

[Administrative Code Revision, Chapter 16]

Ordinance Amending Chapter 16, Article IV Of Part I Of The San Francisco Administrative Code By Repealing Section 16.29-15 And Amending Sections 16.29-7.1, 16.29-7.2, 16.29-9.5, 16.29-9.6, 16.29-15.11, 16.29-15.12, 16.37, 16.37-2, 16.37-4, 16.37-5, 16.46, 16.47, 16.52, 16.54, 16.67, 16.70-1, 16.74, 16.77, 16.79, And 16.80 Regarding The Retirement System, To Eliminate Out-Dated And Obsolete Provisions.

Note: Additions are *italic; Times New Roman*; deletions are ~~strikethrough italic; Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. In repealing ordinances pertaining to the Retirement System, it is not the intent of the board of supervisors to diminish any vested or accrued rights that may still exist under such ordinances. The ordinances are being repealed as part of a general code revision. Any vested rights that may still exist under such ordinances shall continue, and any disputes about such rights shall be resolved in accordance with such ordinances as if they had never been repealed.

Section 2. Section 16.29-7.1 of Chapter 16, Article IV of the San Francisco Administrative Code is hereby amended to read as follows:

SEC. 16.29-7.1. DEFINITIONS - COMPENSATION AS DISTINGUISHED FROM BENEFITS.

Compensation, as distinguished from benefits under the workers' compensation, insurance and safety law of the State, shall mean the remuneration payable in cash by the City and County, plus the monetary value - as determined by the Board of Supervisors; or, if that board shall not have so determined, then by the Retirement Board - of board, lodging, fuel, laundry and other advantages allowed as remuneration by the City and County. The

1 "compensation" during any fiscal year received by a person as a teacher shall be taken as
2 such an amount as shall bear the same proportion to the total remuneration paid to such
3 teacher by the San Francisco School Department during such fiscal year as the amount
4 contributed during the previous fiscal year by the City and County to the common school fund
5 bears to the total amount contributed to the common school fund during the previous fiscal
6 year by the City and County and by the State. ~~With respect only to persons who affirmatively~~
7 ~~exercise the option provided in Section 16.31 of this Code, "compensation," as defined in this~~
8 ~~paragraph, shall in no case, even including two classes of service, be taken to exceed \$900 per month.~~

9 Section 3. Section 16.29-7.2 of Chapter 16, Article IV of the San Francisco
10 Administrative Code is hereby amended to read as follows:

11 SEC. 16.29-7.2. DEFINITIONS - COMPENSATION EARNABLE BY A MEMBER.

12 Compensation earnable by a member shall mean the compensation as determined by
13 the Retirement Board, which would have been earned by the member had he worked
14 throughout the period under consideration the average number of days ordinarily worked by
15 persons in the same grade or class of positions as the positions held by said member during
16 such period, and at the rates of pay attached to such positions, it being assumed that during
17 any absence said member was in the position held at the beginning of the absence, and that
18 prior to entering City and County service said member was in the position first held by him in
19 City and County service.

20 In the calculation of benefits, however, payable because of death or retirement of a
21 member of the Fire or Police Department as a result of injuries incurred in performance of
22 duty, "compensation earnable" shall be based on the assumption that prior to becoming a
23 member of the department, the person so retired or dead was in the position first held by said
24 person in the department. ~~With respect only to persons who affirmatively exercise the option~~
25

1 ~~provided in Section 16.31 of this Code, "compensation earnable" shall not be taken to exceed \$900 per~~
2 ~~month.~~

3 Section 4. Section 16.29-9.5 of Chapter 16, Article IV of the San Francisco
4 Administrative Code is hereby amended to read as follows:

5 SEC. 16.29-9.5. DEFINITIONS - NORMAL CONTRIBUTIONS.

6 Normal contributions shall mean contributions made by members at the rates provided
7 for by Charter or ~~in Section 16.51 of~~ this Code, and contributions made by members who
8 exercised the election provided in Section 16.70-1 of this Code on account of compensation
9 earned after June 30, 1965, at the rates provided for in paragraph (3) of said Section 16.70-1.

10 Section 5. Section 16.29-9.6 of Chapter 16, Article IV of the San Francisco
11 Administrative Code is hereby amended to read as follows:

12 SEC. 16.29-9.6. DEFINITIONS - PRIOR CONTRIBUTIONS.

13 Prior contributions shall mean contributions to the retirement system made by
14 members in accordance with ~~Sections 16.29-15.5, 16.29-15.6, 16.29-15.7 or 16.29-15.8 of~~ this
15 Code.

16 Section 6. Chapter 16, Article IV, of the San Francisco Administrative Code is
17 hereby amended by repealing Section 16.29-15.

