



The State Bar of California

OPEN SESSION AGENDA ITEM 707 NOVEMBER 2023

DATE: November 16, 2023

TO: Members, Board of Trustees

FROM: Ellin Davtyan, General Counsel
Jean Krasilnikoff, Assistant General Counsel

SUBJECT: Approval of Exception to CalPERS 180-Day Wait Period for Appointment of Linda Knitter as a Retired Annuitant under Government Code Section 21224

EXECUTIVE SUMMARY

To comply with the California Public Employee Retirement System (CalPERS) requirements, Board of Trustees action is required to waive the 180-day waiting period for the State Bar to appoint a former employee retired under CalPERS as a retired annuitant within 180 days of that individual's retirement date. Linda Knitter, Program Manager, Division of Regulation will retire from the State Bar on December 31, 2023. Her departure creates a critical need to transition the duties she performed to other staff members in the Division of Regulation and her successor. Ms. Knitter has unique institutional knowledge and specialized skills needed for operational continuity; thus, the State Bar seeks interim short-term assistance from Ms. Knitter immediately after her retirement and through the process of transitioning her duties.

BACKGROUND

The State Bar of California participates in the CalPERS retirement system. A CalPERS retiree can be appointed to work for the former employer as a retired annuitant. Under pension reform standards (see Government Code section 7522.56 and 21224), the retired individual to be appointed 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 wage rates as set forth in paragraph 3 above and not

- take the form of other nonwage benefits;
5. The individual cannot have received unemployment insurance benefits for prior retired annuitant work;
 6. The individual cannot work as a retired annuitant within 180 days following their retirement date unless the governing board of the contracting entity certifies a critical need for the individual's skills within this 180-day period, as set forth in the resolution passed during public session, which must then be filed with CalPERS; and
 7. The individual must be the normal retirement age or older at the time of retirement.

DISCUSSION

Ms. Knitter has served as the Office of Regulation's Program Manager since March 21, 2022. Prior to holding the Program Manager role, Ms. Knitter served as a Program Supervisor in the same office from April 2019 through March 2022. She has also worked for the State Bar for over 20 years. In her capacity as a Program Manager and Program Supervisor, Ms. Knitter handled all aspects of the attorney fee billing cycle process, including assessing annual license fees and late penalties, preparing and submitting motions to the California Supreme Court regarding attorneys who must be suspended from the practice of law due to nonpayment of annual fees, generating nonpayment suspension notices for delinquent licensees, ensuring licensees who are not compliant with payment and MCLE requirements are listed appropriately on the State Bar website, and assessing reinstatement fees. Ms. Knitter also handles expungements for nonpayment and noncompliance with MCLE requirements for deceased attorneys. Additionally, Ms. Knitter oversees the administration of the State Licensing Match System (SLMS) program for court-ordered child support compliance and working with other departments to add required fees, such as fee arbitration penalties and Client Security Fund reimbursements, to licensee billing records. Ms. Knitter also oversees new admittee oath card processing name changes, status changes, and fee waivers.

Ms. Knitter has thorough knowledge of the billing system and procedures. She regularly provides guidance to Office of Regulation staff on complex and nonstandard payment issues and works with the Office of Finance and Office of Information Technology to resolve billing and collections issues.

As a result of Ms. Knitter's unique knowledge and relevant experience, she is the most qualified person to provide the extra help required to transition her work to her successor and other Division of Regulation staff and to ensure continuity of operations with respect to licensee billing. The timing of this is particularly critical as billing for attorney license fees begins December 2023 and extends through June 2024. Accordingly, the State Bar seeks to appoint Ms. Knitter as a retired annuitant immediately upon her retirement.

FISCAL/PERSONNEL IMPACT

Ms. Knitter's hourly rate of pay as a retired annuitant will be \$75.49, based on Ms. Knitter's current rate of pay, which is within the Principal Program Analyst classification salary range.

Staff does not anticipate that Ms. Knitter's retired annuitant appointment will have any significant impact on the State Bar's finances.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

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 certifies that there is a critical need to appoint Ms. Knitter as a retired annuitant prior to the 180-day CalPERS waiting period.

ATTACHMENT LIST

- A.** Resolution for Exception to the 180-Day Wait Period, Government Code sections 7522.56 and 21224.

**RESOLUTION
NOVEMBER 16, 2023**

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GOVERNMENT CODE SECTIONS 7522.56 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, Linda Knitter has submitted a retirement application and will retire under CalPERS as the Program Manager of the Division of Regulation effective December 31, 2023;

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, which is December 31, 2023, without this certification; and

WHEREAS, the State Bar of California's Board of Trustees appoints Linda Knitter as an extra-help retired annuitant to perform similar duties to a Program Supervisor for the State Bar of California's Division of Regulation under Government Code section 21224, effective January 1, 2024; 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. Knitter 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. Knitter as a retired annuitant beginning on January 1, 2024, which is within 180 days of her December 31, 2023, 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 (\$13,085.43) paid to State Bar employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the hourly rate paid to Ms. Knitter for her work as a retired annuitant will be \$75.49; and

WHEREAS, Ms. Knitter 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 January 1, 2024.