



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224; and, approve and authorize the City Manager to execute an employment agreement with Valerian Catunao as Part-Time Hazardous Materials Inspector (Staff Contact: Liz Brown, 408-586-3086)
Category:	Leadership and Support Services
Meeting Date:	9/17/2019
Staff Contact:	Deputy Chief/Fire Marshal Albert Zamora, 408-586-3371 Liz Brown, Human Resources Director, 408-586-3086
Recommendation:	Adopt a Resolution authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224; and, approve and authorize the City Manager to execute an employment agreement with Valerian Catunao as Part-Time Hazardous Materials Inspector.

Background:

The California Public Employees Reform Act of 2013 requires a 180-day “wait” period before a retiree can return to work for a public agency; however, the 180-day “wait” period can be waived if: The employer certifies that 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 and not on a consent calendar.

Analysis:

Valerian Catunao, retired Hazardous Materials Inspector has effectively performed his duties for the City of Milpitas for approximately 20 years before his retirement date of July 1, 2019. Staff is currently working on the recruitment plan to fill the Hazardous Materials Inspector vacancy.

Staff is recommending to hire Valerian Catunao on a part-time basis to perform specific duties of the Hazardous Materials Inspector position. Given the need for continuity and for highly trained professionals to perform the duties and responsibilities of this position and the workload within the Fire Prevention Division of the Fire Department, staff recommends hiring Mr. Catunao from September 18, 2019 through June 30, 2020 on a part-time basis (not to exceed 960 hours per fiscal year).

As a retired annuitant working in the capacity of a Hazardous Materials Inspector, Valerian Catunao will assist in the Fire Prevention Division of the Fire Department where his duties will include: Working on the 2019 California Fire Code Adoption Process and applicable Hazardous Materials Chapters, and Local Amendments; Development, training and deployment of the IPAD Inspection platform and application for the Milpitas Fire Engine Company Inspection Program; Upgrade the Fire Prevention Division’s Records Management System (Filemaker Pro); Develop new Program Elements and modify Fire Permit Classifications; Conduct hazardous materials annual operational permit inspections as assigned; Conduct hazardous materials construction permit inspections as assigned; Conduct hazardous materials plan reviews as assigned; Train the new Hazardous Materials Inspector upon hire, and perform other duties as assigned to Hazardous Materials Inspectors.

Included in the Council’s agenda packet is the required resolution to rehire a retiree pursuant to the California Public Employees Reform Act (PEPRA) of 2013, Government Code Sections 7522.56 and 21224 and the employment agreement.

Policy Alternative:

Alternative: To not adopt the resolution authorizing an exception to the 180-day Wait Period in Accordance with the California Government Code Section 7522.56 and 21224 and approve and authorize the City Manager to execute an employment agreement with Valerian Catunao.

Pros: There are no positive reasons to not adopt the resolution, the wages paid to the retired annuitant are cost recovery and received through Development, Fire Construction Permit and Annual Operational Permit Fees.

Cons: The City would not be able to hire a City of Milpitas experienced Hazardous Materials Inspector who is trained and able to immediately conduct Fire Operational Inspections for Fire Construction Permits. The City will continue to fall behind in Fire Construction Permit Inspections along with other Hazardous Materials projects within the Fire Prevention Division of the Fire Department.

Fiscal Impact:

There will be no fiscal impact in approving this resolution as the retired annuitant working as a Hazardous Materials Inspector will be funded through salary savings by vacancies in the Fire Prevention Division of the Fire Department. Funding for the Hazardous Materials Inspector salaries are cost recovery through Development, Fire Construction Permit and Annual Operational Permit Fees.

California Environmental Quality Act:

The action being considered does not constitute a "project" within the meaning of CEQA pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

Recommendation:

Adopt Resolution authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224 and approve and authorize the City Manager to execute an employment agreement with Valerian Catunao effective September 18, 2019 through June 30, 2020 on a part-time basis (not to exceed 960 hours per fiscal year).

Attachments:

Resolution and Exhibit A: Retired Annuitant Employment Agreement