18 ~~SEC. 16.29-15. DEFINITIONS - PRIOR SERVICE.~~

19 ~~Prior service is defined as set forth in Sections 16.29-1 through 16.29-15.9.~~

20 Section 7. Section 16.29-15.11 of Chapter 16, Article IV of the San Francisco
21 Administrative Code is hereby amended to read as follows:

22 SEC. 16.29-15.11. DEFINITIONS - EXCLUDED BECAUSE OF EMPLOYMENT IN
23 TEMPORARY POSITION.

24 Prior service, as applied to persons who are members under Section 8.507 of the
25 Charter and who were excluded from membership because of their employment in City and

1 County service in a temporary position, shall mean aggregate City and County service,
2 regardless of breaks in such service, rendered while so excluded on account of such
3 employment. As an exception to the provisions contained in *former* Section 16.63 of this Code,
4 however, service shall be credited under this paragraph only if the member elects prior to the
5 effective date of retirement to contribute, and does contribute, prior to the effective date of
6 retirement, in a manner and at times approved by the Retirement Board, an amount equal to
7 contributions determined by applying, to the compensation earned by him in such service, the
8 rate of contribution first applicable to him upon commencement of his membership in the
9 Retirement System. All contributions made pursuant to this paragraph shall be administered in
10 the manner provided herein for normal contributions, except that the annuity provided upon
11 retirement of the member, by such contributions, plus credited interest, shall not be matched
12 by the City and County, and instead, such annuity shall be deducted from the pension payable
13 to such member on account of prior service. Only the remainder of such prior service pension
14 shall be payable from contributions of the City and County. It is hereby declared to be the
15 intent of this paragraph that the provisions for prior service credit contained herein would not
16 have been enacted without the condition expressed herein requiring that any recipient of such
17 prior service credit must actually pay the amount provided for herein in conformity with the
18 provisions hereof. In absence of strict compliance with such provision for payment by the
19 recipient, this paragraph shall be ineffective.

20 Section 8. Section 16.29-15.12 of Chapter 16, Article IV of the San Francisco
21 Administrative Code is hereby amended to read as follows:

22 SEC. 16.29-15.12. DEFINITIONS - PRIOR SERVICE IN A PART-TIME POSITION.

23 Prior service, as applied to persons who are members under Section 8.507 of the
24 Charter on the effective date of this ordinance or who retired on or after July 1, 1973, as
25 members under Section 8.507, and who were excluded from membership because of their

1 employment in City and County service in a part-time position, shall mean aggregate City and
2 County service, regardless of breaks in such service, rendered while so excluded on account
3 of such employment. Such part-time service shall be credited only under the condition that it
4 can be verified from a regular City and County payroll or time roll; provided, however, that if it
5 is determined by the Retirement Board that payrolls or time rolls relating to such service were
6 not prepared or have been lost or destroyed, the Retirement Board may determine the periods
7 of such service and the compensation attributable thereto upon presentation of such evidence
8 as it considers appropriate and reliable.

9 As an exception to the provisions contained in *former* Section 16.63 of this Code,
10 however, service shall be credited under this Section only if the member so elects on or
11 before February 7, 1975, in the event he is a member on said effective date or in the event he
12 retired on or after July 1, 1973, and, prior to said effective date, or within 90 days after date of
13 membership in the event he becomes a member after the effective date of this Section, and
14 does contribute in a manner and at times approved by the Retirement Board, an amount
15 equal to contributions determined by applying to the compensation earned by him in such
16 service the rate of contribution first applicable upon commencement of his membership in the
17 Retirement System, together with the interest which would have accrued on such
18 contributions if they had been made on the effective date of his membership, from that date
19 until completion of payments of those contributions at the rate of interest currently being used
20 from time to time under the system.

21 All contributions made pursuant to this Section shall be administered in the manner
22 provided herein for normal contributions, except that the annuity provided upon retirement of
23 the member, by such contributions, plus credited interest, shall not be matched by the City
24 and County, and instead, such annuity shall be deducted from the pension payable to such
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1 member on account of prior service, and only the remainder of such prior service pension
2 shall be payable from contributions of the City and County.

3 It is hereby declared to be the intent of this Section that the provision for prior service
4 credit contained herein would not have been enacted without the condition expressed herein
5 requiring that any recipient of such prior service must actually pay the amount provided for
6 herein, in conformity with the provisions hereof; and, in the absence of strict compliance with
7 such provision for payment by the recipient this Section shall be ineffective.

