



# City of Rialto

## Legislation Text

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For City Council Meeting [April 24, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

FROM: Lucy M. Garcia, Director of Human Resources & Risk Management

Request City Council to Adopt **Resolution No. 7328** Appointing an Interim Police Captain and Approve the Employment Agreement with Raul Martinez.

**(ACTION)**

**BACKGROUND:**

On April 10, 2018, staff requested Council approval to proceed with the recruitment of a Police Captain. One of two Police Captains has announced his intent to retire on May 12, 2018, leaving the City with an immediate need for a seasoned professional to serve as Interim Police Captain while the City conducts its open recruitment to formally and permanently fill the vacancy.

Mr. Raul Martinez, former Police Captain in Rialto, and former Police Lieutenant in Baldwin Park and Acting Police Lieutenant and Sergeant in Rialto, with over twenty-one years' experience as a police officer, is available to assist the City in an interim capacity. Mr. Martinez possesses extensive experience in the field of police work including command, administration and reporting, crime prevention and patrol, property and evidence, community relations, grants, records, communications, traffic, animal control, internal affairs and investigations.

Mr. Martinez is a retiree under the California Public Employees' Retirement System (CalPERS). In that regard, to remain retired, Mr. Martinez can only work for Rialto -- a CalPERS employer -- pursuant to a retired annuitant appointment and related restrictions including work limited to 960 hours in a fiscal year and compensation at the hourly rate of a regular employee in the same capacity.

In addition, CalPERS requires the City have an active recruitment for the permanent Police Captain position, as stipulated in Government Code Section 21221(h), which reads in part: "A retired person may serve without reinstatement from retirement or loss or interruption of benefits as provided by... (h) Upon interim appointment by the governing board of a contracting agency to a vacant position *during recruitment for a permanent appointment* and deemed by the governing body to require specialized skills or during an emergency to prevent the stoppage of public business..." Rialto's recruitment for the Police Captain was published the week of April 16, 2018, just prior to the retired annuitant's appointment of Interim Police Captain.

The appointment of Raul Martinez as Interim Police Captain is in best interest of the City. The appointment allows for continuity, leadership, and minimizes disruption to vital Police services and

command while the City transitions to a new permanent Police Captain. Under Government Code Section 21221(h), an agreement with Mr. Martinez -- a CalPERS retiree -- must be adopted by resolution of the City Council. Mr. Martinez can only be appointed once to the vacant position.

### **ANALYSIS/DISCUSSION:**

The proposed terms of the labor agreement with Mr. Martinez provide the following:

**LIMITED TERM:** The appointment shall be limited from May 14, 2018 to May 13, 2019 (or less depending on when the permanent Police Captain is hired).

**COMPENSATION:** As the Interim Police Captain, the hourly rate shall be \$71.84 (the equivalent of \$12,452 per month if working 40 hours per week). This is the highest step of the current Rialto compensation schedule for the Police Captain. There shall be no benefit, incentive, compensation in lieu of benefits, or other forms of compensation in addition to the hourly pay rate.

**960 HOUR LIMIT:** The hours worked will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined.

**UNEMPLOYMENT INSURANCE:** Mr. Martinez will warrant that he has not received unemployment insurance payments in the last 12 months for previous retired annuitant work with any other CalPERS employer.

**EMPLOYMENT SCHEDULE.** The schedule shall be flexible up to 40 hours per week during the first several weeks to allow the Interim Police Captain to properly assess operations and address priorities.

**VEHICLE AND EQUIPMENT:** The Interim Police Captain shall be furnished with a vehicle, uniform, and equipment (as needed) to carry out the functions of the job.

**ENROLLMENT IN MYCALPERS SYSTEM:** Mr. Martinez will be enrolled as a retired annuitant and the pay-rate with hours worked will be reported in the myCalPERS system. No retirement contributions are reported by the City for retired annuitants.

### **ENVIRONMENTAL IMPACT:**

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA) Guidelines. A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Pursuant to Section 15378 (b)(5) a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved this staff report and its attachments, including the summary of CalPERS restrictions.

**FINANCIAL IMPACT:**

The net costs to the City from the appointment of the Interim Police Captain are \$71.84 per hour, as specified in the agreement. If working the full 960 hours per fiscal year, the costs shall not exceed \$68,966 in a fiscal year. The current Police Captain will retire; therefore, savings from the vacancy will fully offset the costs expected with the retired annuitant.

**Operating Budget Impact**

This action has no impact.

**Capital Budget Impact**

This action has no impact.

**RECOMMENDATION:**

Staff recommends that the City Council Approve the Resolution appointing Raul Martinez as the Interim Police Captain and approve the Employment Agreement.