

AGENDA ITEM

113 JULY 2015

DATE: July 23, 2015

TO: Members, Board Executive Committee
Members, Board of Trustees

FROM: Robert A. Hawley, Acting Executive Director

SUBJECT: Exception to the CalPERS 180 Day Wait Period to Contract with Retiree

EXECUTIVE SUMMARY

To comply with California Public Employee Retirement System (CalPERS) requirements, Board action is required to authorize the State Bar to contract with a former employee retired under CalPERS, within six (6) months of retirement. Gina Crawford, currently Director Administration Admissions is retiring July 31, 2015. As part of her job, she has administered the grading of the bar exam for the past 20 years. Her retirement creates the need to replace the skills she performed in the grading process. The State Bar is seeking interim short term assistance in this area. Among those who may fill this need is Gina Crawford herself. The State Bar *may* contract with her after her retirement. This item authorizes the State Bar to contract for these skills after her retirement to assist with grading the July 2015 bar exam.

BACKGROUND

The State Bar of California participates in CalPERS retirement system. A CalPERS retiree can contract back to work for the former employer as a retired annuitant. However, under pension reform standards (see Government Code section 7522.56 and 21224), the retired individual to be contracted with must meet the following standards:

1. The individual must have specialized skills needed to perform work of limited duration;
2. The individual cannot work more than 960 hours in a fiscal year (July 1 – June 30);
3. The contracted compensation rate cannot be less than the minimum nor exceed the maximum paid to other employees, if any, performing comparable duties;
4. Compensation must be limited to maximum rates set forth above and not take the form of other benefits not captured in the compensation rates;
5. The individual cannot have received unemployment insurance benefits for prior retired annuitant work;
6. The individual cannot be employed as a retired annuitant within six (6) months following retirement unless the governing Board of the contracting entity certifies as set forth in the proposed resolution, which must be filed with CalPERS;
7. The individual must be the normal retirement age or older at the time of retirement.

Gina Crawford has served as Director of Administration Admissions since February, 2006. She was employed by the State Bar in 1986. Her entire career at the State Bar has involved the grading process for the California Bar Exam. She is retiring July 31, 2015. Her position as Director of Administration will be reconfigured and/or replaced. However, after her departure, her unique knowledge and skills regarding the grading process for the California Bar Exam will continue to be in demand. Because of her retirement, the State Bar has posted and is seeking contract assistance with the administration of the grading process. This posted position is only a portion of what Gina Crawford performed as Director of Administration for Admissions.

Crawford is potentially the most qualified to administer the grading process on an interim basis. The State Bar is considering the possibility that Gina Crawford will be selected as the individual to contract with to obtain the assistance that we need regarding the administration of the grading process. There is no final decision on this. The contract position is posted. Because of CalPERS restrictions on contracting with a retiree, the Office of Admissions is seeking the Board's authority, as required by CalPERS, to contract with Gina Crawford as a retired annuitant in case she is the individual ultimately selected.

The State Bar is not seeking the authority to contract with her for sure, but to have the authority to do so in the event that she is selected to fill this need.

Crawford has specialized skills necessary to the successful grading of the Bar Examination. The terms of retention to perform these duties are as set forth in Attachment A. The resolution recommended for this Board is set forth in Attachment B.

DISCUSSION

As noted above, Gina Crawford is possibly the individual the State Bar will contract with after her retirement to assist with grading the July Bar Exam which will be administered the end of July, 2015. In the event that Gina Crawford is selected for this purpose, the Board needs to authorize the State Bar to do so. This item seeks that authority in the event that Gina Crawford is selected as the individual to provide this contract assistance.

Gina Crawford has individualized specialized skills relevant to the grading administration process, which is of limited duration. It is not anticipated that this work will exceed 960 hours for the fiscal year. The position is being advertised at \$50.00 per hour. There is currently no State Bar position of a similar nature. This rate is less than the salary rate that Gina Crawford had in her director position prior to retirement. This is within the range of a Grade 9 technician, which is the appropriate skill level for this position.

If Gina Crawford is selected, the employment would occur within six (6) months following retirement and therefore requires the governing Board of the contracting entity to certify as set forth in the resolution that the Board is requested to adopt. Gina Crawford will be at the fully qualified normal retirement age at the time of retirement therefore further requirements that address the situation where someone is under the normal retirement age do not apply.

The form agreement retaining the individual is Attachment A. This is not an agreement with Gina Crawford. This is the agreement that will be utilized with anyone selected including the possibility of Gina Crawford, if selected.

The resolution that the Board is requested to adopt is Attachment B.

FISCAL/PERSONNEL IMPACT

Within existing budget.

RULE AMENDMENTS

None.

BOARD BOOK IMPACT

None.

BOARD COMMITTEE RECOMMENDATIONS

The Board Executive Committee recommends that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees adopts the resolution, Attachment B.

ATTACHMENT(S) LIST

- A.** Proposed Standard Limited Term Employment Terms
- B.** CalPERS Resolution