8 Section 9. Section 16.37 of Chapter 16, Article IV of the San Francisco
9 Administrative Code is hereby amended to read as follows:

10 SEC. 16.37. POWERS AND DUTIES GENERALLY OF RETIREMENT BOARD.

11 The management and control of the Retirement System shall be vested in the
12 Retirement Board as provided in Section ~~3.671~~ 12.100 of the Charter. The Board shall
13 exercise the powers and perform the duties conferred on it by the Charter and by other
14 sections of this Code, and in addition thereto as set forth in Sections 16.37 through 16.37-7.

15 Section 10. Section 16.37-2 of Chapter 16, Article IV of the San Francisco
16 Administrative Code is hereby amended to read as follows:

17 SEC. 16.37-2. ACTUARIAL VALUATION.

18 The Retirement Board shall keep in convenient form such data as shall be necessary
19 for the actuarial valuation of the Retirement System. As of June 30, 1933, and thereafter at
20 intervals of not to exceed six years, the Board shall make an actuarial investigation into the
21 mortality, service and compensation experience of the members and beneficiaries; and further
22 shall make an actuarial valuation of the assets and liabilities of the Retirement System. From
23 time to time, the Board shall determine the rate of interest being earned on the retirement
24 fund. Upon the basis of all or any such investigation, valuation and determination, the Board
25 shall:

1 (a) Adopt for the retirement system such interest rate and such mortality, service
2 and other tables, or any of such items, as shall be deemed necessary.

3 ~~(b) Make such revision in the rates of contribution under the Retirement System as shall be~~
4 ~~deemed necessary to comply with Section 16.51 of this Code.~~

5 Section 11. Section 16.37-4 of Chapter 16, Article IV of the San Francisco
6 Administrative Code is hereby amended to read as follows:

7 SEC. 16.37-4. DETERMINATION OF SERVICE CREDIT ~~FIXING BENEFITS, ALLOWANCES FOR~~
8 ~~DISABILITY, ETC.~~

9 The Retirement Board shall determine the City and County service rendered by
10 members and shall fix and may modify allowances for service and disability and fix other
11 benefits. Except for the fiscal year in which retirement becomes effective, with respect to
12 members under Section 8.509 of the Charter and regardless of the effective date of
13 retirement, with respect to all other members, one year and proportionate parts thereof shall
14 be credited on the basis of not more than 250 nor less than 220 days of City and County
15 service rendered by per diem employees, on the basis of 10 months or more of City and
16 County service rendered by monthly employees and on the basis of the receipt of 10/12ths of
17 the annual salary received by teachers, but not more than one year shall be credited for all
18 service in any fiscal year. For the fiscal year in which retirement becomes effective, and with
19 respect only to members under Section 8.509 of the Charter, one year and proportionate parts
20 thereof shall be credited on the basis of the average number, as determined by the
21 Retirement Board, of days or hours ordinarily worked per year by persons in the same group
22 or class of positions as the positions held by per diem or hourly employees during such fiscal
23 year. Twelve months or more of City and County service rendered by monthly employees, and
24 12/12th of the annual salary received by teachers, but not more than one year, shall be
25 credited for all service in any fiscal year. Time during which a member was or shall be absent
from City and County service without pay shall not be allowed in computing service, except as
provided in Section 16.29-8 of this Code.

1 Section 12. Section 16.37-5 of Chapter 16, Article IV of the San Francisco
2 Administrative Code is hereby amended to read as follows:

3 SEC. 16.37-5. PRIOR SERVICE CREDIT.

4 Credit for prior service shall be granted to each member who has rendered prior
5 service as defined in Section 16.29-15.5 of this Code, and who entered the Retirement
6 System prior to March 31, 1954, and to each member who has rendered prior service as
7 defined in Sections ~~16.29-15.6, 16.29-15.7, 16.29-15.8, 16.29-15.9 or~~ 16.29-15.10 of this Code
8 and who has not failed to redeposit accumulated contributions withdrawn by him subsequent
9 to such service, and to each member who has rendered prior service defined in Sections
10 16.29-15.1, 16.29-15.2, 16.29-15.3 and 16.29-15.4 of this Code, and who entered the
11 Retirement System on January 8 or 9, 1932, except as provided in Sections 16.47 and 16.74
12 of this Code for re-entrants; and, except further, that any such member who has failed to
13 redeposit accumulated contributions withdrawn by him from the San Francisco City and
14 County Employees' Retirement System shall receive credit for such prior service only if, upon
15 being notified by the Retirement Board, he makes such redeposit in the same manner as
16 provided in Section 16.47 of this Code for persons re-entering City and County service.
17 However, prior service so credited shall be the basis for a retirement allowance or benefit as
18 provided herein only if membership continues unbroken until retirement on a retirement
19 allowance or until the granting of such other benefit; provided, that a termination of
20 membership by the withdrawal of accumulated contributions followed by the redeposit of such
21 contributions upon re-entrance into City and County service shall not constitute a break in
22 membership.

