



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2018-00371

March 27, 2018

Discussion Item 19

Title: Authorization to Hire a Staff Aide

Location: Citywide

Recommendation: Pass a Resolution: 1) certifying the critical need for a temporary Staff Aide on or before May 12, 2018; and 2) authorizing the City Manager or City Manager's designee to appoint Calvin Gary Hyden as a Staff Aide for special projects.

Contact: Shelley Banks-Robinson, Interim Human Resources Director, (916) 808-5541, Department of Human Resources

Presenter: None

Attachments:

1-Description/Analysis

2-City Resolution

3-PERS 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 the specific position. Therefore, this request is before Council for approval at this time.

Gary Hyden is retiring from his position as the Supervising Landscape Architect from the City of Sacramento on May 11, 2018. Over the past decade Mr. Hyden has developed an extensive knowledge of zoning laws, ordinances, rules, and regulations that govern the City of Sacramento's parks planning and development operations. Mr. Hyden's knowledge uniquely qualifies him to act as a Special Projects Manager in the Department of Youth, Parks, & Community Enrichment (YPCE) to continue the establishment and update of the Parks Master Plan, as required by the 2017 Audit of the Department of Parks and Recreation's Strategic Planning and Part-Time Employee Benefits Management, Council Report 2017-08.

This work of limited duration is critical and highly specialized; the City requires an experienced individual to assist with the update of the Parks Master Plan. In addition to advising the Department Director on planning and compliance requirements, Mr. Hyden's expertise is also necessary to achieve program milestones and deadlines. Staff therefore requests Council approve the attached resolution allowing the City to hire Mr. Hyden 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. Department expertise in park planning and design and audit-related needs requires Mr. Hyden's expertise and urgent attention.

Financial Considerations: Funding for the temporary Staff Aide for Special Projects position will be provided through salary savings from an unfilled position and CIP dollars from projects directly benefitting from the Parks Master Plan.

Local Business Enterprise (LBE): Not applicable.

RESOLUTION NO. 2018-

Adopted by the Sacramento City Council

March 27, 2018

**RESOLUTION AUTHORIZING
THE CITY MANAGER TO
APPOINT A TEMPORARY STAFF
AIDE
GC sections 7522.56 & 21224**

BACKGROUND

- A. In compliance with Government Code section 7522.56 the City Council must provide CalPERS a certification resolution when hiring a retiree before 180 days has passed since his or her retirement date.
- B. Calvin Gary Hyden, CalPERS ID0001778, is retiring from the City of Sacramento in the position of Supervising Landscape Architect, effective May 11, 2018; and
- C. Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is November 11, 2018 without the necessary certification 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 Calvin Gary Hyden certify that Calvin Gary Hyden 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 Calvin Gary Hyden as a Staff Aide retired annuitant to perform work on special projects, including the Parks Master Plan for the City of Sacramento under Government Code section 21224, effective May 12, 2018.
- 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 monthly base salary for this position is \$10,240.90 for which the hourly equivalent is \$59.082229. The minimum monthly base salary for this position is \$6,827.27 for which hourly equivalent is \$39.38817; and
- K. The hourly rate paid to Calvin Gary Hyden will be \$59.082229.
- L. Calvin Gary Hyden 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 BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The appointment of Calvin Gary Hyden, is necessary to assist the City in meeting audit and best practices requirement of having an up-to-date Parks Master Plan.
- Section 2. The City Manager, or the City Manager's designee, is authorized to approve the hire of Calvin Gary Hyden.

RESOLUTION NO. 2018-

**Adopted by the Sacramento City
Council March 27, 2018**

**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, Calvin Gary Hyden, CalPERS ID0001778, will retire from the City of Sacramento in the position of Supervising Landscape Architect, effective May 11, 2018; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is November 11, 2018 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 Calvin Gary Hyden certify that Calvin Gary Hyden has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Calvin Gary Hyden as an extra help retired annuitant to perform the duties of the Staff Aide for the City of Sacramento under Government Code section 21224, effective May 12, 2018; and

WHEREAS, the appointment document between Calvin Gary Hyden 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 monthly base salary for this position is \$10,240.90 for which the hourly equivalent is \$59.082229. The minimum monthly base salary for this position is \$6,827.27 for which hourly equivalent is \$39.38817; and

WHEREAS, the hourly rate paid to Calvin Gary Hyden will be \$59.082229; and

WHEREAS, Calvin Gary Hyden 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 Calvin Gary Hyden as described herein and detailed in the his appointment letter, and that this appointment is necessary to fill the critically needed position of Staff Aide for the City of Sacramento by May 12, 2018, because of the City's need to establish and update Parks Master Plan.