

## **Attachment B**

### **RESOLUTION September 21, 2015**

#### **RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD GC sections 7522.56 and 21224**

WHEREAS, in compliance with Government Code section 7522.56 The State Bar of California Board of Trustees must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Robert A. Hawley (CalPERS ID #xxxxxxx0207) is leaving The State Bar of California in the position of Deputy Executive Director, and is retiring from CalPERS effective October 1, 2015; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 1, 2016 without this certification resolution; and

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; and

WHEREAS, The State Bar of California Board of Trustees, The State Bar of California and Robert A. Hawley, certify that Robert A. Hawley has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, The State Bar of California seeks to appoint Robert A. Hawley as an extra help retired annuitant to perform duties necessary to the operations for The State Bar of California under Government Code section 21224, effective in October 1, 2015; and

WHEREAS, the entire agreement, contract or appointment document for this assignment has been reviewed by this body and is attached herein. This position is not the same from which Robert A. Hawley is retiring. It is more narrowly focused upon the overall operation of the State Bar;

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

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

WHEREAS, the compensation paid to the retiree is not less than the minimum (\$12,840) nor exceeds the maximum (\$18,901) monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for the Grade 59 Executive position from which Hawley is retiring is \$18,901 per month and the hourly equivalent based on the State Bar's 36.25 hour week is \$120.00. The minimum base salary for the Grade 59 Executive position from which Hawley is retiring is \$12,840 per month and the hourly equivalent based on the State Bar's 36.25 hour week is \$81.74. The hourly equivalent wage for the assignment here is \$110 per hour within the range of a Grade 59 Executive. The duties of the position are less than the position held before retirement.

WHEREAS, the hourly rate paid to Robert A. Hawley will be \$110 per hour; and

WHEREAS, Robert A. Hawley 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; and

THEREFORE, BE IT RESOLVED THAT The State Bar of California Board of Trustees hereby certifies the nature of the appointment as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position and duties for The State Bar of California beginning October 1, 2015 because the performance of the duties are necessary to operation of the State Bar; after retirement no one is on staff to perform these duties; this anticipates that Robert A. Hawley will be contracted to fill the position.