

June 21, 2022

R-35

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 Tye Johnson for a limited duration to work in the City of Long Beach Fire Department. (Citywide)

DISCUSSION

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

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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.

TIMING CONSIDERATIONS

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.

FISCAL IMPACT

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 30th, 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.

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 GOVERNMENT CODE
SECTIONS 7522.56 AND 21224, FOR RETIRED ANNUITANT
TYE JOHNSON

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of
the Public Employees' Retirement Law, the City of Long Beach must provide CalPERS
this certification resolution when hiring a retiree before 180 days has passed since their
retirement date; and

WHEREAS, TYE JOHNSON, CalPERS ID 2566501524, retired from the City
of Long Beach in the position of Firefighter, effective February 11, 2022; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement
employment commence no earlier than 180 days after the retirement date, which is
August 11, 2022, without this certification resolution; and

WHEREAS, Gov. 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 Manager, the City of Long Beach and
Tye Johnson, certify that Tye Johnson 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
Tye Johnson, as an extra help retired annuitant to perform the duties of the Retired
Annuitant – Specialized Support, for the City of Long Beach under Government Code
section 21224, effective July 1, 2022; and

WHEREAS, the appointment letter between Tye Johnson and the City of

1 Long Beach has been reviewed by this body and is attached herein; 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 for
5 all CalPERS employers; 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 \$20,000 monthly
10 and the hourly equivalent is \$115.385, and the minimum base salary for this position is
11 \$2,500 monthly and the hourly equivalent is \$14.423; and

12 WHEREAS, the hourly rate paid to Tye Johnson as a retired annuitant will
13 be \$45.845; and

14 WHEREAS, Tye Johnson 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; 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 Tye Johnson as described herein and detailed in the attached appointment letter and
21 that this appointment is necessary to fill the critically needed position of Retired Annuitant
22 – Specialized Support, for the City of Long Beach by July 1, 2022, for the purpose of
23 assisting the Arson Unit, specifically in peer reviewing case filings, coordinating fireworks
24 response and seizure, transporting evidence, training investigators, filing cases with DA
25 and City Prosecutor's Office, creating an investigator task book, assisting in case
26 investigation (document only reports) and assisting with reviewing and updating Arson
27 policies and procedures (including the Use of Force policy) within the Fire Department.
28 The compensation for retired annuitant, Tye Johnson, will be \$45.845 per hour.

May 10, 2022

Tye Johnson



Dear Tye Johnson:

It is my pleasure to make you a conditional offer of employment as Retired Annuitant-Specialized Support in the Fire Department. Your appointment as a PERS retired annuitant will be effective at a mutually agreed upon date, at an hourly rate of \$45.845, contingent upon approval by the Human Resources Director and City Council.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30) and you will not be eligible for step increases. It will be your responsibility to monitor your hours so that they do not exceed the 960-hour limit.

If you accept this conditional offer of employment, please sign, and return this offer letter to Ernie Echeverria, Administrative Analyst in the Fire Department.

If have any questions, please direct them to Sarah Green, Administrative Officer in the Fire Department. They can be reached at 562-570-2551.

On behalf of the department staff, we look forward to continuing to work with you.

Sincerely,

A handwritten signature in black ink that reads "T. B. Modica".

Thomas B. Modica
City Manager

Acknowledgment: _____

_____ Date

