

April 9, 2024

Honorable Mayor and City Council  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to adopt a Resolution approving a Letter of Agreement to the 2022-2025 Memorandum of Understanding with the Police Officers Association (POA).  
(Citywide)

**DISCUSSION**

The City of Long Beach (City) intends to amend the POA Memorandum of Understanding (Article One, Section V.D.) to reflect changes in provisions for union release time for the Association President and compensation for the Association President, effective October 12, 2019. Mr. Rich Chambers, a Police Lieutenant, has been serving as Association President since October 12, 2019. Employees on full union release serving as Association President were previously classified with association specific titles (POA President – Police Officer, POA President – Police Sergeant, POA President – Police Lieutenant) and were receiving their regularly assigned wages, in addition to premium pay to remunerate their loss of some assignment-based skill pays.

On January 10, 2023, the City received a written determination from CalPERS that the manner in which the POA President was being compensated did not comply with the California Public Employee's Retirement Law (Government Code section(s) 20630 and 20028). The notice from CalPERS indicated that all special assignment pays and wages earned outside of an employee's assigned classification were not reportable as compensation earnable or pensionable compensation to CalPERS.

The City worked with CalPERS to find a resolution, and the City agreed with CalPERS and the POA to correct the classification and compensation issues, effective October 12, 2019, when Mr. Chambers began serving as Association President. The agreement that was reached indicates that the City will reclassify Mr. Chambers from a POA President specific title to his regularly assigned classification and shall be afforded standby pay for the responsibilities in serving as Association President (as outlined in the Letter of Agreement [LOA]) effective October 12, 2019, at the same rate of compensation as indicated in the POA MOU. As a result of these retroactive changes, the City and Mr. Chambers will receive a refund of the contributions from CalPERS for the compensation that was not reportable as compensation earnable or pensionable from October 12, 2019, through the present. The standby pay, which compensates at least at the same rate as indicated in the POA MOU, will not be reported as compensation earnable or pensionable to CalPERS, and is intended to compensate Mr. Chambers commensurate with his regularly assigned duties, while performing the responsibilities of Association President. All future Association Presidents will be compensated in the same manner as set forth in the LOA, unless mutually agreed upon with POA, and in line with POA with CalPERS regulations.

This matter was reviewed by Assistant City Attorney Gary J. Anderson on March 12, 2024 and by Budget Development Officer Jennifer Rodriguez on March 19, 2024.

TIMING CONSIDERATIONS

City Council action is requested on April 9, 2024, to ensure timely implementation.

FISCAL IMPACT

Once the agreement is implemented and rectified from October 12, 2019, to present, it is estimated that a net fiscal impact of \$60,000 is owed to the employee, offset by a CalPERS refund and funds available in the Employee Benefits Fund Group in the Citywide Activities Department. Going forward, the position will have lower pension costs to the City as a result of the CalPERS changes in what is considered pensionable. There is sufficient appropriations in the Employee Benefits Fund Group in the Citywide Activities Department. This recommendation has a moderate staffing impact to implement the payroll changes but is within the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,

 for  
Joe Ambrosini  
Director  
Human Resources

APPROVED:

  
THOMAS B. MODICA  
CITY MANAGER

ATTACHMENT: RESOLUTION