

Goodwin, Andrea

From: Fiona ma <fionamacpa@gmail.com>
Sent: Thursday, September 17, 2020 4:10 PM
To: Marcie Frost
Cc: Ruffino, Frank
Subject: Fwd: CalPers audit and MOU language

Hi Marcie

Can you review and assist.

According to Irwin Nowick, this is recurring compensation which is pensionable under PEPRA and he has been paying for this.

Thank you!

Fiona

Begin forwarded message:

From: "Ma, Fiona" <Fiona.Ma@treasurer.ca.gov>
Date: September 17, 2020 at 1:29:58 PM PDT
To: "Fionamacpa@gmail.com" <Fionamacpa@gmail.com>
Cc: "Ruffino, Frank" <Frank.Ruffino@treasurer.ca.gov>
Subject: **FW: CalPers audit and MOU language**

From: Gerry Serrano <gerry.serrano@santaanapoa.com>
Sent: Thursday, September 17, 2020 11:44 AM
To: Ma, Fiona <Fiona.Ma@treasurer.ca.gov>
Cc: Fiona@FionaMa.com
Subject: CalPers audit and MOU language

Hi Fiona –

You stopped by my office several months ago when you were in Orange County. It was a pleasure and honor to meet and have you visit the Santa Ana Police Officers Association.

My apologies for reaching out, but I'm in dire need of some assistance resolving a minor issue with a CalPers audit in regards to specifically my pensionable compensation. Basically, the city per MOU has been compensating me with a "Confidential Premium" because I routinely and consistently deal in sensitive matters requiring trust and discretion. As you know, I deal with personnel matters, grievances, policy matters, budgetary matters, etc.

I have been receiving this Confidential Premium for years because of the sensitive and confidential matters I routinely deal with. In a recent audit, CalPers notified the city of Santa Ana that the Confidential Premium that the city has been paying for years, which the city and I have also been paying additional PERS retirement costs on this premium is not reportable as compensation. They are citing the MOU which was flawed in language when written years ago. The MOU describes the pay "in lieu of overtime" as a way to calculate the value of the premium. Because of this wording CalPers is denying the premium as reportable. The city wants to make me whole and resolve this but the auditor is not being helpful in finding a resolution.

The fact is that I do not work overtime and the wording on the premium should only be written as a percentage. The city wants to correct the MOU language, but we need a commitment from CalPers that it will accept our fix.

Please let me know the best course of action to obtain a successful resolution. Perhaps approval from the Board to the auditor can successfully resolve this issue?

Please feel free to call me or direct me on next steps.

Respectfully,

Gerry

714-404-8191

[Gerry Serrano](#) | President
Santa Ana Police Officers Association

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