

CITY OF SAN MATEO
RESOLUTION NO. ____ 2023

WAIVING THE 180 DAY SIT-OUT PERIOD FOR A RETIRED ANNUITANT FOR THE POLICE DEPARTMENT

WHEREAS, the State Legislature adopted AB 340 in order to implement comprehensive pension reform through the enactment of the California Employees' Pension Reform Act of 2013 (PEPRA); and

WHEREAS, PEPRA applies to all public employers that participate in the California Public Employees Retirement System (PERS) on or after January 1, 2013; and

WHEREAS, California Government Code section 7522.56, as enacted in PEPRA, requires newly retired persons to sit out for at least 180 days before returning to work for an employer in the same retirement system in which they receive a retirement allowance; and

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WHEREAS, an exception can be made if the City Council certifies that the nature of the employment and the appointment is necessary to fill a critically needed position and the 180 days has not yet passed; and

WHEREAS, Michelle Licata (Licata) has been employed by the City for approximately 25 years and serves as a Records Specialist for the Police Department; and

WHEREAS, Licata will retire from City service on November 30, 2023, and will not be accepting a retirement incentive upon retirement; and

WHEREAS, Licata has extensive knowledge of the complex work required in the Records Unit of the Police Department; and it is critical that she train her replacement in the many intricacies of this work supporting the Department; and

WHEREAS, the Police Department is currently in the midst of several critical projects which require the continued participation and expertise provided by Licata including digitizing all warrants; working with the Courts to recall erroneous warrants; and updating the Public Records Act request process to streamline record release. It is essential that Licata continue to provide her expertise to these critical projects.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES that:

1. This action is not a project subject to CEQA, because it is an organizational administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)
2. The City Council certifies that the employment of Michelle Licata is necessary to provide critically needed duties, and the 180 day sit-out period, pursuant to Government Code section 7522.56 has not yet passed.
3. Michelle Licata shall be employed as a Police Records Specialist II at \$38.74, the current hourly base rate for that position, and no other compensation or benefits shall be provided.

4. Michelle Licata shall work on a temporary and sporadic basis, depending on the needs of the Police Department, but shall not work more than 960 hours.
5. Michelle Licata is authorized to be hired as a retired annuitant pursuant to this Resolution from January 6, 2024 through December 31, 2024.
6. Michelle Licata has certified in writing that she did not, during the 12-month period preceding the reemployment date of January 6, 2024, receive unemployment insurance arising from prior employment with the City.
7. This Resolution was adopted at a properly noticed public meeting and was not placed on the consent calendar, in compliance with Government Code section 7522.56(F)(1).
8. This Resolution shall be effective immediately upon its adoption.