



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Adoption of two Resolutions Approving: (1) An Exception to the CalPERS 180 day Wait Period and Interim Appointment of Assistant City Manager and (2) Interim Appointment of Director of Library and Community Services

#### **BACKGROUND**

CalPERS rules generally prohibit hiring retired annuitants to permanent or regular staff positions without reinstatement from retirement. However, section 21221(h) of the Government Code provides a limited exception to allow a retiree to serve without reinstatement from retirement for a single interim appointment to a vacant managerial, executive or other unique position. Additionally, section 7522.56 of the Government Code provides that a CalPERS retiree is eligible for post-retirement employment no earlier than 180 days following his/her retirement date. However, the 180 day waiting period can be waived by a public agency by certifying the nature of the employment and that the appointment is necessary to fill a critically needed position before the 180 days has passed.

Assistant City Manager Robert Walker will retire effective June 13, 2015 and his last day in office will be June 11, 2015. The Assistant City Manager position is an executive management position responsible for critical oversight of day-to-day departmental and Citywide operations. Staff has hired an executive recruiter to assist in filling this important vacancy, but anticipates that it may take up to one year to hire a qualified permanent employee. Due to the significant nature of the Assistant City Manager position, staff believes it is critical to hire an interim employee for the limited term of the recruitment, and has identified Jane Chambers, a CalPERS retiree with over thirty five years of municipal management experience, including eighteen years as a city manager or assistant city manager, as a suitable candidate.

Director of Library and Community Services Lisa Rosenblum will vacate her City position on July 2, 2015 and retire effective August 28, 2015, but her last day in office will be July 2, 2015. The Director of Library and Community Services position is an executive management position responsible for oversight of the day-to-day operations of the department. Staff has also hired an executive recruiter to assist in filling this vacancy, and anticipates that it may take up to one year to hire a qualified permanent employee. Due to the critical nature of the Director of Library and Community Services position, staff believes it is essential to hire an interim employee for the term of the recruitment and has identified Anne Cain, who is a CalPERS retiree with over twenty-five years of experience, including fifteen years as a library director, as a suitable candidate.

#### **EXISTING POLICY**

CalPERS rules (Government Code Sections 21221(h), 21224 and 7522.56) require the City Council to approve and make specific findings before the City may hire a retiree on an interim basis to fill a vacant position.

**Council Policy 7.3.1 Legislative Management - Goals and Policies, Goal 7.3D** also provides that the City will strive to maintain a quality work force, consistent with state and federal laws, City Charter, and adopted policies in order to assure that City services are provided in an effective, efficient, and high quality manner. Approving the limited duration appointments of Ms. Chambers and Ms. Cain will allow the City to comply with state law and further its internal goal of providing effective, high quality service to the community.

## **ENVIRONMENTAL REVIEW**

N/A

## **DISCUSSION**

The City is required to comply with CalPERS rules pertaining to rehiring CalPERS retirees. CalPERS retirees cannot be hired into vacant permanent or regular staff positions sooner than 180 days following the retirement date unless the Council approves a limited duration interim appointment to a position that requires the unique expertise of a retiree to efficiently and effectively perform specialized work, such as high-level managerial vacancies.

The positions of Assistant City Manager and Director of Library and Community Services are key management level positions in the City that require significant, specialized experience. The City hired an executive recruiter to assist in filling these specialized vacancies and is currently recruiting qualified applicants for both positions. Interim appointments are necessary to ensure continuity of operations. The Assistant City Manager is responsible for overseeing day-to-day operations citywide, and the Director of Library and Community Services oversees many of the programs that are most visible to City residents, such as recreation services. These interim appointments are critical for continued success in the City and for these departments.

