



**DATE:** November 15, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Interim Director of Human Resources  
Acting Chief of Police

**SUBJECT:** Retiree Hiring Exception: Adopt a Resolution Approving an Exception to the 180-Day Waiting Period Requirement for Up to Six (6) Retired CalPERS Annuitants to Work as City of Hayward Communications Operators

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) that approves an exception for up to 6 retired CalPERS Employees to return to work as Communications Operators prior to the required CalPERS 180-day waiting period.

## **SUMMARY**

The Hayward Communications Center is currently facing severe staffing shortages, which will increase by the end of 2022. Two Communications Operators will retire at the end of December 2022, with the potential of two additional Communications Operators scheduled to retire in 2023. Outgoing years of experience and expertise will create a void that adds to already struggling staffing levels. The employee retirements will increase mandated overtime shifts, delay public safety responses, and be a tipping point for employee morale in the Communications Center.

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. With impending retirements, a need will exist to perform work in excess of what regular staff can perform. Retiring employees are willing to return to work and assist with excess work as Retired Annuitants immediately after their retirements become effective. To do so, Council must 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

Hayward Police Dispatcher 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 Police Department requests that Council approve the appointment of 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).
- Retired Annuitants will be replaced by full-time personnel as staffing shortages improve.

Employees qualifying for the exception will not be under “normal retirement age” on their anticipated retirement date; therefore, additional requirements pertaining to younger retirees will not apply to these appointments.

## **DISCUSSION**

The Communications Center has six (6) vacant Communications Operator positions out of an authorized total of 19. In addition, the Call-Taker position, which supports Communications Operators, is authorized for seven (7) positions with three (3) current vacancies. Due to the high vacancy rates, Communications Operators are required to work weekly overtime shifts.

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 standards which include a background investigation, a polygraph, and psychiatric and medical exams, most candidates are simply unable to make it through the process.

It is evident there is a critical need to reduce the 180-day waiting period for retirees to return to work as annuitants. Currently, there are not a sufficient number of new hires to replace open vacancies; however, there are a significant number of recent and impending retirees who are interested in returning to City employment in an annuitant capacity if allowed to do so. Two Communications Operators will retire at the end of December 2022, with the potential of two additional Communications Operators scheduled to retire in 2023. These retiring employees are willing to return to work and assist with excess work as Retired Annuitants immediately after their retirements become effective.

### **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 Initiatives.

### **NEXT STEPS**

If City Council authorizes this action, staff will utilize salary savings in the Police Department's budget to fund a maximum of six (6) Communications Operators Retired Annuitant positions, effective 01/01/2023. This authorization will allow staff to hire retirees for these positions between January 1, 2023, and June 30, 2023.

*Prepared by:* Ryan Sill, Lieutenant – Personnel and Training

*Recommended by:* Bryan Matthews, Acting Chief of Police  
Regina Youngblood, Assistant City Manager/Interim Director of HR

Approved by



---

Kelly McAdoo, City Manager