23 Section 13. Section 16.46 of Chapter 16, Article IV of the San Francisco
24 Administrative Code is hereby amended to read as follows:
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1 SEC. 16.46. WHEN MEMBERSHIP CEASES.

2 Should the City and County service of any member, in any period of 10 consecutive
3 years, amount to less than five years, or should he die or be retired, or should he be paid
4 more than one-quarter of his accumulated normal contribution, or ~~if he be a member who does~~
5 ~~not contribute as provided in Section 16.50 of this Code,~~ should he resign or be discharged, he
6 shall thereupon cease to be a member.

7 Section 14. Section 16.47 of Chapter 16, Article IV of the San Francisco
8 Administrative Code is hereby amended to read as follows:

9 SEC. 16.47. WITHDRAWALS AND REDEPOSITS.

10 Should the City and County service of a member be discontinued, except by death or
11 retirement, he shall be paid not less than six months after the date of discontinuance such
12 part of his accumulated contributions as he shall demand; provided, that if in the opinion of the
13 Retirement Board the member is permanently separated from City and County service by
14 reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions;
15 provided, further, that the Retirement Board may in its discretion withhold for not more than
16 one year after a member last rendered City and County service all or part of his accumulated
17 normal contributions, if after a previous discontinuance of City and County service he
18 withdrew all or part of his accumulated normal contributions and failed to redeposit such
19 withdrawn amount in the Retirement Fund as provided in this Section.

20 Any member who re-enters the Retirement System at an age less than the age for
21 compulsory retirement applicable to him; but not otherwise, and after termination of
22 membership because of previous withdrawal of his accumulated contributions, may elect, at
23 any time prior to his retirement, to redeposit in the Retirement Fund, in a lump-sum or in not to
24 exceed 36 monthly or 72 semi-monthly payments: (1) an amount equal to the accumulated
25 contributions that he has withdrawn at one or more terminations of service, but in reverse

1 chronological order in which they occurred; (2) an amount equal to additional interest which
2 would have been credited to his account at the date of the election, had such contributions not
3 been withdrawn; and (3) interest on the unpaid balance of the amount payable to the
4 Retirement Fund, beginning on the date of such election, at the rate of interest currently being
5 used from time to time under the system. In no event, however, shall a monthly payment on
6 the redeposit be less than \$20 and in no event shall the period for the making of installment
7 payments extend beyond the effective date of retirement. Said election shall be made by
8 written document filed in the office of the Retirement System prior to the effective date of
9 retirement.

10 If a member shall not so elect, or having so elected subsequently does not make such
11 redeposit, he shall re-enter as a new member without credit for any service, and his rate of
12 contribution for future years shall be the normal rate provided for *by the Charter or this Code in*
13 *Section 16.51 of this Code for his age at re-entrance, except that persons who are members under*
14 *Section 8.540 of the Charter shall contribute as provided in Section 16.50 of this Code.*

15 If a member elects to redeposit his accumulated normal contributions in accordance
16 with this Section, his normal rate of contribution beginning on the first day of the calendar
17 month following the date his election is filed in the office of the Retirement System shall be
18 based on an age determined by adding the number of completed years of his absence from
19 membership beginning with the earliest termination of his membership included in such
20 redeposit, to the age upon which his normal rate of contribution, as it was prior to the
21 termination, was based. His membership is the same as if it were unbroken by such
22 termination.

23 If such member never failed to redeposit accumulated contributions withdrawn from the
24 Retirement Fund; or, if he shall redeposit such accumulated contributions upon first re-
25 entering hereafter, and not otherwise, then he shall receive credit for prior service in the same

1 manner as persons who become members on January 8, 1932; provided, that members
2 under Section 8.565 of the Charter shall receive credit for such prior service even though
3 having withdrawn no accumulated contributions they shall make no redeposit; in the event
4 such redeposit is made by a person who is a member under Section 8.507 of the Charter, an
5 amount equal to the accumulated normal contributions so redeposited, except accumulated
6 normal contributions for time on and after July 1, 1965, of members who exercise a valid
7 election provided for in Section 16.70 of this Code, shall again be held for the benefit of the
8 member and shall no longer be included in the amounts available to meet the obligations of
9 the City and County on account of benefits that have been granted and on account of prior
10 service of members.