Ms. Chambers' interim appointment to the vacant Assistant City Manager position meets the CalPERS requirements (Government Code section 21221(h)) for hiring a retired annuitant for the following reasons:

- The Assistant City Manager is a key management-level position that requires specialized skills and experience in day-to-day departmental and Citywide operations.
- The Assistant City Manager position will be vacant effective June 13, 2015.
- An interim Assistant City Manager is necessary to ensure continuity of operations.
- There is an open recruitment to permanently fill the vacancy being conducted by an executive recruiter because there is a limited pool of experienced candidates.
- Ms. Chambers has approximately 18 years of previous experience working in the capacity of City Manager or Assistant City Manager (Resume included as Attachment 4)
- Ms. Chambers is a CalPERS retiree with less than 180 days between her retirement effective date the effective date of her interim appointment. The resolution regarding her appointment includes approval of an exception to the 180 day waiting period due to the critical nature of the Assistant City Manager vacancy and Ms. Chambers' unique qualifications to fill that role.
- This will be a single interim appointment only for the duration of the recruitment to fill the permanent position, and will not continue beyond June 13, 2016.
- Ms. Chambers will work up to 40 hours per week in the classification of Casual Executive 2, not to exceed 960 hours per fiscal year.

- Ms. Chambers will be paid \$92.0870 per hour (Casual Executive 2, Step 2), which is within the published pay range for the Assistant City Manager position.
- Ms. Chambers will not receive any other form of compensation, benefits, or incentives.
- Ms. Chambers' start date in the interim Assistant City Manager appointment is June 17, 2015.

Ms. Cain's interim appointment to the vacant Director of Library and Community Services position meets the CalPERS requirements (Government Code section 21221(h)) for hiring a retired annuitant for the following reasons:

- The Director of Library and Community Services is a key management-level position that requires specialized skills and experience in library and recreation operations.
- The Director of Library and Community Services position will be vacant effective July 2, 2015. An interim Director is necessary to ensure continuity of operations.
- There is an open recruitment to permanently fill the vacancy being conducted by an executive recruiter because there is a limited pool of experienced candidates.
- Ms. Cain has approximately 25 years of previous experience working in the capacity of a Library Director (Resume included as Attachment 6)
- This will be a single interim appointment only for the duration of the recruitment to fill the permanent position, and will not continue beyond June 30, 2016.
- Ms. Cain will up to 40 hours per week in the classification of Casual Executive 2, not to exceed 960 hours per fiscal year.
- Ms. Cain will be paid \$96.6913 per hour (Casual Executive 2, Step 3), which is within the published pay range for the Director of Library and Community Services position.
- Ms. Cain will not receive any other form of compensation, benefits, or incentives.
- Ms. Cain's start date in the interim Director of Library and Community Services appointment will be July 6, 2015.

### **FISCAL IMPACT**

There is no fiscal impact as the interim appointments will be compensated through the salary savings created by the vacant positions. Further, the interim appointments will be compensated at a rate that is within the existing budgeted and published pay range of the vacant positions.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **ALTERNATIVES**

1. Adopt the resolutions approving the exception to the CalPERS 180 day wait period and interim appointment of Jane Chambers to Assistant City Manager and the interim appointment of Anne Cain to Director of Library and Community Services
2. Do not adopt the resolutions approving the exception to the CalPERS 180 day wait period and interim appointment of Jane Chambers to Assistant City Manager and the interim appointment of Anne Cain to Director of Library and Community Services

### **STAFF RECOMMENDATION**

Alternative 1: Adopt the resolutions approving the exception to the CalPERS 180 day waiting period and interim appointment of Jane Chambers to Assistant City Manager and the interim appointment of Anne Cain to Director of Library and Community Services.

Prepared by: Doug Baker, Human Resources Manager

Reviewed by: Teri Silva, Director, Department of Human Resources

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Resolution Approving Exception to 180 Day Waiting Period and Interim Appointment of Jane Chambers to Assistant City Manager Position
2. Resolution Approving Interim Appointment of Anne Cain to Director of Library and Community Services Position
3. Jane Chambers - Interim Assistant City Manager Offer Letter
4. Jane Chambers Resume
5. Anne Cain - Interim Director of Library and Community Services Offer Letter
6. Anne Cain Resume