



Legislation Text

File #: 22-0705, **Version:** 1

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 Douglas McKee for a limited duration to work in the Long Beach Water Department. (Citywide)

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 Water Department requests the City Council approval to hire Douglas McKee, former Manager - Water Treatment in the Water Department, as a Retired Annuitant - Management Support, effective June 22, 2022, for a limited duration to perform specialized work in the management and operation of the City of Long Beach's (City) Groundwater Treatment Plant.

Mr. McKee has acquired the relevant experience, critical certifications, and specialized skills from his 28 years of service with the City's Water Department (Department) to provide management support to the Water Treatment Division while a replacement is sought. Each water system is required by the State Water Resources Control Board (SWRCB) to designate at least one Chief Operator who can be contacted within one-hour in case of emergency. The Chief Operator has overall responsibility for the day-to-day, hands-on operation of a water treatment facility and is required to have at least an SWRCB Water Treatment Operator Grade 5 (T5) Certificate for a T5 treatment plant. Mr. McKee is one of the Department's three designated Chief Operators who serve on a weekly on-call rotation. In addition, his management experience dealing with treatment/distribution operational and water quality issues, critical thinking, decision making, and communication skills in events of operational and water quality emergency situations are key. The Department will prioritize filling the vacancy for his position, but his continued involvement until the position is filled is imperative.

Since Mr. McKee's proposed start date is less than the required 180-day waiting period after his retirement on June 2, 2022, City Council approval to hire Mr. McKee is required. The approved rate of pay for the limited duration is \$73.722 per hour. This amount represents the 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's

publicly available pay schedule and will be funded with salary savings from the Manager - Water Treatment vacancy.

This matter was reviewed by Assistant City Attorney Gary Anderson on May 26, 2022, and by Budget Management Officer Nader Kaamouh on May 24, 2022.

City Council action is requested on June 21, 2022, to ensure minimal impact to the City's water treatment operations during the selection of a new Manager - Water Treatment.

The total annual cost is estimated to not exceed \$76,187. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30th, at a salary rate of \$73.722 per hour plus Medicare and FICA. The actual costs will be based on hours worked and not expected to exceed 960 hours over the CalPERS fiscal year. The cost will be funded within existing appropriations in the Water Fund Group in the Water 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.

Approve recommendation.

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JOE AMBROSINI
HUMAN RESOURCES DIRECTOR