



**CITY OF SALINAS  
COUNCIL STAFF REPORT**

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**DATE:** November 14, 2023  
**DEPARTMENT:** HUMAN RESOURCES  
**FROM:** Marina Horta-Gallegos, Director  
**TITLE:** EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD

RECOMMENDED MOTION:

A motion for a Resolution approving an exception to the 180-day wait period for hiring retired CalPERS member Manuel Martinez as Interim Chief of Police.

EXECUTIVE SUMMARY:

Staff recommend that the City Council approve the Resolution for an exception to the 180-day wait period for hiring a retired annuitant as an Interim Chief of Police pursuant to Government Code sections 7522.56, 21221 and 21224.

BACKGROUND:

The Public Employees' Pension Reform Act of 2013 (PEPRA) made substantial changes to the public employee pension laws in California. One of those changes required retired annuitants to be separated from employment for at least 180 days before returning to work for an employer in the same retirement system from which they receive a pension. An exception may be made if the governing body adopts a resolution to waive the waiting period for separation. The waiver allows an employer to hire a retired annuitant to perform work of limited duration, such as the elimination of backlogs, limited term special projects, and work that is in excess of what regular staff can reasonably perform.

Police Services has a number of vacancies and anticipates another vacancy with the upcoming retirement of Assistant Chief of Police Manuel Martinez. The City is temporarily in need of a qualified person to perform the duties of Chief of Police on a limited term basis while Chief of Police, Roberto Filice, is out of the office between December 19, 2023, and January 11, 2024. Manuel Martinez will be appointed acting Chief of Police, effective December 19, 2023, until his retirement on December 30, 2023, at which time he will then be appointed Interim Chief of Police as a retired annuitant until January 11, 2024.

As a retired annuitant, Mr. Martinez will be limited to no more than 960 work hours per fiscal year.

CEQA CONSIDERATION:

*Not a Project.* The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

The proposed action meets the Effective and Culturally Responsive Government Council goal.

DEPARTMENTAL COORDINATION:

The Human Resources Department coordinated with Police Services.

FISCAL AND SUSTAINABILITY IMPACT:

No impact on the approved fiscal year operating budget is anticipated.

ATTACHMENTS:

Resolution  
Appointment Letter  
Salary Schedule

**A RESOLUTION APPROVING EXCEPTION TO THE 180-DAY WAITING PERIOD TO HIRE A CALPERS RETIRED ANNUITANT IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56, 21221 AND 21224**

**WHEREAS**, in compliance with Government Code Section 7522.56, the City of Salinas must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Manuel Martinez, CalPERS ID 6494397543, will retire from the City of Salinas, Police Services, from the position of Assistant Chief of Police, effective December 30, 2023; and

**WHEREAS**, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 28, 2024, without this certification;

**WHEREAS**, Section 7522.56 provides that this exception to the 180-day waiting period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the City of Salinas and Manuel Martinez certify that Manuel Martinez has not and will not receive a Golden Handshake or any other retirement related incentive; and

**WHEREAS**, the City Council/City of Salinas hereby appoints Manuel Martinez as an extra-help retired annuitant to perform duties of a Chief of Police, for the City of Salinas Police Services under Government Code Section 21224 and 21221(g), effective December 30, 2023;

**WHEREAS**, the entire employment agreement, contract or appointment document between Manuel Martinez and the City of Salinas has been reviewed by this body and is attached herein; and

**WHEREAS**, no matters, issues, terms, or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the maximum base salary for this position currently is \$19,302 and the hourly equivalent is \$111.3580, and the minimum base salary for this position currently is \$15,123 and the hourly equivalent is \$87.2492; and

**WHEREAS**, the hourly rate paid to Manuel Martinez will be \$108.1763; and

**WHEREAS**, Manuel Martinez has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**THEREFORE, BE IT RESOLVED THAT** the City Council hereby certifies the nature of the appointment of Manuel Martinez as described herein and detailed in the attached appointment document and that his appointment is necessary to fill the critically needed position of Chief of Police for the City of Salinas by December 30, 2023, and through January 11, 2024.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of November 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Kimbley Craig, Mayor

ATTEST:

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Patricia Barajas, City Clerk