

RESOLUTION NO. 22-9050

**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, Mark Balderston (CalPERS ID 2655335982) retired from the City of Santa Clara in the position of Electric Utility Electrician Technician, effective December 18, 2021;

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 18, 2022, 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 Mark Balderston certify that Mark Balderston has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, the City of Santa Clara hereby appoints Mark Balderston 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 27, 2022;

WHEREAS, the entire employment agreement, contract or appointment document between the City of Santa Clara and Mark Balderston 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, divided by 173.333 to equal the hourly rate;

WHEREAS, effective December 26, 2021, the maximum monthly base salary for the Consultant position is \$34,666.66 and the hourly equivalent is \$200.00, and the minimum monthly base salary for this position is \$2,842.66 and the hourly equivalent is \$16.40;

WHEREAS, the hourly rate paid to Mark Balderston will be \$84.76; and,

WHEREAS, Mark Balderston 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:

1. The City of Santa Clara hereby certifies the appointment of Mark Balderston and that this appointment is necessary to fill the critically needed position of Temporary Employee for the City of Santa Clara by January 27, 2022. The retired annuitant was the former Electric Utility Electrician Technician for the City of Santa Clara and will be rehired performing the comparable duties of the Electric Utility Electrician Technician classification. The City would like to rehire Mark Balderston as an extra help to assist with complex relay technician projects and training on a part-time basis. This position will provide critical work and training on the Silicon Valley Power relay protective system as the City recruits to fill the vacancy.

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

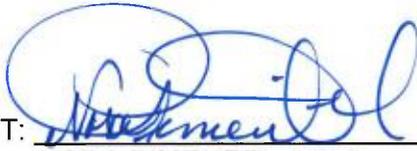
I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 25TH DAY OF JANUARY, 2022, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and 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. Mark Balderston Offer Letter



January 15, 2022

Mark Balderston



Dear Mark:

Congratulations! This is to confirm our offer of employment for the As-needed position of Temporary Employee (Electric Utility Electrician Technician) in the Electric Department with the City of Santa Clara. This appointment is pursuant to the City Council Resolution for Exception to the 180-Day Waiting Period to Hire a Retired Annuitant as a Temporary Extra Help Employee (Government Code Section 7522.56 and 21224).

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

- **Effective Date:** Thursday, January 27, 2022
- **Salary:** As approved by the resolution, your hourly pay rate is \$84.76 per hour.
- **Employment Status:** As-needed employment is not to be considered permanent. Under CalPERS regulations and the City of Santa Clara practices, as-needed rehired 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. 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 Hire Orientation:** New hire orientation will be conducted via Zoom. All 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.**

Please sign and date this offer letter and return it to me by January 26, 2022. If you have questions, please contact the Human Resources Department at (408) 615-2080.

Sincerely,



Ashley Lancaster
Human Resources Division Manager

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

Mark Balderston

Date

cc: Chris Karwick, Assistant Director of Electric Utilities