

Resolution Approving Appointment of Retired Annuitant Prior to Passage of 180-Day Waiting Period

City Council
February 6, 2024
ITEM 7-B



BACKGROUND

- **Generally, the Public Employment Retirement Law (PERL) requires that a retiree from a CalPERS agency serve a 180-day waiting period prior to returning to work as a retired annuitant.**
- **Exception can be made if the governing body of the agency adopts a non-consent calendar resolution at a public meeting finding:**
 1. The retiree is needed to perform critically needed duties prior to the expiration of the waiting period;
 2. The retiree has not received a golden handshake or any other form of retirement related incentive;
 3. The resolution is not placed on the consent calendar;
 4. Employment of the retiree is limited to 960 hours per fiscal year;
 5. The compensation paid to the retiree is not less than the minimum nor more than the maximum monthly base salary paid to other employees performing comparable duties.



BACKGROUND

- **Alameda Municipal Power (AMP) is seeking to hire Robert Orbeta, retired annuitant prior to the expiration of the 180-day waiting period.**
- **Mr. Orbeta retired from his position as Assistant General Manager of Administration with AMP effective February 2, 2024.**
- **AMP seeks to rehire Mr. Orbeta effective February 11, 2024.**
- **All requirements for exception to the 180-day waiting period for Mr. Orbeta have been met:**
 1. Mr. Orbeta is needed to perform critically needed duties related to FY 25 budget preparation, negotiation with PG&E, and support of AMP's position on aging facilities with NCPA.
 2. Mr. Orbeta has not received a golden handshake or any other form of retirement related incentive;
 3. Mr. Orbeta's employment will be limited to 960 hours per fiscal year;
 4. Mr. Orbeta's compensation has been set at \$105.32 per hour which is not less than the minimum not more than the maximum monthly base salary paid to other employees performing comparable duties;
 5. Resolution to approve exception to the 180-waiting period for Mr. Orbeta was not placed on the consent calendar.



Staff Recommendation

Adopt a resolution approving the appointment of retired annuitant Robert Orbeta to the position of Administrative Specialist III with AMP and certifying that the appointment is necessary to fill a critically needed position before the passage of 180 days following the date of Mr. Orbeta's retirement, in accordance with Government Code Sections 7522.56 and 21224.

