

**RESOLUTION NO. 23-9184**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,  
FOR EXCEPTION TO THE 180-DAY WAITING PERIOD TO HIRE A  
RETIRED ANNUITANT AS A TEMPORARY EXTRA HELP  
EMPLOYEE (GOVERNMENT CODE SECTIONS 7522.56 AND  
21224)**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

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

**WHEREAS**, Kurt Tomaro (CalPERS ID 1604292104) retired from the City of Santa Clara in the position of Electric & Water Systems Operator - Certified in the Silicon Valley Department, effective December 27, 2022;

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 25, 2023, without this certification resolution;

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

**WHEREAS**, the City of Santa Clara and Kurt Tomaro certify that Kurt Tomaro has not and will not receive a Golden Handshake or any other retirement-related incentive;

**WHEREAS**, the City of Santa Clara hereby appoints Kurt Tomaro as an extra help retired annuitant to perform the critically needed duties of Temporary Employee for the City of Santa Clara under Government Code section 21224, effective January 11, 2023;

**WHEREAS**, the entire employment agreement, contract or appointment document between the City of Santa Clara and Kurt Tomaro has been reviewed by this body and is attached herein;

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

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

**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;

**WHEREAS**, effective December 25, 2022, the maximum hourly salary rate for the Temporary Employee position is \$214.06, and the minimum hourly equivalent is \$17.20;

**WHEREAS**, the hourly rate paid to Kurt Tomaro will be \$102.85; and

**WHEREAS**, Kurt Tomaro 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.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS**

**FOLLOWS:**

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1. The City of Santa Clara hereby certifies the appointment of Kurt Tomaro and that this appointment is necessary to fill the critically needed position of Temporary Employee for the City of Santa Clara by January 11, 2023. The retired annuitant was the Electric & Water Systems Operator for the City of Santa Clara and will be rehired performing the comparable duties of the Electric & Water Systems Operator classification. The City would like to rehire Kurt Tomaro to operate and control the City of Santa Clara's Electric and Water control systems. It is SVP's desire to rehire him to assist with filling vacant shifts and helping to train and mentor new Electric & Water Systems Operator's while on shift on a part-time basis.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 10<sup>TH</sup> DAY OF JANUARY, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Tomaro, Kurt – Offer Letter



January 3, 2023

Kurt Tomaro

[REDACTED]  
San Jose, CA 95125

Dear Kurt,

Congratulations! This is to confirm our offer of employment for the As-Needed position of Temporary Employee (Electric & Water System Operator - Certified) in the Silicon Valley Power Department with the City of Santa Clara.

Below are a few key provisions for your offer of employment:

- **Effective Date:** Wednesday, January 11, 2023
- **Salary:** Your hourly pay rate is \$102.85 per hour.
- **Employment Status:** As-Needed employment is not to be considered permanent. This is an “at-will” position and hours in any given week is not guaranteed. Under CalPERS regulations and the City of Santa Clara practices, As-Needed retired annuitants are not permitted to work more than 960 hours per fiscal year (July 1 through June 30). If you reach 960 hours during the fiscal year, your assignment will end. As-Needed employees will be enrolled in PARS retirement system in lieu of participation in CalPERS and Social Security. However, if you have been previously employed by a CalPERS employer and have funds on deposit with CalPERS, you will be enrolled in CalPERS and Social Security upon your first date of As-Needed employment with the City of Santa Clara.
- **New Employee Orientation (NEO):** You are required to attend virtual NEO with the Human Resources Department to continue your employment. You have been scheduled to attend on:
  - Wednesday, January 11, 2023 at 3:30PM
  - Zoom Meeting: <https://santaclaraca.zoom.us/j/89928367479>
    - Meeting ID: 899 2836 7479
- **Form I-9 Employment Eligibility Verification:** All new employees are required to show documentation which proves their identity and their eligibility to work in the United States. A list of acceptable documentation can be found at <http://uscis.gov/i-9-central/acceptable-documents>. **Please bring I-9 employment verification identification with you on your first day of employment; original documents are required.** This verification must be completed in person at the Human Resources Department within the first 3 days of your employment start date. If this

is not completed within the deadline, you will be ineligible to work until you have completed your I-9 verification.

Please sign and date this offer letter and return it to me by Friday, January 6, 2023. If you have questions, please contact the Human Resources Department at (408) 615-2080.

Sincerely,



Aracely Azevedo  
Director of Human Resources

I accept the terms and conditions of my employment with the City of Santa Clara.

\_\_\_\_\_

Kurt Tomaro

Date: \_\_\_\_\_