



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 706 SEPTEMBER 2020**

**DATE:** September 24, 2020

**TO:** Members, Board of Trustees

**FROM:** Michelle Cramton, Clerk of the State Bar Court  
Jay Lee, Assistant General Counsel

**SUBJECT:** Exemption to CalPERS 180-Day Wait Period in Order to Appoint Jenice Housman as Retired Annuitant under Government Code section 21224

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### **EXECUTIVE SUMMARY**

Jenice Housman will retire from the State Bar of California and her legal secretary position on November 17, 2020 after more than eight years with the State Bar Court (SBC). During this time, SBC judges have come to value Ms. Housman's skills as a proofreader and copyeditor of their legal opinions. SBC wishes to retain Ms. Housman's unique skills and have her provide extra help to SBC after her retirement. To comply with California Public Employee Retirement System (CalPERS) requirements, Board of Trustees action is required to certify that there is a critical need to appoint a recently retired State Bar employee as a retired annuitant before six months has passed from that individual's retirement date.

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### **BACKGROUND**

The State Bar of California participates in the CalPERS retirement system. CalPERS retirees can be hired to work as retired annuitants if they meet certain statutory conditions. (Government Code sections 7522.56 and 21224.) However, CalPERS retirees are prohibited from working as retired annuitants within the first 180 days after their retirement date unless the governing body of a public agency passes a resolution in public session certifying that the CalPERS retiree has unique skills and that there is a critical need to appoint them within the first 180 days of retirement.

## **DISCUSSION**

Over the past eight years, Ms. Housman has gained unique insight into the judicial writing styles preferred by SBC judges. In addition, Ms. Housman has outstanding proofreading and copyediting skills that SBC values. Having Ms. Housman provide extra help as a retired annuitant by proofreading and copyediting judicial opinions for up to 20 hours per week will allow SBC legal secretaries to focus on other critical tasks such as calendaring, filing, and data processing.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

None - core business operations

## **RECOMMENDATIONS**

**Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:**

**RESOLVED**, that the Board of Trustees adopts the resolution set forth in Attachment A and appoints Jenice Housman as a retired annuitant.

## **ATTACHMENT(S)**

**A.** CalPERS Resolution

**RESOLUTION  
SEPTEMBER 24, 2020**

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD  
GC SECTIONS 522.56 and 21224**

**WHEREAS**, in compliance with Government Code sections 7522.56 and 21224, The State Bar of California Board of Trustees must provide CalPERS this certification resolution when hiring retirees before 180 days has passed since their retirement date; and

**WHEREAS**, Jenice Housman will retire under CalPERS as a Legal Secretary II effective November 17, 2020; and

**WHEREAS**, Government Code sections 7522.56 and 21224 prohibit the appointment of a CalPERS retiree as a retired annuitant earlier than 180 days after their retirement date without a certification resolution, such as this; and

**WHEREAS**, Government Code sections 7522.56 and 21224 provide that a certification resolution will not waive the 180-day wait period if the retiree has received any unemployment insurance benefits; and

**WHEREAS**, Ms. Housman certifies that she has not and will not receive any unemployment insurance benefits; and

**WHEREAS**, The State Bar of California Board of Trustees and the State Bar of California certify that there is a critical need to hire Ms. Housman as a retired annuitant on December 1, 2020, which is within 180 days of her November 17, 2020, retirement date; and

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

**WHEREAS**, the appointment as a retired annuitant shall be limited to 960 hours per fiscal year; and

**WHEREAS**, the compensation paid to the retiree is equal to the monthly base salary (\$7,141.92) paid to State Bar employees performing comparable duties (Legal Secretary IIs), divided by 173.333 to equal the hourly rate; and

**WHEREAS**, Ms. Housman will work 20 hours a week as a retired annuitant at the hourly rate of \$41 per hour; and

## **ATTACHMENT A**

**WHEREAS**, Ms. Housman has not and will not receive any other benefit, incentive, or compensation in lieu of benefits 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 that this appointment is necessary to perform critically needed duties for the State Bar of California beginning December 1, 2020.