11 Section 15. Section 16.52 of Chapter 16, Article IV of the San Francisco
12 Administrative Code is hereby amended to read as follows:

13 SEC. 16.52. EFFECT OF CHANGE OF POLICE OR FIRE DEPARTMENT MEMBER TO
14 ANOTHER DEPARTMENT.

15 If a person who is a member under Sections 8.559, 8.585, 8.586 or 8.588 ~~8.540, 8.543,~~
16 ~~8.565 or 8.567~~ of the Charter shall cease to be a member of the Police or Fire Department and
17 shall be a member under any other section of the Charter; or, if the reverse be true; then the
18 accumulated contributions standing to his credit or redeposited by him shall remain in his
19 individual account. ~~The rate of his contribution thereafter shall be the normal rate provided for in this~~
20 ~~Article for persons in his new group or class of employment and at his age when he first became a~~
21 ~~member, subject to Section 16.47 of this Code in the event he did not redeposit accumulated~~
22 ~~contributions withdrawn from the system. In the case of such person who shall cease to be a member~~
23 ~~under Sections 8.540 or 8.565 of the Charter, the accumulated contributions of the City and County~~
24 ~~held for his benefit on account of City and County service rendered after January 8, 1932, shall~~
25 ~~continue to be held for his benefit and applied at his retirement as provided in this Article.~~

1 Section 16. Section 16.54 of Chapter 16, Article IV of the San Francisco
2 Administrative Code is hereby amended to read as follows:

3 SEC. 16.54. DEDUCTION OF MEMBERS' CONTRIBUTIONS; ACCEPTANCE OF CASH
4 PAYMENTS.

5 The Retirement Board shall certify to the head of the proper office or department and
6 the Controller the normal rate of contribution for each member provided for *by Charter or in*
7 ~~Section 16.51 and Section 16.70-1 of~~ this Code, and the amount of contributions provided for in
8 ~~Section 16.50 and~~ Section 16.70-1 of this Code. The head of such office or department or the
9 Controller shall apply such rate of contribution to ~~so much of the compensation of the member as~~
10 ~~does not exceed \$900 per month, if he be a person who affirmatively exercises the option provided in~~
11 ~~Section 16.31 of this Code, or to~~ all of his compensation ~~if he be a person who does not so exercise~~
12 ~~such option,~~ to determine the amount to be contributed by each member, and shall furnish
13 immediately to the Retirement Board a copy of each and every such payroll.

14 Each of such amounts shall be deducted by the Controller and shall be deposited by
15 the Retirement Board in the Retirement Fund and shall be credited by the Retirement Board,
16 together with regular interest, to the individual account of the member for whom the
17 contribution was made. The Retirement Board, however, may accept cash payments by any
18 member of amounts necessary to correct or adjust the contribution account of such member,
19 the amount so accepted to be deposited and credited in the same manner as if deducted on a
20 payroll and the Controller to be notified of such payment.

21 Every member shall be deemed to consent and agree to the contribution made and
22 provided for by this Article, and shall receipt in full for his salary or compensation, and
23 payment less such contribution shall be a full and complete discharge and acquittance of all
24 claims and demands whatsoever for the services rendered by such person during the period
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1 covered by such payment, except his claims to the benefits to which he may be entitled under
2 the provisions of this Article.

3 Section 17. Section 16.67 of Chapter 16, Article IV of the San Francisco
4 Administrative Code is hereby amended to read as follows:

5 SEC. 16.67. PAYMENTS INTO FUND MADE OBLIGATION OF CITY; APPROPRIATIONS
6 TO COVER OBLIGATION.

7 The payments of the City and County into the San Francisco City and County
8 Employees' Retirement Fund, as provided in *former* Sections 16.61 to 16.66 of this Code, and
9 in Section 16.70-1 of this Code, are hereby made obligations of the City and County. There
10 shall be appropriated, in the budget for each fiscal year, such amounts as are necessary to
11 make such payments, less the portions to be paid from the several funds set forth in such
12 sections, and the amounts so appropriated shall be provided for in the tax levy. Provision shall
13 be made for the payment from the several funds of such amounts as shall be necessary to
14 meet the obligations of the City and County under the Retirement System on account of
15 employees whose compensation is or has been paid from such funds.

16 Funds appropriated annually to the Retirement System, other than from specific fund
17 appropriations, shall first be applied to meet the requirements for fixed charges for current and
18 prior service for the period for which such funds are appropriated; and second shall be applied
19 to meet the accumulated obligations of the City and County to the Retirement System.

20 Section 18. Section 16.70-1 of Chapter 16, Article IV of the San Francisco
21 Administrative Code is hereby amended to read as follows:

22 SEC. 16.70-1. OPTIONAL ALLOWANCES UPON RETIREMENT.

23 (a) Subject to the provisions of this Section, any person who is a member under
24 Section 8.507 of the Charter may exercise an election on a form provided by the Retirement
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1 System and filed in the office of the system prior to July 1, 1965, to contribute to the
2 Retirement Fund at the normal rate as provided in paragraph (c) of this Section and, further,
3 to pay at times and in the manner fixed by the Retirement Board retroactive contributions
4 sufficient to make his accumulated contributions standing to his credit in the accounts of the
5 system on June 30, 1965 equal to what these contributions would have been if he had
6 contributed at his normal rates (as they would have been had he been a member under
7 Section 8.509 of the Charter for time on and after July 1, 1947 and said contributions had
8 been credited with regular interest through June 30, 1965, together with interest on the unpaid
9 balance of such amount from July 1, 1965 to the date of payment.

