Legislation Text

File #: 25-437, **Version:** 1

TITLE:

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224, FOR THE REHIRE OF BATTALION CHIEF WILLIAM KERSHAW

DEPARTMENT: **CITY MANAGER'S OFFICE/HUMAN RESOURCES**

PRESENTED BY: **KASAMA LEE, HUMAN RESOURCES MANAGER**

CONTACT INFORMATION: **KASAMA LEE, HUMAN RESOURCES MANAGER (714) 754-5169**

RECOMMENDATION:

Staff recommends the City Council adopt by resolution the exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21224 (Attachment 1) to retain the services of retired Battalion Chief William Kershaw.

BACKGROUND:

William Kershaw retired from the position of Battalion Chief with the City of Costa Mesa effective September 9, 2025, after 37 years of service with the City. His continued services are necessary to carry out critical project needs related to the Fire Department's operations.

ANALYSIS:

In anticipation of potential retirements, the Human Resources Division conducted a promotional recruitment to establish an eligibility list for the position of Battalion Chief. Battalion Chief Chris Coates retired in May, and a candidate was selected for the position in July. Another candidate was selected to replace Battalion Chief Kershaw and will start in September.

In addition to the retirements of both Chief Coates and Chief Kershaw, the Department is also preparing for the departure of Assistant Fire Chief Jonathan Neal in September. Battalion Chief Kershaw's continued services are needed to assist with the immediate and urgent need for project support at the management level.

Specifically, Battalion Chief Kershaw will assist with the following projects: Computer Aided Dispatch (CAD)/Records Management System (RMS) integration and updates including the recent changes to National Fire Incident Reporting System (NFIRS) & National Emergency Response Information System (NERIS), the Fire & Rescue Department's Accreditation Process with Center for Public Safety Excellence (CPSE)/Commission on Fire Accreditation International (CFAI), radio frequency templates and programming support and the Emergency Communications Center (ECC/Dispatch)

transition/integration in collaboration with the Costa Mesa Police Department.
Section 7522.56 of the Government Code requires that post-retirement employment commence no earlier than 180 days after the retirement date, but a public agency may hire a retired annuitant prior to the expiration of the 180 days following his/her retirement, if the nature of the employment and the appointment is necessary to fill a critically needed position before 180 days have passed.

This appointment is limited to 960 hours per fiscal year and the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties. This appointment does not include any other benefit, incentive, or compensation in lieu of benefit or other form of compensation in addition to an hourly rate. The temporary appointment is expected to end at the completion of 960 hours in the current fiscal year, completion of the aforementioned special projects, or end of Fiscal Year 2025-26, whichever is earlier.

This temporary assignment complies with the CalPERS guidelines regarding retired annuitants.

ALTERNATIVES:

Do not approve the recommendation action(s) and direct staff accordingly.

FISCAL REVIEW:

The hourly rate paid will be $94.72 (40-hour rate). No other benefits will be provided. The salary falls within the base salary range for the position of Battalion Chief and complies with the CalPERS guidelines regarding retired annuitants. It is anticipated that Chief Kershaw will work 20-30 hours per week, but not greater than 960 hours per fiscal year. Should he work up to the 960-hour limitation during the fiscal year, his maximum earnings would be $90,931. Funding for this position will come from salary savings in the Fire and Rescue Department in the General Fund (Fund 101).

LEGAL REVIEW:

The attached resolution has been reviewed by the City Attorney’s Office and approved as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the City’s Strategic Plan Goals to Recruit and Retain High Quality Employees.

CONCLUSION:

Staff recommends the City Council adopt resolution No. 2025-XX, granting an exception to the 180-day wait period pursuant to Government Code Sections 7522.56 and 21224.