



## Legislation Details (With Text)

|                       |  |                      |   |                      |                                       |
|-----------------------|--|----------------------|---|----------------------|---------------------------------------|
| <b>File #:</b>        | 18-0706  | <b>Version:</b>      | 1 | <b>Name:</b>         | CA - 180-day waiting period exception |
| <b>Type:</b>          | Resolution   | <b>Status:</b>       |   | <b>Status:</b>       | Adopted                               |
| <b>File created:</b>  | 8/13/2018  | <b>In control:</b>   |   | <b>In control:</b>   | City Council                          |
| <b>On agenda:</b>     | 8/21/2018  | <b>Final action:</b> |   | <b>Final action:</b> | 8/21/2018                             |
| <b>Title:</b>         | 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 Monte H. Machit for a limited duration to work in the City Attorney's Office as a Principal Deputy. (Citywide) |                      |   |                      |                                       |
| <b>Sponsors:</b>      | City Attorney, Human Resources   |                      |   |                      |                                       |
| <b>Indexes:</b>       |  |                      |   |                      |                                       |
| <b>Code sections:</b> |  |                      |   |                      |                                       |
| <b>Attachments:</b>   | 1. 082118-R-20sr&att.pdf, 2. RES-18-0124.pdf   |                      |   |                      |                                       |

| Date      | Ver. | Action By    | Action                           | Result |
|-----------|------|--------------|----------------------------------|--------|
| 8/21/2018 | 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 Monte H. Machit for a limited duration to work in the City Attorney's Office as a Principal Deputy. (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 Cal PERS 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 Cal PERS 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 City Attorney requests City Council approval to hire Monte H. Machit, current Assistant City Attorney, effective September 25, 2018, for a limited duration, to serve as a Principal Deputy City Attorney and oversee several critical pending litigation related projects, including civil trials, negotiations and settlements. Since Mr. Machit's proposed start date is less than the required 180-day waiting period subsequent to his retirement, City Council approval to hire Mr. Machit is required.

The approved rate of pay for the limited duration is \$109.545 per hour. This amount represents the compensation paid to other employees performing comparable duties and will

be funded with salary savings from the Assistant City Attorney vacancy.

Mr. Machit is qualified to oversee these projects and has acquired the relevant trial experience and specialized skills from his employment with the City as the Assistant City Attorney. He has over 20 years of service with the City working in the City Attorney's Office. As a result of his expertise, he has successfully overseen many trials, settlements and negotiations. Mr. Machit will continue to provide leadership and mentorship to attorneys and staff in the City Attorney's Office.

City Council action is requested on August 21, 2018, to ensure the City is able to manage its trial calendar and meet legal obligations in a timely manner.

Funding is currently appropriated in the Insurance Fund (18-390) in the City Attorney Department. There is no local job impact associated with this recommendation.

Approve recommendation.

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