


Memo

To: Mayor and Council members

From:  Bob Perrault, Interim City Administrator

Subject: Distribution of Changes for Item #13

Attached you will find changes to the Staff Report for Item #13. Item 13 is a Resolution of Exception to the 180 day wait period for CalPERS retirees. Adoption of the Resolution will enable the City to employ former Human Resources Manager Amelia Villegas on a temporary part-time basis.

The changes will correct minor typographical errors in the staff report. It also revises Attachment #4 the Offer of Temporary Employment to reflect the fact that the City cannot offer sick leave accrual to a retiree who is a member of a retirement program.

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019**

Juana for Bob Perrault.

Prepared by:

Robert Perrault, Interim City Administrator

SUBJECT:

CONSIDERATION OF A RESOLUTION FOR THE CALPERS EXCEPTION TO THE 180 DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTION 7522.56 (F) AND 21221 (h) FOR APPOINTMENT OF AMELIA VILLEGAS AS INTERIM HUMAN RESOURCES MANAGER

RECOMMENDATION:

It is recommended that the City Council adopt a resolution approving an exception to the CALPERS 180-day wait period pursuant to Government Code Sections 7522.56 (f) and Government Code Section 21221(h) for the appointment of Amelia Villegas as Interim Human Resources Manager.

BACKGROUND:

Ms. Amelia Villegas retired from her position of Human Resources Manager with the City effective October 1, 2019. In anticipation of the vacancy the City initiated a recruitment to fill this position in late July. The City completed the recruitment and interviewed candidates but at the completion of the process was unable to secure a suitable replacement. The City has re-opened the recruitment and recruitment will remain open until filled. The City is also in the process of reviewing its market options to attract qualified candidates. Since the position will remain open until filled it is difficult to determine the ultimate length of the vacancy.

Currently, there are a number of personnel related critical activities underway that need the attention of a qualified Human Resources staff person to complete. These activities include recruitments for a position in Utilities, several positions in Public Safety, the completion of negotiations with the Police Officers Association and the Firefighters Association, ongoing administration of the City's Worker's Compensation Program and the filling of the permanent City Administrator position. Ms. Villegas has spent her long career working in the Human Resources field and has spent the last 13 years with the City Guadalupe. Additionally, she was working on several of the items needing completion and facilitating her temporary part-time return to the City is important to the short-term operations of the City.

In January of 2013 The Employees' Pension Reform Act (PEPRA) went into effect. One of the provisions of PEPRA governs post-retirement employment for retirees. Specifically, all CalPERS

retirees working in any capacity for CalPERS employers are subject to the following requirements:

- A 180-day wait period between the retirement date and the date employment begins unless an exception is approved;
- The work is of limited duration in a retired annuitant designated position (i.e., not a permanent part time position);
- The compensation paid is an hourly pay rate that is within the salary schedule for the position;
- The time worked is 960 hours or less in a fiscal year (July 1- June 30)
- No additional compensation or benefits are paid.

As defined above, retirees are generally prohibited from being employed in any capacity by a CalPERS covered employer for a period of 180 -days following the date of retirement. However, one of the exceptions to this 180- day wait period allows a public employer to employ a recent CalPERS retiree before the expiration of the 180-day wait period if the governing body certifies through the adoption of a resolution that the appointment is necessary to fill a critical need, prior to the expiration of the 180-day wait period. As noted, the employment of Ms. Villegas will assist with the completion of personnel related activities are essential to efficient operation of the City. Ms. Villegas will be employed as temporary employee with limited hours per week until suitable replacement is found.

FISCAL IMPACT:

The position of the Human Resources Manager has been budgeted at \$39.00 per hr. as a permanent part- time position with correlating benefits. Ms. Villegas will be retained at this hourly rate with no benefits, as a result there is more than sufficient funds in the budget to cover this action.

Alternatives

The Council has the following available options:

1. The Council could adopt the attached resolution;
2. The Council could take no action on the resolution presented; or
3. The Council could provide staff with additional direction

ATTACHMENTS

1. Resolution No. 2019-64
2. Job Description
3. Recruitment Flyer
4. Letter Offer to Ms. Villegas



Via Hand Delivery

October 8, 2019
Ms. Amelia Villegas
Guadalupe, CA 93434

RE: OFFER OF TEMPORARY EMPLOYMENT

Dear Ms. Villegas:

I am pleased to offer you the temporary position of Human Resources Manager with the City of Guadalupe. This offer is contingent upon the adoption of a resolution by the City Council at its meeting on October 8, 2019, for the CalPERS exception to the 180- day wait period pursuant to Government Code Section 7522.56 (f) and appointment of a retired annuitant to a one time interim position. The offer is also contingent upon the review and approval of the adopted resolution by CalPERS. The following are the details of the offer:

1. Preferred start date: Specific date to be determined (as soon as possible after October 8. 2019);
2. Salary: 39.07 per hour;
3. Schedule: This is a temporary, part- time position. The specific schedule will be determined at time of hire;
4. Payday; You will be paid on Fridays on a bi- weekly basis; and
5. This temporary position is not eligible for City-provided benefits.

Two originals of this offer are enclosed, Should you accept our offer of temporary assignment in the position of Interim Human Resources Management, Please sign and date both in the space provided below. Return one of these and retain the other for your records.

Sincerely,

Robert Perrault
Interim city Administrator

Acceptance:

I fully understand the parameters of this temporary assignment as Interim Human Resources Manager and hereby accept this offer of Temporary employment with the City of Guadalupe.

Amelia Villegas, Signature

Date

Amelia Villegas, Print