



MEMORANDUM

DATE: February 5, 2024

TO: Edward C. Starr, City Manager

FROM: Marcia Richter, Assistant City Manager/Director of Human Services

SUBJECT: PERSONNEL AUTHORIZATION: REQUEST TO HIRE MERRY WESTERLIN INTO THE PART-TIME, TEMPORARY RETIRED ANNUITANT POSITION OF BUILDING OFFICIAL

On August 1, 2023, Building Official/Code Enforcement Manager Merry Westerlin retired from the City of Montclair after almost 16 years with the City. Plans Examiner Michael Dorsey was promoted to the Building Official position on August 21, 2023, and oversight of the Code Enforcement Division was re-assigned to staff within the Division.

Unfortunately, the City received devastating news of the unexpected and sudden passing of Building Official Michael Dorsey on January 26, 2024. Graciously, Merry Westerlin reached out and offered to return to work for the City as a part-time Building Official until a new Building Official can be hired.

The Pension Reform Act of 2012 (GC §7522) permits a public agency's governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year.

GC §7522.56(f)(1) provides: "A retired person shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement..."

Merry Westerlin has been retired for 180 days as of January 28, 2024, and therefore it is allowable to hire her as a temporary part-time Building Official while the City recruits for a permanent appointment. Her specialized skills are needed to continue the operations of the Building Division while a recruitment is conducted for the vacant Building Official position, and also to assist with training the new Building Official.

As a retired annuitant, Merry Westerlin will only be working on a temporary, part-time basis and will remain at or below the 960 permitted hours per fiscal year a retired annuitant may work pursuant to Section 7522.56(d). Pursuant to Section 7522.56(d), a retired annuitant's pay may not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule equal to an hourly rate. The maximum base salary for the Building Official position is \$11,309 per month, and the hourly equivalent is \$65.24.

On February 5, 2024, the City Council will consider adoption of Resolution No. 24-3430 certifying the need to rehire Merry Westerlin into this part-time, temporary Building Official position.



Personnel Authorization: Request to Hire Merry Westerlin into the Part-Time, Temporary Retired Annuitant Position of Building Official

February 5, 2024

Page 2

If the City Council adopts Resolution No. 24-3430, Merry Westerlin will be hired into the part-time, temporary retired annuitant Building Official position effective February 6, 2024. This Personnel Authorization shall serve as the appointment document between Merry Westerlin and the City of Montclair, which shall be attached as Exhibit A of Resolution No. 24-3430.

Therefore, on consideration that the City Council adopts Resolution No. 24-3430 on February 5, 2024, authorization is being requested to hire Merry Westerlin as a retired annuitant into the temporary, part-time position of Building Official effective February 6, 2024, at the rate of \$65.24/hour as a retired annuitant.

MR:am

C: Director of Community Development Diaz
Employment & Personnel Coordinator Kresback