

RESOLUTION NO. 14/15 - 54

MT. DIABLO UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

IN THE MATTER OF EMPLOYMENT EXTENSION OF INTERIM APPOINTMENT OF RETIRED CLASSIFIED EMPLOYEE LAWRENCE M. SCHOENKE WITH NECESSARY SKILLS FOR LIMITED DURATON IN A CRITICAL NEED POSITION.

WHEREAS, Government Code section 7522.56 permits employment of retired persons who have skills needed to perform work of limited duration due to a critical need; and

WHEREAS, Lawrence M. Schoenke retired from San Diego U.S.D., effective July 9, 2013 through the California Public Employee Retirement System (CalPERS) and possesses special skills and experience and was previously appointed as Interim General Counsel for the period from July 1, 2014 to June 30, 2015 to supervise and study the Office of General Counsel and to advise and represent the Board and Superintendent; and

WHEREAS, pay for this work is limited to 960 hours in any one fiscal year and is set by the determination of \$88.94 per hour, not less than the minimum, nor more than the maximum, paid monthly by the District (\$15,416.66), divided by 173.333, to equal that hourly rate paid to a regular General Counsel performing comparable duties (\$185,000 on an annual basis); and

WHEREAS, retiree has certified in writing to the District upon accepting an offer of employment that he is in compliance with the requirement that he has not received unemployment insurance compensation for at least 12 months prior to reappointment; and

NOW THEREFORE BE IT RESOLVED, that the Governing Board of the Mt. Diablo Unified School District certifies, finds, and determines that:

1. Lawrence M. Schoenke has special skills and experience to serve as Interim General Counsel for the limited duration of July 1, 2015 to December 31, 2015.
2. Lawrence M. Schoenke has served a 180 day wait period from his retirement to this appointment as provided for in section 7522.56.
3. Lawrence M. Schoenke was hereby appointed as Interim General Counsel, effective January 1, 2014, and the District continues to need his interim services pending the decision by the Board concerning the General Counsel position. He has not been provided any retirement incentive to induce his retirement on July 9, 2013. He is over the normal retirement age of 55 at the time of his interim appointment then being age 60.
4. The compensation for this position is restricted to the pay described above and no other compensation or benefits, other than actual and necessary expenses, will be provided to the person occupying the above-named position.
5. Mr. Schoenke will provide legal services at the direction of the Board, the Board President, and the Superintendent.

APPROVED AND ADOPTED this 22nd day of June 2015 by the Board of Education of the Mt. Diablo Unified School District of Contra Costa County by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

President of the Board of Education of
Mt. Diablo Unified School District

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Education of the Mt. Diablo Unified School District at a public meeting of the Board held on June 22, 2015.

Nellie Meyer, Ed.D.
Clerk of the Board of Education of
Mt. Diablo Unified School District