



City Manager's Report
July 14, 2015, City Council Meeting
Prepared By: John Driscoll, City Attorney
Item#: 8.5

Subject: That the City Council Adopt a Resolution Repealing and Rescinding Resolution 8301 Adopted by the City Council on April 28, 2015, Which Resolution Requested that CALPERS Make an Exception to a Post-Retirement Employment Requirement that CALPERS Retirees Must Wait 180 Days Before Being Employed by a CALPERS Employer.

Discussion: Pursuant to Government Code Sections 7522.56 and 21221, a CALPERS retiree may not accept employment with a CALPERS employer until 180 days have passed from the employee's retirement date. A violation of these sections will cause an interruption in retirement benefits. On April 28, 2015, the City Council adopted Resolution 8301 that requested CALPERS make an exception to the post-retirement employment requirement that CALPERS retirees must wait 180 days before being employed by another CALPERS employer. This request was made pursuant to Government Code Section 7522.56.

That section allows a CALPERS retiree to accept work for a CALPERS employer prior to the expiration of the 180-day period if the employer certifies that the appointment is necessary to fill a critically needed position. The City's resolution contained such a certification. However, CALPERS rejected the request of a waiver of the 180-day period. CALPERS examined the job position specifications and denied the request on the basis that the position the retiree would be filling, albeit seasonal, was a single position and permanent in nature. As such, CALPERS took the position that any filling of this position would not be for a limited period as provided for in Government Code Section 21224, but rather could only be pursuant to Government Code Section 21221, which only allows for the appointment during the recruitment for the position.

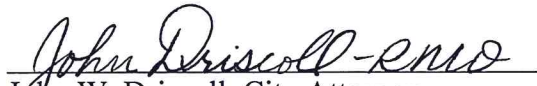
In light of CALPERS position, the retiree is no longer interested in the position. Further, CALPERS has requested that since the employee will not be taking the position, that the City rescind the resolution.

Budget Impact: There is no fiscal impact associated with the recommended action.

Recommendation: That the City Council Adopt a Resolution Repealing and Rescinding Resolution 8301 Adopted by the City Council on April 28, 2015, Which Resolution Requested that CALPERS

Make an Exception to a Post-Retirement Employment Requirement that CALPERS Retirees Must Wait 180 Days Before Being Employed by a CALPERS Employer.


M. Cleve Morris, City Manager


John W. Driscoll, City Attorney

Attachments:

-Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
RESCINDING RESOLUTION NO. 8301 OF THE CITY OF PLACERVILLE**

WHEREAS, on April 28, 2015, the City Council adopted Resolution No. 8301 requesting that CALPERS make an exception to a post retirement employment requirement that CALPERS retirees must wait 180 days before being employed by a CALPERS employer; and

WHEREAS, CALPERS has denied the waiver and requested that City repeal and rescind Resolution No. 8301; and

WHEREAS, the retiree will not be appointed to the subject position.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Placerville does hereby rescind and repeal Resolution No. 8301 of the City of Placerville, a Resolution requesting that CALPERS make an exception to a post-retirement employment requirement that CALPERS retirees must wait 180 days before being employed by a CALPERS employer;

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on July 14, 2015, by Councilmember _____ who moved its adoption. The motion was seconded by Councilmember _____. The motion was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Patty Borelli

ATTEST:

City Clerk, Susan Zito, MMC