

RESOLUTION 2020-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPOINTING CALPERS RETIRED ANNUITANT CYNTHIA KASTEN TO THE POSITION OF INTERIM HUMAN RESOURCES MANAGER AND APPROVING AN EMPLOYMENT CONTRACT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(G)

WHEREAS, this is not a project as defined by CEQA;

WHEREAS, the Human Resources Manager position will experience a temporary vacancy due to an approved leave of absence beginning in approximately mid-February 2020;

WHEREAS, during the time of the vacancy, the City Manager seeks to execute a contract with Cynthia Kasten (retired Human Resources Director/Manager) to serve as Interim Human Resources Manager, consistent with the Public Employees' Pension Reform Act (California Government Code Section 21221(g));

WHEREAS, the Public Employee's Retirement Law (PERL) generally prohibits CalPERS employers from hiring retirees unless they are first reinstated from retirement; however, an exception to this rule allows local agencies to hire retired annuitants pursuant to Government Code section 21221(g), provided certain key eligibility requirements are satisfied;

WHEREAS, under the Government Code, a retiree may serve without reinstatement when the services of a retiree possessing specialized skills are needed during an approved leave of absence;

WHEREAS, Ms. Kasten retired as an experienced Human Resources Director/Manager, having worked in several northern California cities and thus possesses specialized skills critically required during the time of the leave of absence;

WHEREAS, this temporary employment assignment under Government Code section 21221(g) requires the following conditions and limitations be met:

- the vacant position is deemed to require specialized skills or during an emergency to prevent stoppage of public business, see below:
- Ms. Kasten's interim appointment will be "critically needed" during the approved leave of absence of the Human Resources Manager position; and,
- Ms. Kasten's interim appointment is for a "limited duration" and requires "specialized skills" (employment law and human resources laws, rules, regulations, Memoranda of Understanding, etc.);
- the annuitant's employment will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined;

- the annuitant's pay rate will not exceed the maximum paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position, divided by 173.333 to equal an hourly rate;
- the annuitant will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and
- the retired annuitant will certify that he has not received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date;

WHEREAS, the annuitant will be compensated at the monthly salary maximum permissible for this position \$73.02 per hour (\$12,657 monthly salary/173.333 hours per month) in accordance with the City's adopted salary schedule for the Human Resources Manager classification for FY 2019/20 and will receive no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and

WHEREAS no additional budget resources are requested.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby adopts resolution to appoint Cynthia Kasten to serve as Interim Human Resources Manager, if all conditions described above are met and pursuant to the terms in the contract attached in the revised contract (Exhibit 1), and authorizes the City Manager to execute that contract if the conditions described above are met.

* * * * *

Adopted this 21st day of January, 2020, by the following votes:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:
 ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

 Patricia Ponce, City Clerk

 Arturo M. Cruz, Mayor