



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/06/2022

ITEM NO: 7

DATE: August 26, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Cherie Avery-Strand as an Interim Permit Technician.

RECOMMENDATION:

Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Cherie Avery-Strand as an Interim Permit Technician (Attachment 1).

BACKGROUND:

The Town has an existing agreement with the California Public Employees' Retirement System (CalPERS) to provide its retirement program to employees. The CalPERS retirement program is governed by Public Employees' Retirement Law (PERL). PERL contains the rules and regulations that a contracting agency must adhere to related to the hire of a CalPERS retiree, referred to as a retired annuitant. PERL requires that a non-safety retired annuitant may not work for a CalPERS contracting agency unless the retired annuitant has been retired for at least 180 days (Gov. Code section 7522.56). In lieu of the 180-day wait period, an agency's governing body may approve a resolution to waive the 180 days. PERL also requires that if a retired annuitant will be rehired into a vacant position while a recruitment for a permanent replacement is taking place, the governing body must approve a resolution appointing the retired annuitant as an interim employee [Gov. Code section 21224].

DISCUSSION:

Cherie Avery-Strand has been employed as a Permit Technician with the Town of Los Gatos since 1988.

PREPARED BY: Salina Flores
Human Resources Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director

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DISCUSSION (continued):

Recently, Ms. Avery-Strand provided her notice of intent to retire from the Town with her last day of work to occur on September 16, 2022, resulting in a CalPERS retirement effective date of September 17, 2022.

The Town opened the recruitment for Permit Technician on August 22, 2022. The recruitment timeline to hire this position typically spans approximately three months. The Permit Technician role is essential to the continued operation of the Community Development Department and its permitting functions. The incumbent is responsible for front counter customer service duties including monitoring and responding to the Building Department email and phone lines; receiving, processing, performing plan reviews, and issuing Building Permits; cashier responsibilities for Building, Planning, Code Compliance, and Business License processes; new address requests and issuance; and assisting with the Building Inspection request line and Inspector's schedules.

To allow for this continued critical function as well as the transfer of important institutional knowledge to the new Permit Technician, staff is requesting to rehire Cherie Avery-Strand as an Interim Permit Technician until the permanent replacement is trained. Before Ms. Avery-Strand can be hired as a retired annuitant, the Town Council must adopt a CalPERS resolution to allow staff to request that the re-employment begins earlier than the 180-day wait period and to appoint Ms. Avery-Strand as an Interim Permit Technician. A retired annuitant may be appointed in an interim position provided that there is an open recruitment to fill the vacancy. The rate of pay may not be less than or more than the current approved salary range for the vacant position. Also, a retired annuitant may not work more than 960 hours in a CalPERS fiscal year. The CalPERS fiscal year begins July 1 and ends on June 30. The tentative first day of employment as a retired annuitant for Ms. Strand is September 8, 2022, subject to CalPERS approval of the executed resolutions.

CONCLUSION:

Staff recommends that the Town Council adopt a Resolution to waive the 180-day wait period and appoint Cherie Avery-Strand to the Interim Permit Technician position while the recruitment for a permanent replacement takes place.

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FISCAL IMPACT:

It is anticipated that the rehire of a retired annuitant will result in overall budget savings given that the retiree will no longer be eligible for benefits related to permanent employment except the Town's contribution to Medicare.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. CalPERS Resolution for a 180-Day Wait Period Exception and Appointment of Cherie Avery-Strand as an Interim Permit Technician.