

**From:** Barbara Coats [REDACTED]  
**Sent:** Thursday, September 13, 2018 10:35 PM  
**To:** Kirmse, Melanie <[Melanie.Kirmse@sanjoseca.gov](mailto:Melanie.Kirmse@sanjoseca.gov)>  
**Subject:** Adjustment to Benefits

Hello, Melanie!

I received the letter from Retirement Services CEO, Roberto L. Pena, dated August 24, regarding the Retirement Board's decision not to collect any of the past "overpaid" amounts or interest from identified retired employees, of which I am one. As you can imagine, I am relieved and appreciate that the Board listened to our arguments as to why the disputed amounts should not be collected.

Unfortunately, I am disappointed to learn that I am to be included with those retirees who are considered 'overpaid', and will have an on-going monthly benefit correction in the amount of \$364.26 due to the new Auditor's opinion of how I was paid when I was fulfilling the duties and responsibilities of Parks Manager.

I believe, and expect, that Retirement Services will remove my name from the list of retirees who have been identified as 'non-pensionable higher class pay' individuals because:

- 1) my time worked and pay received was as a MANAGER. Managers are not paid hourly - a criterion for the non-pensionable adjustment. My payroll records clearly show that I was not paid hourly. I was considered, and was, a salaried employee. Proof of this is every 8 hour period of time that I worked as a Park Manager in 2003 and 2004, was the same regardless of used Vacation, Executive and/or Holiday Leave. If I was considered and being paid as an hourly employee, my pay rate would have been different when I used Vacation, Executive or Holiday Leave.
- 2) Higher Class Leave (HCL) was not addressed in either Unit 99 or Camp Union agreements, so there is no documentation or instruction to Timekeepers stating that HCL for managers should be recorded hourly.
- 3) There is no City policy that identifies Managers working in HCL as being hourly employees, but there is documentation and policy stating that Managers are salaried employees.
- 4) As I stated to the Retirement Board during their August 16, 2018 meeting, Retirement Services assured me that my acceptance of this MANAGEMENT POSITION was pensionable. As proof, I was provided with a copy of the Federated Employees Retirement Plan document section 3.28.030.11 which says nothing about final compensation and criterion from higher class pay.

Without clear documentation stating that Managers are hourly and subject to the new interpretation, I should not be included on the list of those who are receiving non-pensionable higher class pay benefits.

I'd appreciate it if you would look into the points that I have made and bring them to the attention of Mr. Pena, the Retirement Board and the Auditor for resolution.

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Barbara

[REDACTED] mobile  
 [REDACTED] land line