

SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING

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

TERM: July 1, 2018 to June 30, 2021

It was recently discovered that the memorandum of understanding (MOU) between the City of Tustin (“City”) and the Tustin Police Officers Association – Police Officer Representation Unit (TPOA) for the period July 1, 2018 through June 30, 2021 does not contain a provision for Acting Pay. The parties wish to clarify that the City will provide Acting Pay to any unit employee acting in a higher level classification.

Accordingly, a new Article on Acting Pay shall be incorporated into the MOU, 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.

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 OFFICER
REPRESENTATION UNIT**

Derick Yasuda, Director of Human Resources

Robert Nelson, President

Date

Date