



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00232

February 26, 2019

Discussion Item 30

Title: Authorization to Hire a Staff Aide

Location: Citywide

Recommendation: 1) Pass a Motion certifying the critical need to hire Jerry Lovato as a temporary Staff Aide on or before February 26, 2019; and 2) adopt a Resolution authorizing the City Manager or City Manager's designee to appoint Jerry Lovato as a Staff Aide.

Contact: Samantha Wallace, Human Resources Manager, (916) 808-7657, Human Resources

Presenter: Samantha Wallace, Human Resources Manager, (916) 808-7657, Human Resources

Attachments:

- 1-Description/Analysis
- 2-Appointment Letter
- 3-Resolution
- 4-CalPERS Resolution

Description/Analysis

Issue Detail: Assembly Bill 340, the Public Employee Pension Reform Act of 2013 also known as PEPRA, was signed into law on September 12, 2012 and went into effect on January 1, 2013. PEPRA created Government Code Section 7522.56 which requires public agency retirees to wait 180 days after retirement before returning to work for a public agency. This waiting period can be waived should the City Council determine it is critical to fill a specific position. Therefore, this request is before Council to certify the waiver of the 180 period.

Jerry Lovato, Program Analyst overseeing the mapping section within the Engineering Division of Public Works, retired from his position from the City of Sacramento on December 29, 2018. Prior to Jerry's retirement, the primary map reviewer resigned from the City on December 14, 2018. With the resignation and the retirement, there are no current full-time city employees with the knowledge of the various processes that apply to final maps, parcel maps, map waivers, certificates of compliance, etc.

Over the past 33 years, Jerry has developed an extensive knowledge of the subdivision map act and how the City processes different tasks in compliance with the subdivision map act and city code. With the boom in private development projects over the past 3 years, Jerry's expertise is needed to help provide staff the history on several high-profile projects currently under review such as The Railyards, Delta Shores, Centene, and Greenbriar. Additionally, Jerry will be training new staff on the established policies and procedures of the mapping section.

Jerry's longevity with the City and his leadership in developing the policies and procedures for the mapping section make him uniquely qualified to provide the history of the complex projects and training for current and anticipated newly hired staff. The work and training is of limited duration, is critical, and is highly specialized. Staff therefore requests Council approve the attached resolution allowing the City to hire Jerry Lovato on a temporary basis to fill this role.

Policy Considerations: The City Council may waive the 180-day waiting period for retired annuitants.

Economic Impacts: None

Environmental Considerations: Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability: Not applicable

Commission/Committee Action: None

Rationale for Recommendation: The City Council may waive the 180-day waiting period for retired annuitants when there is a critical need. No current City employees have the background knowledge of critical private development projects nor the expertise in map processing. This expertise is needed to provide project history to staff and train current staff and new staff. Bringing Jerry back in this capacity will enable current projects to continue processing more efficiently and will expedite the training for new staff assigned to the section for map reviews.

Financial Considerations: Funding for the temporary Staff Aide will be provided through the collection of map review fees and deposits through the Private Development Fund (Fund 2018). There is sufficient funding in the Private Development Fund to support the recommendation.

Local Business Enterprise (LBE): Not applicable

February 26, 2019

Jerry Lovato
address
Sacramento, CA 95831

Dear Mr. Lovato,

Congratulations on your appointment as a retired annuitant. This is an appointment to an at-will exempt position of Staff Aide, performing work as a Program Analyst in the Engineering Services Division of Public Works serving at the pleasure of the City Manager. Your appointment is effective February 26, 2019. Your salary will be \$44.890382 per hour.

Your appointment will not extend beyond 960 hours in the calendar year.

Additional terms and conditions of employment are outlined on the enclosed Compensation and Appointment Information form. You may be required to file a conflict of interest statement, which is a determination made by the City Clerk. Your department will provide the appropriate forms.

You have my best wishes for success and my support in this important position. I know you will do well!

Sincerely,

Howard Chan
City Manager

Enclosure

RESOLUTION NO. 2019-

Adopted by the Sacramento City Council

February 26, 2019

RESOLUTION AUTHORIZING THE CITY MANAGER TO HIRE STAFF AIDE GC sections 7522.56 & 21224

BACKGROUND

- A. In compliance with Government Code section 7522.56 the City Council must provide CalPERS a resolution when hiring a retiree before 180 days has passed since his or her retirement date.
- B. Jerry Lovato, CalPERS ID 1538973940, has retired from the City of Sacramento in the position of Program Analyst, effective December 29, 2018; and
- C. Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 27, 2019 without the necessary resolution.
- D. Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive.
- E. The City Council, the City of Sacramento and Jerry Lovato certify that Jerry Lovato has not and will not receive a Golden Handshake or any other retirement-related incentive.
- F. The City Council hereby authorizes City Manager Howard Chan to hire Jerry Lovato as a retired annuitant in a Staff Aide classification to perform the duties of a Program Analyst under Government Code section 21224, effective February 26, 2019.
- G. No matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar.
- H. The employment shall be limited to 960 hours per fiscal year.
- I. 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, divided by 173.333 to equal the hourly rate.

- J. The maximum yearly base salary for this position at full-time work is \$93,371.99 for which the hourly equivalent is \$44.890382. The monthly base salary for this position at full-time work is \$7781 for which hourly equivalent is \$44.890382; and
- K. The hourly rate paid to Jerry Lovato will be \$44.890382.
- L. Jerry Lovato has not received, 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.

**BASED ON THE FACTS SET FORTH IN THE RECITALS, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The appointment of Jerry Lovato as Staff Aide performing the duties as a Program Analyst on or before February 26, 2019, is necessary to ensure critical projects and map reviews are processed in compliance with City established policies and procedures without undue delays
- Section 2. The City Manager, or the City Manager's designee, is authorized to approve the attached appointment letter for Jerry Lovato.

RESOLUTION NO. 2019-

**Adopted by the Sacramento City Council
February 26, 2019**

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD

GC sections 7522.56 & 21224

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

WHEREAS, Jerry Lovato, CalPERS ID 1538973940, has retired from the City of Sacramento in the position of Program Analyst, effective December 29, 2018; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 27, 2019 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council, the City of Sacramento, and Jerry Lovato certify that Jerry Lovato has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Jerry Lovato as a retired annuitant to perform the duties of the Staff Aide for the City of Sacramento under Government Code section 21224, effective February 26, 2019; and

WHEREAS, the appointment document between Jerry Lovato and the City of Sacramento has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; 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, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum yearly base salary for this position at full-time work is \$93,371.99 for which the hourly equivalent is \$44.890382. The monthly base salary for this position at full-time work is \$7781 for which hourly equivalent is \$44.890382; and

WHEREAS, the hourly rate paid to Jerry Lovato will be \$44.890382; and

WHEREAS, Jerry Lovato 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; and

THEREFORE, BE IT RESOLVED THAT the City Council hereby certifies the nature of the appointment of Jerry Lovato as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position as staff aide on or before February 26, 2019, performing the duties as a program analyst and trainer, is necessary to ensure critical projects and map reviews are processed in compliance with city established policies and procedures without undue delays.