

## SUMMARY OF PUBLIC COMMENTS

<b>LABOR – Support staff recommendation to include Temporary Upgrade Pay</b>	
Submitter	Comment Summary
<p>California School Employee Association (CSEA)</p> <p>American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME)</p> <p>California Association of Psychiatric Technicians (CAPT)</p>	<ul style="list-style-type: none"> <li>Representatives support the inclusion of Temporary Upgrade Pay as it is not an unearned increase, members pay into CalPERS while working out of class and is not a spiking situation.</li> </ul>
<p>Davis, Cowell &amp; Bowe, LLP on behalf of firefighters and other public employees in Contra Costa, Alameda, San Francisco and other locations</p>	<ul style="list-style-type: none"> <li>Representative supports the inclusion of Temporary Upgrade Pay as it is consistent with payments for the job classification, reported as earned, paid to all members performing the same duties, paid for services rendered during normal working hours and paid in accordance with the published pay scale. They further state the exclusion of this item may increase the incentive for employers to keep employees in an upgraded position instead of permanently promoting or hiring for vacant positions to avoid paying pension costs.</li> </ul>
<p>Peace Officers Research Association (PORAC)</p>	<ul style="list-style-type: none"> <li>Representative supports the proposed regulation to better define pensionable compensation and to specifically provide consistency and clarity of proper compensation for Temporary Upgrade Pay.</li> </ul>
<p>Wylie, McBride, Platten &amp; Renner on behalf of California Professional Firefighters (CPF)</p>	<ul style="list-style-type: none"> <li>Representative supports the inclusion of Temporary Upgrade Pay as it is pay rate earned by members temporarily in an upgraded position as their normal rate of pay for the same group or class and not premium pay. They further state the exclusion of this item may increase the incentive for employers to keep employees in an upgraded position instead of permanently promoting or hiring for vacant positions to avoid paying pension costs.</li> </ul>
<p>Wylie, McBride, Platten &amp; Renner on behalf of International Federation of Professional and Technical Engineers</p>	<ul style="list-style-type: none"> <li>Representative supports the inclusion of Temporary Upgrade Pay as it is a pay rate earned by members temporarily in an upgraded position as their normal rate of pay for the same group or class and not premium pay. They further state the exclusion of this item may increase the incentive for employers to keep employees in an upgraded position instead of permanently promoting or hiring for vacant positions to avoid paying pension costs.</li> </ul>

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<b>LABOR – Various Issues</b>	
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Carroll, Burdick, McDonough LLP on behalf of State Bargaining Units 6, 7, and 8 and numerous other labor organizations and members within the CalPERS system.	<ul style="list-style-type: none"> <li>• Representative opposes an exclusive list of pay items, but rather should be illustrative. They specifically request addition of recruitment and retention pay, passenger endorsement, CPOST and non-required licenses as well as an addition to include firefighters or peace officers in canine pay.</li> <li>• Representative requests clarification if newly negotiated items would be “historically consistent”.</li> <li>• Representative requests clarification if annual payments meet the requirement of reported as earned.</li> <li>• Representative request clarification of how group or class will be applied to individuals who are the only one in a particular position.</li> </ul>
American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME)	<ul style="list-style-type: none"> <li>• Representative supports the inclusion of items that represent regular income.</li> <li>• Representative supports adoption of regulation as written.</li> </ul>
California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE)	<ul style="list-style-type: none"> <li>• Representative requests the addition of National Judicial College Differential as an item of pensionable compensation.</li> </ul>
Peace Officers Research Association (PORAC)	<ul style="list-style-type: none"> <li>• Representative request validation that Extradition Officer Pay, Aircraft Helicopter Premium, and Bomb Arson Technician would be acceptable items of pensionable compensation.</li> </ul>
<b>EMPLOYER GROUP – Oppose staff recommendation to include Temporary Upgrade Pay</b>	
Submitter	Comment Summary
League of California Cities	<ul style="list-style-type: none"> <li>• Representative requests CalPERS define “Normal Monthly Rate of Pay” and to define the term as equal to “Base Pay”. Requests CalPERS not to infer legislative intent to include items other than base pay in pensionable compensation based on SB 13 language.</li> <li>• Representative opposes the inclusion of Temporary Upgrade Pay as it could lead to undesirable pay practices in order to expand an employee’s final pension. States this item should be seen as ad hoc and the inclusion as inconsistent with the intent and plain meaning of PEPRA.</li> <li>• Representative requests formal hearing.</li> </ul>

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<b>EMPLOYER – Oppose staff recommendation to include Temporary Upgrade Pay</b>	
Submitter	Comment Summary
City of Long Beach	<ul style="list-style-type: none"> <li>• Employer requests a definition of “Normal Monthly Rate of Pay” and to define the term as equal to “Base Pay” to avoid possible future opportunity for allowing higher pensions through more earnings being considered pensionable and subverting PEPRA.</li> <li>• Employer opposes the inclusion of Temporary Upgrade Pay. States the legislative intent was likely to exclude it and if included would give the appearance of purposefully trying to get around pension reform and support the spiking of pensions.</li> </ul>
City of Seaside	<ul style="list-style-type: none"> <li>• Employer requests CalPERS to require changes in the proposed regulation concerning the “normal monthly rate of pay” rather than “base pay”.</li> <li>• Employer opposes the inclusion of Temporary Upgrade Pay as it is a potential form of spiking.</li> <li>• Employer requests formal hearing.</li> </ul>
City of Glendora City of Greenfield City of Signal Hill City of Newport Beach City of Red Bluff Town of Paradise City of Beverly Hills City of Laguna Hills City of Goleta City of South El Monte City of Paramount City of Torrance City of Rancho Cucamonga City of San Dimas City of Duarte City of Walnut Creek City of Elk Grove City of San Gabriel	<ul style="list-style-type: none"> <li>• Employers request CalPERS establish a definition of pensionable compensation that is consistent with the concept of “base pay” rather than the broader “normal monthly rate of pay” concept in the proposed regulation.</li> <li>• Employers oppose the inclusion of Temporary Upgrade Pay as it could lead to undesirable pay practices in order to expand an employee’s final pension.</li> <li>• Employers request formal hearing.</li> </ul>

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<b>EMPLOYER – Various Issues</b>	
Submitter	Comment Summary
Union Sanitary District	<ul style="list-style-type: none"> <li>• Employer requests modification to the proposed regulation “group or class” language to remove the average increase limitation to salary increases that are based on performance.</li> </ul>
North County Fire District	<ul style="list-style-type: none"> <li>• Employer requests to add EMS Coordinator Premium as a separate item from Paramedic Coordinator Premium to the exclusive list of approved pay items.</li> <li>• Employer requests the additional of overtime as an item of pensionable compensation.</li> </ul>
<b>OTHER – Oppose staff recommendation to include Temporary Upgrade Pay</b>	
Submitter	Comment Summary
Dennis Holland – Private Citizen	<ul style="list-style-type: none"> <li>• Citizen opposes the inclusion of Temporary Upgrade Pay. States it is a clear attempt to evade the law to outlaw spiking.</li> </ul>
Dave and Linda Quinby – Private Citizen	<ul style="list-style-type: none"> <li>• Citizen opposes the inclusion of Temporary Upgrade Pay. States it would result in more gaming of the system for favored employees as a way to spike their retirement pay.</li> </ul>