10 (b) Effective on July 1, 1965, any person who exercises the election provided in this
11 Section, and upon strict compliance with the provisions of this Section, but not otherwise, shall
12 be entitled on or after his attainment of the age of 62 years to a service retirement allowance
13 which shall be in lieu of the total retirement allowance provided in *former* Section 16.70 of this
14 Code and which, exclusive of benefits provided by additional contributions, shall be a service
15 retirement allowance at the rate of 1- percent of the average monthly compensation earned by
16 him during any five consecutive years of credited service in the Retirement System in which
17 such average is the highest for each year of service credited to him in the Retirement System;
18 or upon his retirement for disability as provided in Section 16.71 of this Code, such a member
19 who, on the effective date of such retirement, has not attained the age of 62 years, shall
20 receive a disability retirement allowance which shall be calculated in the manner prescribed in
21 *former* Section 16.72 of this Code, plus a pension provided by contributions of the City and
22 County and equal to the annuity provided by his accumulated retroactive contributions.

23 (c) In lieu of the normal rate provided in *former* Section 16.51 of this Code, the
24 normal rate of contribution of each member exercising such election, as provided in this
25 Section, for time on and after July 1, 1965, shall be based on his nearest age at the effective

1 date of his membership in the Retirement System, and shall be the same as his normal rate of
2 contribution would be if he were a member under Section 8.509 of the Charter.

3 (d) The City and County shall contribute to the Retirement System such amounts as
4 may be necessary, when added to the contributions of such members, to provide the benefits
5 payable to said members.

6 The service retirement allowance of each such member shall be apportioned between
7 the allowance based on service rendered prior to July 1, 1965, and service rendered on and
8 after said date. The portion of such allowance which shall be based on service rendered prior
9 to said date and which is in excess of the allowance provided by the accumulated
10 contributions of the City and County and of said member for time prior to said date including
11 his accumulated retroactive contributions and interest thereon, shall be provided by
12 contributions of the City and County which shall not be less during any fiscal year than the
13 amount of such part of such allowance paid during such year, which is in excess of such
14 annuity.

15 The portion of such allowances which shall be based on service rendered on and after
16 said date, and which is in excess of the annuities provided by the accumulated contributions
17 of said members for time on and after said date, shall be provided by contributions of the City
18 and County for time on and after said date and interest credited thereon, which shall be in lieu
19 of the contributions required of the City and County in *former* Section 16.61 of this Code, and
20 which shall be made in annual installments. The installment to be paid in any year shall be
21 determined by the application of a percentage to the total salaries paid during said year to
22 such members, said percentage to be the ratio on July 1, 1965, or at a later date of a
23 periodical valuation and investigation into the experience under the system as provided by the
24 Board of Supervisors, of the value of such portion of said allowances thereafter to be paid to
25 said members and which is in excess of the annuities provided by the said accumulated

1 contributions of said members for time after said date, less the amount of contributions of the
2 City and County and interest thereon then held by the system to provide said benefits, to the
3 value at said respective dates of salaries thereafter payable to said members. Said values
4 shall be determined by the actuary, who shall take into account the interest which shall be
5 earned on said contributions, the compensation experience of members, and the probabilities
6 of separation from service by all causes of members before retirement, and death of members
7 after retirement. Said percentage shall be changed only on the basis of said periodical
8 actuarial valuation and investigation into the experience under the system.

9 The benefits provided in this Section, however, shall not be applicable to any member
10 who is not continuously in the status of a retired person for time beginning on a date not later
11 than the first day of the month next following his attainment of the age of 70 years during the
12 period ending June 30, 1966; the age of 69 years during the 12 months ending June 30,
13 1967; the age of 68 years during the 12 months ending June 30, 1968; the age of 67 years
14 during the 12 months ending June 30, 1969; the age of 66 years during the 12 months ending
15 June 30, 1970; and thereafter following the attainment of the age of 65 years; but, instead,
16 such person shall be entitled to the benefits otherwise provided for members under Charter
17 Section 8.507 by the provisions of this Code for persons who do not exercise the election
18 provided in Paragraph (a) of this Section, in the same manner as though he had never made
19 such election, and if he has contributed to the Retirement System pursuant to the provisions
20 of this Section, the accumulated contributions standing to his credit in the system shall be
21 adjusted by refund to him or payment by him to bring the account to the amount which would
22 have been credited to it had the member never made such election and had not contributed in
23 the manner prescribed by it.

