

**Meeting Date:** 7/28/2015

**Report Type:** Consent

**Report ID:** 2015-00705

**Title:** Appointment of Barbara A. Dillon as an Interim Employee under California Government Code Section 21221(h)

**Location:** Citywide

**Recommendation:** Pass a Resolution appointing Barbara A. Dillon as an Interim Employee under California Government Code Section 21221(h).

**Contact:** Ken Cosgrove, Human Resources Manager, (916) 808-7473, Human Resources Department

**Presenter:** None

**Department:** Human Resources

**Division:** HR Administration

**Dept ID:** 08001011

**Attachments:**

1-Description/Analysis

2-Resolution

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**City Attorney Review**

Approved as to Form

Brett Witter

7/23/2015 2:05:28 PM

**Approvals/Acknowledgements**

Department Director or Designee: Ken Cosgrove - 7/23/2015 9:48:41 AM

## Description/Analysis

**Issue Detail:** The current Human Resources Director will retire at the end of July 2015. The City has contracted with CPS HR Consulting to conduct a recruitment to fill the position. While the recruitment is being conducted, the City Manager will appoint Barbara A. Dillon as an Interim Employee in a manner consistent with the Public Employees' Pension Reform Act. (California Government Code Section 21221(h)).

**Policy Considerations:** The Public Employee's Retirement Law (PERL) generally prohibits CalPERS employers from hiring retirees unless they are first reinstated from retirement. An exception to this rule allows local agencies to hire retired annuitants pursuant to Government Code section 21221(h), provided certain key eligibility requirements are satisfied.

Under the Government Code, a retiree may serve without reinstatement when the services of a retiree possessing specialized skills are needed during recruitment for a permanent appointment.

Ms. Dillon served 15 years as the Human Resources Director for the City of Fairfield, retiring from that position in 2012. She is currently a Human Resources consultant who, in recent years, has assisted two area cities as an interim Human Resources Director. In total, she has more than 24 years of experience in labor/employee relations, recruitment and selection, compensation and pay, risk management, organization/employee development, and benefits administration.

Ms. Dillon holds a Master's Degree in Public Administration from the University of Southern California, and a Bachelor's Degree from the University of Pennsylvania.

**Economic Impacts:** None

**Environmental Considerations:** This report concerns administrative activities that will not have any significant effect on the environment, and that do not constitute a "project" as defined by CEQA [CEQA Guidelines Sections 15061(b)(3) and 15378(b)(2)].

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** Ms. Dillon is a CalPERS retiree with specialized skills and the public sector experience needed to facilitate the leadership of the Human Resources Department while the recruitment is conducted for a permanent Director.

**Financial Considerations:** Retirees are restricted to a maximum of 960 hours of work each fiscal year, so Ms. Dillon will not exceed 960 hours in this interim position, and her

hours will be monitored to prevent her from exceeding the maximum hours during the 2015/16 fiscal year.

The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule. The annual salary range for a Human Resources Director in the City of Sacramento is \$ 125,130.00 through \$ 187,695.00. The hourly rate for Ms. Dillon will be \$90.23. Which falls within the council approved salary range.

A retired annuitant shall not receive any benefit, incentive, and compensation in lieu of benefits or other form of compensation in addition to the hourly pay rate.

CalPERS member cities may not hire a retiree if the retiree has collected unemployment during the 12 months preceding the appointment. Ms. Dillon has advised that she has not collected unemployment during the past 12 months.

Funding for the position will be provided by the Human Resources Department operating budget.

**Local Business Enterprise (LBE):** No goods or services are being purchased under this report.

## **RESOLUTION NO. 2015-**

Adopted by Sacramento City Council

### **APPOINTING BARBARA A. DILLON AS A INTERIM EMPLOYEE UNDER CALIFORNIA GOVERNMENT CODE SECTIONS 7522.56 AND 21221**

#### **BACKGROUND**

- A. Barbara A. Dillon retired from the City of Fairfield as the Director of Human Resources effective December 2012.
- B. Under California Government Code section 21221(h), a retired person may serve without reinstatement from retirement or loss of interruption of benefits provided by CalPERS when the retired person fills a vacant position during the recruitment of a permanent appointment, and has specialized skills needed to fill the interim position.
- C. Ms. Dillon has specialized skills and the public sector experience needed to serve as the interim Human Resources Director due to her many years of experience in labor/employee relations, recruitment and selection, compensation and pay, risk management, organization/employee development, and benefits administration.
- D. The annual salary range for a Human Resources Director in the City of Sacramento is \$125,130.00 through \$187,695.00. The hourly rate for Ms. Dillon will be \$90.23. Which falls within that council approved salary range.
- E. Ms. Dillon has attained “normal retirement age” as that term is used in the Government Code and therefore no bona fide separation is required. The retiree has received no retirement incentives.
- F. Ms. Dillon will not work in excess of 960 hours during the current fiscal year.
- F. The City desires to appoint Ms. Dillon to work for the City to provide temporary assistance and it is within the authority of the City Attorney to execute an employment agreement with Ms. Dillon.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Ms. Dillon may be appointed to work for the City pursuant to Government Code section 21221(h) to provide temporary assistance and to perform work of a limited duration.

- Section 2. The appointment shall be effective on August 3, 2015, and will not exceed a total of 960 hours in the 2015/16 fiscal year, regardless of whether the Ms. Dillon works for one or more employers.
- Section 3. Ms. Dillon's sole compensation from the City shall be payable at the rate of \$90.23 and Retiree will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to this hourly pay rate.
- Section 4. The City Manager has authority to execute an employment agreement under the terms as described above.