

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, Denise Teraoka (CalPERS ID #xxxxxxx4444) retired from The State Bar of California in the position of Senior Administrative Assistant, effective July 2, 2015; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is January 3, 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 Denise Teraoka, certify that Denise Teraoka has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, The State Bar of California may appoint Denise Teraoka as an extra help retired annuitant under Government Code section 21224 to perform duties necessary to the funding review of State Bar Trust Fund IOLTA programs for The State Bar of California for a period of limited duration. The regular position is under recruitment. This anticipates that Denise Teraoka will be selected to perform necessary duties of the position on a limited duration basis during the time period before the position is filled; and

WHEREAS, the entire employment agreement, contract or appointment document for this assignment has been reviewed by this body and is attached herein. This position is not the same Grade 8 Senior Administrative Assistant position from which Denise Teraoka is retiring. It is a portion of the duties she previously performed. The regular position is under recruitment; and

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 to be paid to the retiree is \$40.00 per hour which annualizes at the State Bar's \$36.25 hour work week to \$6,283 per month. This is not less than the minimum (\$5,457 per month) nor exceeds the maximum (\$7,201 per month) monthly base salary paid to other employees performing comparable duties at Grade 8, divided by 173.333 to equal the hourly rate; and

WHEREAS, the minimum base salary for the Grade 8 Bargaining Unit position from which Teraoka retired is \$5,457 per month and the maximum base salary for the Grade 8 Bargaining position from which she retired is \$7,201 per month. The hourly rate of \$40.00 is within the range of a Grade 8 Senior Administrative Assistant. The duties of the position are less than the position held before retirement.

WHEREAS, the hourly rate paid to Denise Teraoka will be \$40.00 per hour; and

WHEREAS, Denise Teraoka 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 in October 2015 because the performance of the duties are necessary to the timely funding review of IOLTA programs for Trust Fund funding; there is insufficient staff to perform these duties; the regular position is under recruitment and this anticipates that Denise Teraoka will be selected to fill the a portion of the duties under recruitment on a limited duration temporary basis.