



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00627

May 14, 2019

Discussion Item 45

Title: Authorization to Hire a Staff Aide

Location: Citywide

Recommendation: Adopt a Resolution: 1) certifying the critical need to appoint Kim Mohler as a temporary Staff Aide on June 13, 2019; 2) waiving the 180-day wait period for Kim Mohler to begin working as a retired annuitant; and 3) authorizing the City Manager or City Manager's designee to appoint Kim Mohler as a Staff Aide.

Contact: Cynthia Sprenger, Program Specialist, (916) 808-5703, Human Resources

Presenter: None

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 for approval.

Kim Mohler, Recreation Manager overseeing the Youth section within the Youth, Parks and Community Enrichment Department, retired from her position from the City of Sacramento on May 1, 2019. Ms. Mohler has a unique skill set and familiarity with the department's Youth Development initiatives, and so the City needs her to immediately work on citywide Youth Development initiatives including:

- Design, training, implementation, and assessment of citywide Youth Program Quality Standards for programs funded through the City.
- Youth program participant survey, data collection.
- Lead training team and deliver a minimum of two Youth Development Institutes (YDI) for City staff and partners.
- Support Youth Development Policy Manager on action planning associated with Citywide Youth Development Plan.
- Represent the Department of Youth, Parks, and Community Enrichment on regional initiatives relevant to youth including Innovative Pathways to Public Service (IPPS).
- Participate in the design and development of the Youth Portal.

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 youth program quality standards for programs and design and development of the City's youth portal.

Financial Considerations: There is sufficient funding in Department's operating budget to support the recommendation. Funding for the temporary Staff Aide will be provided through labor savings the department has identified as a result of vacancies.

Local Business Enterprise (LBE): Not applicable.

May 14, 2019

Kim Mohler

Dear Ms. Mohler,

Congratulations on your appointment as a retired annuitant. This is an appointment to an at-will exempt position of Staff Aide, performing special projects in the Department of Youth, Parks and Community Enrichment serving at the pleasure of the City Manager. Your appointment is effective June 13, 2019. Your salary will be \$61.058723 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

May 14, 2019

RESOLUTION AUTHORIZING THE CITY MANAGER TO HIRE STAFF AIDE

BACKGROUND

- A. In compliance with California 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. Kim Mohler, CalPERS ID [REDACTED], has retired from the City of Sacramento in the position of Recreation Manager, effective May 1, 2019; and
- C. Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is November 1, 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 Kim Mohler certify that Kim Mohler has not and will not receive a Golden Handshake or any other retirement-related incentive.
- F. The employment shall be limited to 960 hours per fiscal year.

- G. The maximum hourly rate for this position is \$62.585192. The hourly rate for this position is \$61.058723; and the hourly rate paid to Kim Mohler will be \$61.058723, limited to 960 hours per fiscal year.
- H.
- I. Kim Mohler 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 Kim Mohler as Staff Aide performing special projects on City-wide Youth Development Initiatives is necessary to ensure Youth Program Quality Standards and the design and development of the Youth Portal.
- Section 2. The City Manager, or the City Manager's designee, is authorized to approve the attached appointment letter for Kim Mohler.

RESOLUTION NO. 2019-

**Adopted by the Sacramento City Council
May 14, 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, Kim Mohler, CalPERS ID [REDACTED], has retired from the City of Sacramento in the position of Recreation Manager, effective May 1, 2019; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is November 1, 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 Kim Mohler certify that Kim Mohler has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Kim Mohler as a retired annuitant to perform the duties of the Staff Aide for the City of Sacramento under Government Code section 21224, effective June 13, 2019; and

WHEREAS, the appointment document between Kim Mohler 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 hourly rate for this position is \$62.585192. The hourly rate for this position is \$61.058723; and

WHEREAS, the hourly rate paid to Kim Mohler will be \$61.058723, limited to 960 hours per fiscal year; and

WHEREAS, Kim Mohler 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 Kim Mohler 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 performing duties related to City-wide Youth Development initiatives, is necessary to ensure critical projects and map reviews are processed in compliance with city established policies and procedures without undue delays.