

Former city official sues over alleged layoff deal

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An Elk Grove official laid off last year has sued the city and City Manager Laura Gill, claiming he was not given the severance package he was promised.

Laurence Brilliant, a former risk manager for the city, filed a civil suit in Sacramento County Superior Court saying he was promised two extra years of CalPERS service credit, which would have added to his retirement benefits when he eventually retires.

According to court documents filed by Brilliant's attorney, Gill sent Brilliant a letter in April 2009 saying his was among the positions on the chopping block.

The Elk Grove City Council would soon consider laying him off, the letter allegedly said.

A couple weeks later, according to the formal complaint, then-Deputy City Manager Frank Oviedo, who no longer works for Elk Grove, came to Brilliant with a deal: agree to resign and waive any opportunity to wait to see if the council would in fact approve his proposed layoff, and in turn receive the extra CalPERS credits. As part of the deal, he also agreed not to "address the city council regarding his layoff," the court complaint states.

CalPERS retirement payments are based on years of service credit earned or purchased, retirement age and that person's highest salary for a period of time.

Brilliant never received the extra service credit, the document states.

His attorney, Francesca Gianuario, said the extra credits would have meant an additional \$219,000 in retirement benefits. Brilliant filed a grievance with the city in September, but it was rejected "with no reason given," Gianuario said.

Elk Grove city spokesperson Christine Brainerd said she could not confirm whether Brilliant formally resigned before his position was eliminated, or whether he received any sort of severance package from the city.

"As this information is part of his personnel file, it is confidential and cannot be provided," Brainerd said in an e-mail. "Additionally, we cannot discuss matters of pending litigation."

Brilliant, who was hired in September 2006, is now suing both the city and Gill for contractual damages and monetary compensation.

Gianuario said Brilliant would rather settle out of court.

Brilliant's was one of four positions eliminated last year: risk manager, risk analyst, youth services coordinator and an Elk Grove Police Department cashier.

Gianuario said at least one of the other people laid off received the same offer as Brilliant – and the city followed through and provided the extra CalPERS credits. She declined to specify who the other person was.

According to a May 13 city staff report, the risk management position was reorganized – the city attorney’s office now handles “the general liability component,” while the human resources department now handles “the workers’ compensation component.”