



**DATE:** November 19, 2024

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Adopt a Resolution Approving an Exception to the 180-Day Wait Period Requirement for Two Retired CalPERS Annuitants to Work Within the Hayward Communications Center

### **RECOMMENDATION**

That the Council adopt a resolution (Attachment II), by means of an action item, which approves an exception for two (2) retired Communications Supervisors to return to work as Retired Annuitants prior to the required CalPERS 180-day wait period.

### **SUMMARY**

The Hayward Communications Center is currently facing severe staffing shortages. In July, 2024, two Communications Supervisors retired. This has resulted in additional mandatory overtime shifts for existing Communications Center Employees.

CalPERS allows retired employees to return to a CalPERS employer in an “Extra Help” capacity. While CalPERS generally requires a 180-day waiting period for retirees to return in an annuitant position, Council may approve an exception to the waiting period if there is a critical need. Such a need exists currently to perform work in excess of what regular staff can perform, and both employees are committed to returning to work as Retired Annuitants immediately after their retirements. To do so, Council is asked to approve an exception to the CalPERS 180-day waiting period.

### **BACKGROUND**

A CalPERS retiree may return to work with a CalPERS employer in a designated retired annuitant position subject to rules set forth in the California Government Code. As both employees are CalPERS contributors, they are subject to these provisions, which include a 180-day waiting period following the date of retirement before returning to a CalPERS position. Government Code section 7522.56 allows for an exception to the 180-day waiting period if the appointment is necessary to fill a critically needed position before 180 days have passed, and the appointment has been approved by the governing body of the employer in a public meeting. The appointments must be approved as action items, rather

than on a consent calendar. (See also “A Guide to CalPERS - Employment After Retirement.” CalPERS, [www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf](http://www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf)).

Under the CalPERS Retired Annuitant rules, there are two types of retired annuitant employment: “Extra Help” positions and interim (or acting) positions. The Department asks that Council approve the appointment for two (2) Extra Help positions with the understanding that the additional Government Code requirements will be met throughout the duration of the employment. Both the annuitants and the City will bear equal responsibility to ensure the following restrictions are met:

- The employment is for a limited duration. While the workload may last more than one fiscal year, the employment will terminate when the limited-duration work for which the annuitants are hired is completed.
- The hourly rate of pay cannot be less than the minimum or exceed the maximum paid to other employees performing comparable duties.
- The City will enroll each annuitant and report all hours to CalPERS, with total hours not exceeding 960 hours per employee in a fiscal year (July 1 through June 30).

Neither employee will be under “normal retirement age” on their anticipated retirement date; therefore, additional requirements pertaining to younger retirees will not apply to these appointments.

## **DISCUSSION**

Staffing levels within the Communications Center are at historic lows. as there are six (6) vacant positions among an authorized total of 21 Communication Operator positions. In addition, the Call-Taker position which supports Communication Operators is authorized for seven (12) positions with five (5) current vacancies. Additionally, there are two (2) vacant positions among an authorized total of five (5) Communications Supervisors. Due to the high vacancy rates, Communications Center personnel are being required to work weekly overtime shifts to meet staffing requirements and demands of the city.

While exhaustive efforts are underway to increase staffing levels through recruitment, advertising, and hiring bonuses, the successful hiring of qualified candidates has remained challenging. Based on strict hiring requirements which include a background, polygraph, and psychiatric and medical exams, most candidates are simply unable to make it through. It is evident there is a critical need to reduce the 180-day wait period for impending retirees to return to work as annuitants.

Staff recommends that the City Council adopt a resolution (Attachment II), by means of an action item, which approves an exception for two (2) retiring Communications Supervisors, Yvette Arteaga-Largent and Samira Stanley, to return to work as Retired Annuitants prior to the required CalPERS 180-day wait period. The effective return-to-work date for both employees will be December 2, 2024.

**FISCAL IMPACT**

The Retired Annuitant Communications Operator positions will be funded using salary savings from vacancies in currently budgeted positions, therefore no additional General Fund impact is anticipated.

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to one of the Council’s Strategic Roadmap.

**NEXT STEPS**

If City Council authorizes this action, staff will appropriate the funding into the Police Department’s budget to fund two (2) Communications Operator Retired Annuitant positions, effective December 2, 2024.

*Prepared by:* Michael DeOran, Communications Administrator

*Recommended by:* Bryan Matthews, Chief of Police

*Approved by:*



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Dustin Claussen, Interim City Manager