



Office of the City Manager

CONSENT CALENDAR
February 8, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Donald E. Ellison, Interim Director of Human Resources

Subject: Adopt a Resolution Approving Exception to the 180-Day Waiting Period to Hire a CalPERS Retired Annuitant in Accordance with Government Code Sections 7522.56 And 21224

RECOMMENDATION

Staff respectfully recommends that the City Council adopt a resolution approving an exception to the 180- day waiting period for hiring a retired annuitant as an extra-help employee.

FISCAL IMPACTS OF RECOMMENDATION

The cost of this increase will be paid from salary savings derived from open positions that exist within the Human Resource Department.

CURRENT SITUATION AND ITS EFFECTS

The Public Employees' Pension Reform Act of 2013 (PEPRA) made substantial changes to public employee pension laws in California. One of those changes requires retired annuitants to be separated from employment for at least 180 days before returning to work for an employer in the same retirement system from which they receive a pension. An exception may be made if the governing body adopts a resolution to waive the waiting period for separation. The waiver allows an employer to hire a retired annuitant to perform work of limited duration, such as the elimination of backlogs, limited term special projects, and work that is in excess of what regular staff can reasonably perform.

The Human Resource Department is formally requesting Mr. Kirk Whitfield to return as a retired annuitant to support our department and the City of Berkeley with the following matters:

Mr. Whitfield will assist the Human Resource Department with access to various drives and folders needed to accomplish the many requests from external and internal customers. Having our own Information Technology person on site will help us tremendously as we onboard new employees in Human Resources, and provide quick access to the Human Resources Information System. A sample of tasks that will be fulfilled by this retiree, assists with the development and creation of Berkeley Matters,

equipment orders for laptops, computers, phones, copiers and set ups for all new employees. Lastly, Mr. Whitfield will update Ektron Intranet and City of Berkeley Human Resources website with classification specifications, memorandum of understandings and salary schedules

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

This recommendation supports the City Council's mission to provide Quality Municipal Services and a City government that is financially sound with a superior workforce

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Donald E. Ellison, Interim Human Resources Director, 510-981-6807.

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

APPROVING EXCEPTION TO THE 180-DAY WAITING PERIOD TO HIRE A
CALPERS RETIRED ANNUITANT IN ACCORDANCE WITH GOVERNMENT CODE
SECTIONS 7522.56 AND 21224

WHEREAS, in compliance with Government Code Section 7522.56 the City of Berkeley must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Kirk Whitfield has retired from the City of Berkeley, Human Resources Department, from the position of Information Systems Support Technician, effective October 1, 2021; and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is October 1, 2021, without this certification; and

WHEREAS, the City of Berkeley hereby appoints Kirk Whitfield as an extra-help retired annuitant to perform similar duties to an Information Systems Support Technician, for the City of Berkeley of Human Resources under Government Code Section 21224, effective February 14, 2022; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties; and

WHEREAS, the maximum base salary for this position is \$7168.00 per month and the hourly equivalent is \$41.3522, and the minimum base salary for this position is \$86,018.; and

WHEREAS, the hourly rate paid to Kirk Whitfield will be \$41.3522; and

WHEREAS, Kirk Whitfield has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley as follows:

The City of Berkeley hereby certifies the nature of the appointment of Kirk Whitfield

as an extra-help retired annuitant to perform similar duties to an Information Systems Support Technician, for the City of Berkeley of Human Resources under Government Code Section 21224, effective February 14, 2022, earlier than 180 days after the retirement date, which is October 1, 2021 and that this appointment is necessary to maintain compliance with the necessary functions of the Human Resource Department as it relates to the needs of Information Technology.