

SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING

**CITY OF TUSTIN
and
TUSTIN POLICE OFFICERS ASSOCIATION – POLICE MANAGEMENT REPRESENTATION UNIT**

TERM: July 1, 2018 to June 30, 2021

The City of Tustin (“City”) and the Tustin Police Officers Association – Police Management Representation Unit (TPMA) previously agreed to compensation for Acting Pay, as set forth in the memorandum of understanding (MOU) for the period July 1, 2018 through June 30, 2021.

The existing language in the MOU specifies that Acting Pay is provided to a Police Sergeant working as a Police Lieutenant and does not state that Acting Pay is provided for a Police Lieutenant working as a Police Captain. The parties wish to clarify that the City will provide Acting Pay to any employee acting in a higher level classification.

Accordingly, Article 17 of the MOU shall be modified such that it reads, in its entirety, as follows:

An employee assigned to temporarily work in a higher classification will receive Acting Pay of 5% of base pay. This rate will be paid effective the beginning of the first full pay period in which the employee serves in the Acting assignment.

If a Police Sergeant who is receiving Acting Pay is required to work overtime performing Sergeant-level duties, the employee is entitled to overtime compensation for these additional hours but shall not receive the 5% Acting Pay for those hours. If the Police Sergeant is required to work overtime performing Lieutenant-level duties, the employee is not entitled to any additional compensation for these additional hours.

In compliance with the California Public Employees’ Retirement System regulations and definition of Special Compensation (2 CCR §571), the monetary value of Acting Pay shall be reported to CalPERS as Special Compensation. The parties agree that Acting Pay (“Temporary Upgrade Pay”) is described in Title 2 CCR, Section 571(a)(3) as a “premium pay” – a type of reportable special compensation. This pay is only reportable to CalPERS as special compensation for those who qualify as classic members as described by the Public Employees’ Pension Reform Act of 2013 – PEPRRA. This pay is not reportable as special compensation for employees defined as “new members” under PEPRRA. However, it is ultimately CalPERS who determines whether any form of pay is reportable special compensation.

FOR THE CITY OF TUSTIN

**FOR THE TUSTIN POLICE OFFICERS
ASSOCIATION – POLICE MANAGEMENT
REPRESENTATION UNIT**

Derick Yasuda, Director of Human Resources

Robert Nelson, President

Date

Date