews-Tate will be \$65.953.

13 Section 3. This resolution shall take effect immediately upon its adoption
14 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk



Long Beach Water

Exceptional Water • Exceptional Service

Christopher J. Garner
General Manager

1800 E. Wardlow Road, Long Beach, CA 90807-4931
562.570.2300 | lbwater.org

February 17, 2021

Cynthia Andrews-Tate
19303 Grandee Avenue
Carson, CA 90746

Dear Ms. Andrews-Tate:

It is my pleasure to make you a conditional offer of employment as a Retired Annuitant – Management Support in the Long Beach Water Department, contingent upon approval by the City Council on March 23, 2021. Your appointment as a PERS retired annuitant will be effective March 27, 2021, at an hourly rate of \$65.953.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 – June 30).

I look forward to your continued support of our Water Quality operations.

Sincerely,

Christopher J. Garner
General Manager

cc: Personnel file