24 For the purposes of this Section the phrase "status of a retired person" shall mean with
25 respect to any person a status beginning on the effective date of a retirement allowance which

1 the person is entitled to receive as a result of his valid application for such allowance, which
2 was filed in the office of the system not later than the last day of the month in which such
3 allowance becomes effective.

4 It is hereby declared to be the intent of this Section that the benefit provisions
5 contained herein would not have been enacted without the conditions expressed herein
6 requiring that to be eligible for such benefits, any member who positively exercises the
7 election provided herein, must actually contribute as prescribed herein, and file an application
8 for retirement within the time and in the manner provided herein, so as to place himself in the
9 status of a retired person continuously for the time stipulated herein, in conformity with the
10 provisions hereof, and in the absence of strict compliance with such provisions, that such
11 election shall be void and of no effect, and that the member shall not be subject to the
12 provisions of this Section; except that the accumulated contributions standing to his credit in
13 the Retirement System shall be adjusted to what they would have been if he had not
14 contributed in accordance with such election.

15 Section 19. Section 16.74 of Chapter 16, Article IV of the San Francisco
16 Administrative Code is hereby amended to read as follows:

17 SEC. 16.74. DISABILITY RETIREMENT - MEDICAL EXAMINATIONS; RE-ENTRY INTO
18 SERVICE; ENGAGING IN GAINFUL OCCUPATION AFTER RETIREMENT PERIOD.

19 (a) The Retirement Board may, at its pleasure, require any beneficiary who has
20 been retired for disability and who has not attained the age of 62 years, to undergo a medical
21 examination, such examination to be made by a physician or surgeon appointed by the
22 Retirement Board, at the place of residence of the beneficiary or other place mutually agreed
23 upon. Upon the basis of such examination, the Board shall determine whether the disability
24 beneficiary is still incapacitated, physically or mentally, for service in the office or department
25 of the City and County where he was employed and in the position held by him when retired
for disability. If the Retirement Board shall determine that the beneficiary is not so

1 incapacitated, his retirement allowance shall be cancelled forthwith, and he shall be reinstated
2 to the position of the same class as that held by him when retired for disability.

3 (b) Should a beneficiary after retirement for disability re-enter the City and County
4 service and be eligible for membership in the Retirement System ~~in accordance with Section~~
5 ~~16.42 of this Code~~, his retirement allowance shall be cancelled and he shall immediately
6 become a member of the Retirement System, ~~his rate of contribution for future years being that~~
7 ~~established for his age at the time of such reentry, except that, if he is a member under Sections 8.540~~
8 ~~or 8.565 of the Charter, he shall contribute, as provided in Section 16.50 of this Code. His individual~~
9 ~~account shall be credited with an amount which shall be the actuarial equivalent, at the time of such re-~~
10 ~~entry, based on a disabled life, of his annuity, but such amount shall not exceed the amount of his~~
11 ~~accumulated contributions as it was at the time of his retirement; provided, that if such beneficiary is a~~
12 ~~person who received a retirement allowance under Section 8.542 or 8.566 of the Charter, then he shall~~
13 ~~be considered as entering the Retirement System under Section 8.540 or 8.565, respectively, of the~~
14 ~~Charter, and his individual account shall be credited with an amount which shall be the~~
15 ~~actuarial equivalent, at the time of such re-entry, based on a disabled life, of the annuity which~~
16 ~~would have been purchased by his accumulated contributions at the time he or she retired. in the~~
17 ~~pension fund under which he was retired, if applied as under the retirement system, but such amount~~
18 ~~shall not exceed the amount of his accumulated contributions as it was at the time of his retirement, and~~
19 ~~the City and County shall pay into the Retirement System an amount equal to such actuarial equivalent~~
20 ~~in the manner prescribed in Section 16.62 of this Code for similar payments.~~

21 ~~An amount equal to such actuarial equivalent shall again be held for the benefit of the member~~
22 ~~and shall no longer be included in the amounts available to meet the obligation of the City and County~~
23 ~~on account of benefits that have been granted and on account of prior service of members; provided,~~
24 ~~that the amount so again held for the benefit of a person who is a member under Section 8.540 or 8.565~~
25 ~~of the Charter, shall be the actuarial equivalent, at the time of such re-entry, based on a disabled life,~~
~~of his pension granted on account of service as a member, but s~~ Such amount shall not exceed the City
and County accumulated contribution held for his benefit on account of service as a member,

1 at the time of his retirement. Such member shall *also* receive credit for prior service in the
2 same manner as *it was at the time of his retirement if he had never been retired for disability.*

