

**SAMPLE RESOLUTION OF (GOVERNING BODY) OF (AGENCY)
APPOINTING (RETIREE) AS AN INTERIM (POSITION TITLE)
Government Code Section 21221(h)**

Resolution Number

Date of Resolution

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the 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; and

WHEREAS, the (governing body name) desires to appoint (retiree name) as an interim appointment retired annuitant to the vacant position of (position name) for the (employer name) under Gov. Code section 21221(h), effective (date of appointment); and

WHEREAS, the (governing body name), the (employer name) and (retiree name) certify that (retiree name) has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the governing body has authorized the search for a permanent appointment on (date); and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end on (termination date of appointment); and

WHEREAS, the entire employment agreement, contract or appointment document between (retiree name) and the (employer name) has been reviewed by this body and is attached herein; and

WHEREAS, 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, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate); the minimum base salary for this position is (monthly salary) and the hourly equivalent is (hourly rate); and

WHEREAS, the hourly rate paid to (retiree name) will be (hourly rate); and

WHEREAS, (retiree name) 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 (governing body name) hereby certifies the nature of the employment of (retiree name) 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 of (position name) for the (employer name) by (date employment begins) because (describe the reasons and conditions that require this position be filled by the listed date).

(Signatures and other notations as per usual for resolution by governing body name including vote count)