



Legislation Details (With Text)

**File #:** 18-1099      **Version:** 1      **Name:** HR - 180-Day Waiting Period for Gamal Elgaali  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/26/2018      **In control:** City Council  
**On agenda:** 12/11/2018      **Final action:** 12/11/2018

**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 Gamal Elgaali for a limited duration to work in the Harbor Department. (Citywide)

**Sponsors:** Human Resources

**Indexes:**

**Code sections:**

**Attachments:** 1. 121118-R-20sr&att.pdf, 2. RES-18-0182.pdf

Date	Ver.	Action By	Action	Result
12/11/2018	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 Gamal Elgaali for a limited duration to work in the Harbor Department. (Citywide)

On January 1, 2013, the Public Employees’ Pension Reform Act added Sections 7522.56 and 7522.57 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 Harbor Department hereby requests City Council’s approval to hire Gamal Elgaali, former Senior Civil Engineer, effective December 15, 2018, for a limited duration, to assist with trial preparation and related discovery in the defense of pending lawsuits. Since Mr. Elgaali’s proposed start date is less than the required 180-day waiting period subsequent to his retirement on October 19, 2018, City Council approval to hire Mr. Elgaali is being requested. The approved rate of pay will be \$64.291 per hour. This amount represents the compensation paid to other employees performing comparable duties and will be funded with salary savings in the Harbor Department.

Mr. Elgaali has over eight years of service working for the Harbor Department as a Manager of Port Construction Contracts. His relevant experience and expertise will be utilized to assist in trial preparation and related discovery regarding the defense of critical pending lawsuits

and related projects.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on November 15, 2018 and by Budget Management Officer Rhutu Amin Gharib on November 21, 2018.

City Council action is requested on December 11, 2018, to ensure the City can prepare strong defenses for pending civil trials and interrelated projects.

The total annual cost of a CalPERS retired annuitant will not exceed \$61,719 (960 hours at \$64.291/hour). There is sufficient appropriation budgeted in the Harbor Fund (HR) in the Harbor Department (HA) to hire the annuitant. There is no local job impact associated with this recommendation.

Approve recommendation.

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ALEJANDRINA BASQUEZ, DIRECTOR  
DEPARTMENT OF HUMAN RESOURCES

APPROVED:

PATRICK H. WEST  
CITY MANAGER