



RESOLUTION FOR APPROVAL OF JEFFREY KOLIN AS AN EXTRA HELP TEMPORARY EMPLOYEE TO SERVE AS ACTING CITY MANAGER

City Council Meeting
May 25, 2021

Amy Reeve,
Director of Human Resources

Background

- City Manager Sean McGlynn has announced his resignation, effective June 28, 2021.
- The City will be conducting an extensive open recruitment for his replacement. It is anticipated that the recruitment could take six months or more.
- To ensure a smooth transition and uninterrupted City operations, the Council has appointed Jeffrey Kolin as Interim City Manager to serve in the position until a new permanent City Manager is found.

Background

- Mr. Kolin is a CalPERS retired annuitant and his employment as Interim City Manager is therefore governed by CalPERS regulations.
- Mr. Kolin's appointment as Interim City Manager was made pursuant to Government Code section 21221(h), which permits the hiring of a CalPERS retired annuitant to a vacant position while a recruitment for a permanent placement is underway.
- Section 21221(h) applies, however, only upon vacancy of the position.

Analysis

- Although Mr. McGlynn's last day with the City will be June 28, 2021, he intends to be out of the office on vacation for the period May 29, 2021 to June 28, 2021.
- To provide continuity in critical City Manager services during that absence, the City seeks to appoint Mr. Kolin as Acting City Manager pursuant to Government Code section 21224, which permits the hiring of a CalPERS retired annuitant when specialized skills are needed in performing work of limited duration.

Analysis

- As a CalPERS retired annuitant, Mr. Kolin is subject to limitations imposed by section 21224 as well as other CalPERS rules and regulations. These limitations include:
 - The appointment must be of limited duration.
 - The appointment must have a beginning date and an end date.
 - Compensation shall not exceed the maximum monthly base salary paid to other employees performing comparable dues divided by 173.333 to equal an hourly rate.
 - The retiree shall not receive any benefit, incentive, compensation in lieu of benefits or other form of compensation in addition to the hourly pay rate.
 - The retiree shall not work more than 960 hours each fiscal year for CalPERS employers, except as otherwise provided by Gubernatorial emergency declaration.

Temporary Employee Policy

- The appointment will also be made in compliance with the City's Extra Help Temporary Employee policy.
- The City uses Temporary Employees, specifically Extra Help employees, to relieve or augment regular staff on a continuous basis for a period not to exceed six (6) months without a substantial break in service. Examples of the use of Extra Help employees include, but are not limited to: vacation, pregnancy and disability leave relief, and short term assignments to assist a department with a temporary increase in workload that is too great to be dealt with expeditiously by regular employees of the department.

Temporary Employee Policy

- Temporary employment is of a limited duration, is at-will and is not governed by the Personnel Rules and Regulations. The employee is not eligible for City benefits, does not hold a City Council budgeted position and is not considered a member of CalPERS, unless the employee works 1000 hours or more in a fiscal year or is a member of CalPERS from prior employment. Further limitations of hours to 960 hours per fiscal year are governed by CalPERS and, as noted above, apply to Mr. Kolin as a CalPERS annuitant.

Acting CM / Interim CM

- Although the City's Assistant City Managers often serve in brief assignments as Acting City Manager, the Assistant City Managers are not currently available for an extended assignment due to urgent pending workloads.
- In ensure continuity of critical City Manager services, it is recommended that Council approve hiring Mr. Kolin as an Extra Help Temporary Employee as Acting City Manager for the period of May 29, 2021 through June 28, 2021.
- Upon vacation of the position by Mr. McGlynn on June 28, 2021, Mr. Kolin will transition to his appointed Interim City Manager position.

Salary Plan

- Jeffrey Kolin would be paid \$106.82 as an Extra Help Temporary Employee as Acting City Manager.
- A temporary classification for Extra-Help City Manager does not currently exist.
- Amendments to the City's Salary Plan and Schedule require City Council approval.
- Staff recommends adding the temporary classification of Extra-Help Acting City Manager with an hourly salary of \$106.82 to the City's Salary Plan and Schedule.

Recommendation

It is recommended that the Council: 1) by motion, find good cause, under the Early Agenda Policy and the Open Government Ordinance, to consider this item, notwithstanding that the item did not appear on the preliminary agenda; 2) by resolution, approve Jeffrey Kolin to be hired as an Extra Help Temporary Employee to the position of Acting City Manager from May 29, 2021 through June 28, 2021; and 3) amend the City's Salary Plan and Schedule to add the temporary classification of Extra-Help Acting City Manager with an hourly salary of \$106.82.

Questions?