

December 7, 2021

R-42

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 Karen J. Moffitt for a limited duration to work in the Law Department (Office of the City Attorney). (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 Law Department requests City Council approval to hire Karen J. Moffitt, recently retired Executive Assistant, as a Retired Annuitant-Specialized Support - Non-Career, effective December 8, 2021, for a limited duration, to support the critical and time-sensitive Long Beach Recovery Act (LBRA) and related projects. The City of Long Beach is the recipient of \$249 million through the LBRA which will fund various economic, public health, and fiscal initiatives critically impacted by the COVID-19 pandemic. Additionally, Ms. Moffitt will assist the Law Department with several pending litigation matters in Superior Court including time critical CEQA litigation, employment Writ of Mandate cases and appeals, and provide guidance to legal assistants and litigation support to attorneys.

Ms. Moffitt is qualified to assist on these projects and has acquired the relevant experience and specialized skills from her employment with the City of Long Beach (City) as an Executive Assistant for the last eight years. She has over 30 years of service with the City working solely in the Law Department. As a result of her expertise and skills, Ms. Moffitt has been an essential and integral employee and manager.

Since Ms. Moffitt's proposed start date is less than the required 180-day waiting period subsequent to her retirement on December 4, 2021, City Council approval to hire Ms. Moffitt is required. The approved rate of pay will be \$52.669 per hour. This amount represents the hourly rate that is within the minimum and maximum compensation paid to other employees performing comparable duties as listed in the City's publicly available pay schedule and will be funded by the Law Department and funding received from the American Rescue Plan Act (ARPA), one of the LBRA funding sources.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on November 9, 2021 and by Revenue Management Officer Geraldine Alejo on November 15, 2021.

TIMING CONSIDERATIONS

City Council action is requested on December 7, 2021, to ensure ongoing support to the LBRA project and assistance to the Law Department.

FISCAL IMPACT

The total annual cost for this position is estimated not exceed \$54,430. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30th, at a salary rate of \$52.669 per hour plus Medicare and FICA. The cost is covered by \$10,579 budgeted in the Insurance Fund Group in the Law Department and \$43,851 from the City Council approved LBRA. The actual cost will be based on hours worked and not expected to exceed 960 hours over the CalPERS fiscal year. 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,



JOE AMBROSINI
HUMAN RESOURCES DIRECTOR

ATTACHMENT – RESOLUTION

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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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 PURSUANT TO
GOVERNMENT CODE SECTIONS 7522.56 AND 21224
FOR RETIRED ANNUITANT, KAREN J. MOFFITT

WHEREAS, in compliance with Government Code (GC) 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, Karen J. Moffitt, CalPERS ID 6766836848, will retire from the
City of Long Beach in the position of Executive Assistant, effective December 4, 2021;
and

WHEREAS, Government Code Section 7522.56 requires that post-
retirement employment commence no earlier than 180 days after the retirement date,
which is May 14, 2021, without this certification resolution; and

WHEREAS, Government Code 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 Attorney, the City of Long Beach and
Karen J. Moffitt certify that Karen J. Moffitt has not and will not receive a Golden
Handshake or any other retirement-related incentive; and

WHEREAS, the City Attorney with City Council approval hereby appoints
Karen J. Moffitt as a Retired Annuitant – Specialized Support to perform duties for the
City of Long Beach under Government Code Section 21224, effective December 8, 2021;
and

WHEREAS, no matters, issues, terms or conditions related to this

1 employment and appointment have been or will be placed on a consent calendar; and

2 WHEREAS, the employment shall be limited to 960 hours per fiscal year;

3 and

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

7 WHEREAS, the maximum base salary for this position is \$20,000.00
8 monthly and the hourly equivalent is \$115.385, and the minimum base salary for this
9 position is \$2,500.00 monthly and the hourly equivalent is \$14.423; and

10 WHEREAS, at the direction of City Council, the hourly rate paid to Karen J.
11 Moffitt as a Retired Annuitant – Specialized Support will be \$52.669; and

12 WHEREAS, Karen J. Moffitt has not and will not receive any other benefit,
13 incentive, compensation in lieu of benefit or other form of compensation in addition to this
14 hourly pay rate; and

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. The City Council hereby certifies the nature of the
18 appointment of Karen J. Moffitt as described herein and detailed in the attached
19 appointment letter and that this appointment is necessary to fill the critically needed
20 position of Retired Annuitant – Specialized Support for the City of Long Beach by
21 December 8, 2021, for the purpose of assisting with the critical and time sensitive Long
22 Beach Recovery Act and related projects of which the City of Long Beach is the recipient
23 of \$249 million through the Long Beach Recovery Act (LBRA), which will fund various
24 economic, public health and fiscal initiatives critically impacted by the COVID-19
25 pandemic. In addition, Ms. Moffit will assist with several pending litigation matters in
26 Superior Court including time critical CEQA litigation and employment Writ of Mandate
27 cases and appeals, and provide guidance to legal assistants and litigation support to
28 attorneys in the City Attorney’s Office.

1 Section 2. Ms. Moffitt is qualified to assist with these projects and has
2 acquired the relevant experience and specialized skills from her employment with the City
3 as an Executive Assistant. She has over 30 years of service with the City working in City
4 Attorney’s office providing critically needed administrative, legal and paralegal services.
5 The effective date of this appointment will be December 8, 2021;

6 Section 3. The compensation for retired annuitant Karen J. Moffitt will be
7 \$52.669 per hour; and

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

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

13
14 Ayes: Councilmembers: _____

15 _____

16 _____

17 _____

18 Noes: Councilmembers: _____

19 _____

20 Absent: Councilmembers: _____

21 _____

22 Recusal(s): Councilmembers: _____

23 _____

24 _____

25 _____

26 _____ City Clerk

27

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OFFICE OF THE CITY ATTORNEY

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E-Mail: charles.parkin@longbeach.gov

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

December 8, 2021

Karen J. Moffitt

[REDACTED]
[REDACTED]

RE: Conditional Offer of Employment – Retired Annuitant – Special Projects

Dear Karen:

It is my pleasure to make you a conditional offer of employment as a Retired Annuitant – Special Projects in the Long Beach City Attorney's Office, as approved by the City Council on December 7, 2021. Your appointment as a PERS retired annuitant will be effective December 8, 2021, at an hourly rate of \$52.669.

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

I look forward to continuing to work with you.

Very truly yours,


CHARLES PARKIN
City Attorney

A21-04978; 01324858.docx

cc: Tyler Pike, Legal Administrator
Personnel File