



City of San Leandro

Meeting Date: December 16, 2013

Staff Report

File Number: 13-607

Agenda Section: ACTION ITEMS

Agenda Number: 10.B.

TO: City Council

FROM: Chris Zapata
City Manager

BY: LaTanya Bellow
Human Resources Manager

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for Resolution Approving an Exception to the 180-Day Waiting Period for Post-Retirement Employment Pursuant to Government Code Section 7522.56 for Loretta Jones

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council adopt a resolution for an exception to the 180-day waiting period per Government Code §7522.56 for temporary employment of a retired employee certifying that the nature of employment and appointment is necessary to fill a critically needed position before 180 days have passed following the date of retirement.

BACKGROUND

On January 1, 2013, the Public Employees' Pension Reform Act (PEPRA) went into effect. With this law, new conditions and limitations were placed on post-retirement employment. One of the provisions, specifically Government Code Section 7522.56(f), requires a 180-day waiting period before a retiree can return to work for a CalPERS employer without reinstating from retirement, except under certain specified circumstances. The 180-day waiting period starts on the date of retirement.

An exception to the 180-day waiting period is permitted by law if the City Council presents CalPERS with a resolution that approves the appointment in which the employer has certified 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 passed in a public meeting and may not be placed on the consent calendar.

Loretta Jones was employed as an Administrative Specialist (Property Room Supervisor) and has worked in the Police Department for 21 years. The Police Department is requesting approval to re-hire Loretta Jones, a recent CalPERS retiree, as a temporary employee to support the Property & Evidence division.

In her position, Ms. Jones' responsibilities included supervision and management of the Police Department's property room. The purpose of this position is to function as a working

supervisor in the Police Department's property room. Ms. Jones was designated solely as the property room supervisor in 2012 after an evidence audit revealed there was inadequate and inconsistent supervision of property and evidence. Prior to 2012, the property room was supervised by multiple supervisors and also at one point supervised as an ancillary duty by the homicide sergeant. This position is designated as a critical department position, and has taken Ms. Jones many years to gain the expertise necessary for this assignment, having also worked in the assignment prior to 2012. As the supervisor, Ms. Jones must organize the day to day operations of the property room as well as ensure the proper handling of evidence and property for the Police Department. She also directs the receipt, storage and safeguarding of all evidence and property, which include both found and committed property to the department for safekeeping.

Additional job duties include:

- Maintain an efficient schedule of staff and working hours. The position is responsible for unit budget preparation, evaluations, personnel issues, and training.
- Perform regular auditing of detailed records, money, weapons, contraband, narcotics, etc., and their associated procedures. May transport evidence to court and lab as required.
- Oversee and inspect the retention, auctioning, assignment, release and destruction of evidence and property to ensure compliance with the property room and bicycle lock up on a daily basis to ensure tidiness and compliance with policy.
- Analyze appropriate state and local codes and ordinances and establish or revise policies and procedures to ensure the legal release, disposal and destruction of property. Work closely with the City Attorney's Office on various legal issues.
- Train employees in following the procedures and protocols to insure that the procedures are followed to minimize the City's liability exposure.
- Receive incoming property and evidence by picking up property from lockers; moving property to the central property area; logging property in; and placing property in appropriate bins.
- Complete clerical duties by entering data into the computer; prepare, log and submit court orders for legal signatures; and prepare, copy and submit documents for cases requiring an appearance in court.
- Prepare property for auction.

Currently, the Police Department's Property & Evidence division has limited supervisory staff, and support is necessary during the transition period in order to maintain the integrity of property and evidence management. Ms. Jones' last day of employment with the City was December 9, 2013. Effective December 10, 2013, she is considered a CalPERS retiree. The Police Department will be working with the Human Resources division to fill this position permanently, and does not expect Ms. Jones' temporary assignment to exceed 6 months.

Fiscal Impacts

There is no fiscal impact. Ms. Jones' position of Administrative Specialist-Police was budgeted for the full fiscal year. If approved, Ms. Jones will be hired back at an hourly rate comparable to that when she was a full-time employee. She would not be entitled to benefits as a temporary employee.

PREPARED BY: LaTanya Bellow, Human Resources Manager, City Manager's Office



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Resolution - Council

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FROM: Chris Zapata
City Manager

BY: LaTanya Bellow
Human Resources Manager

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION Approving an Exception to the 180-Day Waiting Period for Post-Retirement Employment Pursuant to Government Code Section 7522.56 for Loretta Jones (approves temporary employment of a retired employee)

WHEREAS, Government Code §7522.56 authorizes a retired person to work for a CalPERS employer without reinstating from retirement as a temporary “retired annuitant”, not to exceed 960 hours per fiscal year; and

WHEREAS, Government Code §7522.56 provides that a retired person shall not be eligible to be employed by a CalPERS employer for a period of 180 days following the date of retirement without reinstating from retirement, except under certain conditions; and

WHEREAS, Government Code §7522.56 provides an exception to the 180-day waiting period if the City Council of the City of San Leandro certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed; and

WHEREAS, the City Council of the City of San Leandro must certify and approve the appointment in a public meeting and the item may not be placed on a consent calendar; and

WHEREAS, Loretta Jones (CalPERS ID # xxxxxx8573) retired from the City of San Leandro in the position of Administrative Specialist-Police effective December 10, 2013; and

WHEREAS, Loretta Jones shall not be eligible to be employed for 180 days after the retirement date, which is June 8, 2014, without this certification resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of San Leandro hereby approves and certifies the appointment of Loretta Jones and that this appointment is necessary to fill a critically needed position for the City of San Leandro before 180 days have passed following the date of retirement.