



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: PH 15-082, **Version:** 1

DATE: October 13, 2015

TO: Mayor and City Council

FROM: Director of Human Resources and Chief of Police

SUBJECT

Approval of Temporary Appointment of Administrative Secretary (Report from Director of Human Resources Collins and Chief of Police Urban)

RECOMMENDATION

That the City Council adopts the attached resolution approving an exception to the one hundred and eighty (180) day waiting period after retirement in order to temporarily appoint Susan Diaz to the position of Administrative Secretary in the Hayward Police Department.

BACKGROUND

Pursuant to Government Code section 7522.56 of the California Public Employees Retirement System (CalPERS) rules, effective January 1, 2013, a one hundred and eighty (180) day waiting period is required before retired employees can be hired on a temporary basis with a CalPERS agency.

However, exceptions to the one hundred and eighty (180) day waiting period may be made if the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before the one hundred and eighty (180) days have passed and the appointment is approved by the governing body in a public meeting.

The Administrative Secretary to the Chief of Police is responsible for providing high level administrative support to the Chief of Police and works on highly confidential matters related to ongoing litigation, labor relations, and employee investigations for the Hayward Police Department. The City is currently recruiting for the vacancy that will arise from the retirement of the current incumbent, Susan Diaz. Unfortunately, the first round of testing for this position did not yield a qualified applicant. In order to prevent a lapse in high level administrative support and maintain the integrity and confidentiality of ongoing litigation and investigations, staff recommends the temporary appointment of Susan Diaz to the position of Administrative Secretary, in accordance with Government Code §21224.

DISCUSSION

Susan Diaz has been providing administrative support to the Chief of Police for twenty-two years and will be retiring on November 6, 2015. The Hayward Police Department has a critical need for Susan's extensive knowledge and specialized training in the Chief's office until a qualified candidate has been selected and trained. She performs duties that are unique to the Police Department and that require specialized knowledge and skills. Her institutional knowledge and experience performing these duties make her an essential asset to the Department and specifically to the Chief of Police. In addition to scheduling, project management, and other administrative duties, Susan works on highly confidential matters related to ongoing litigation, labor relations, and employee investigations. Because of the highly confidential and sensitive nature of this work, exposure must be limited to the Chief, command staff, and the administrative support person assigned to this position. This makes reassignment of these duties inappropriate because it potentially jeopardizes the integrity of some ongoing litigation and investigations.

Moreover, temporary employment is not reasonable because the Hayward Police Department requires a comprehensive background check which naturally delays hiring by an additional sixty days due to the highly confidential and sensitive nature of this position serving the Chief of Police. In accordance with Government Code §21224, Ms. Diaz's temporary employment will not exceed nine hundred and sixty hours per fiscal year. The appointment can be terminated at any time by either party; however, the current plan is that it would continue until new Administrative Secretary is recruited for and filled on a permanent basis. Compensation will be set equivalent to the established salary for an Administrative Secretary, which ranges from \$31.54 to \$36.83 per hour. Ms. Diaz is agreeable to the terms and conditions of the proposed temporary employment.

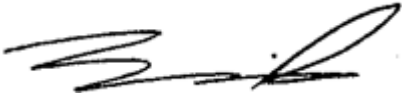
FISCAL IMPACT

There is no fiscal impact associated with this report. Since no benefits or additional compensation beyond an hourly salary rate would be paid, the total cost of this temporary appointment would not exceed \$36,000 in a fiscal year, which will be offset by salary savings from the vacant position.

Prepared by: Samantha Halverson, Human Resources Analyst I

Recommended by: Nina S. Collins, Director of Human Resources and Diane Urban, Chief of Police

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution: Temporary Appointment of Administrative Secretary
- Attachment II Employment Offer Letter for Temporary Administrative Secretary