3 (c) Should any retired person, except persons retired for service prior to January 8,
4 1932, and persons retired because of disability incurred in the performance of duty, engaged
5 in a gainful occupation, prior to attaining age 62, the Retirement Board shall reduce the
6 amount of his monthly pension as defined in this Article to an amount which, when added to
7 the compensation earned monthly by him in such occupation, shall not exceed the amount of
8 the compensation on the basis of which his retirement allowance was determined. Should the
9 earning capacity of such beneficiary be further altered, the Board may further alter his pension
10 to an amount which shall not exceed its amount when he was originally retired, but which,
11 subject to such limitation, shall equal, when added to the compensation earned by him the
12 amount of his compensation on the basis of which his retirement allowance was determined.
13 When the beneficiary reaches age 62, his retirement allowance shall be made equal to the
14 amount upon which he was originally retired, and shall not again be modified for any cause.

15 (d) Should any beneficiary retired for disability refuse, under age 62, to submit to a
16 medical examination, his pension may be discontinued until his withdrawal of such refusal,
17 and should such refusal continue for one year, his retirement allowance may be cancelled.

18 Section 20. Section 16.77 of Chapter 16, Article IV of the San Francisco
19 Administrative Code is hereby amended to read as follows:

20 SEC. 16.77. POSITION IN CITY SERVICE NOT PERMITTED AFTER RETIREMENT;
21 EXCEPTIONS.

22 No person retired for service or disability and in receipt of a retirement allowance under
23 the Retirement System shall serve in any elective or appointive position in the City and
24 County service, including membership on boards and commissions, nor shall such person
25 receive any payment for service rendered to the City and County after retirement; provided,
that ~~service as this section shall not apply to an election officer or juror or any person elected to a~~
City office, who waives pension payments under Section 16.87 ~~shall not be affected by this Section.~~

1 Section 21. Section 16.79 of Chapter 16, Article IV of the San Francisco
2 Administrative Code is hereby amended to read as follows:

3 SEC. 16.79. BENEFICIARIES.

4 "Beneficiary" means any person, except a corporation, designated by a member, or a
5 retired member, to receive a benefit payable on account of the death of a member or a retired
6 member. *A member or retired member may also name the member's estate or trust as a beneficiary for*
7 *any lump sum death benefits.* If there is no effective beneficiary designation the benefit shall be
8 paid to the estate of the member.

9 Section 22. Section 16.80 of Chapter 16, Article IV of the San Francisco
10 Administrative Code is hereby amended to read as follows:

11 SEC. 16.80. DEATH BENEFITS.

12 (a) Death in Performance of Duty. Upon the death of any person who is a member
13 under Section 8.540 or 8.565 of the Charter, if such death shall result from his performance of
14 duty as prescribed in such sections, respectively, or if such death in the case of members
15 under Section 8.565 of the Charter shall occur after qualification for service retirement, there
16 shall be paid to the widow, children or parents of such member, the benefits provided in such
17 sections, for members at January 8, 1932, of the Police and Fire Departments, upon death
18 resulting from the performance of duty and upon death occurring after qualification for service
19 retirement. If such death after qualification for service retirement shall not result from the
20 performance of duty and if there be no surviving wife, children or parents to whom benefits are
21 payable under this subsection, the benefits provided in the next following subsection shall be
22 paid to the beneficiary nominated by him as prescribed therein.

23 (b) Death Not in Performance of Duty. Upon the death before retirement, if such
24 death be not included under Subsection (a) of this Section, of a member while in the city
25 service, or within four months after the discontinuance of city service, or while physically or
mentally incapacitated for performance of his duty, if such incapacity has been continuous

1 from discontinuance of city service, the retirement system shall be liable for a death benefit,
2 which, if an amount be due under Paragraph (3) of this subsection, and if there be a surviving
3 wife or surviving children, shall be paid in monthly installments and to the surviving wife and
4 children as prescribed therein; otherwise, such death benefit shall be paid to his estate, or to
5 such person as he has nominated or shall nominate by written designation duly executed and
6 filed with the retirement board, and such death benefit shall consist of:

7 (1) His accumulated contributions, and in addition thereto.

8 (2) An amount equal to the compensation earnable by him during the six
9 months immediately preceding his death, ~~but with respect only to members~~
10 ~~who affirmatively exercise the option provided in Section 16.31 of this Code,~~
11 ~~such compensation earnable for any month shall not exceed \$900 and if such~~
12 ~~member be a member under Sections 8.543 or 8.567 of the Charter, and if such~~
13 ~~death, in the opinion of the retirement board, be the result of bodily injury,~~
14 ~~sustained while in the performance of duty, in addition thereto.~~

15 (3) An amount sufficient, when added to the amounts provided in the next
16 preceding Paragraphs (1) and (2), to provide, when applied according to
17 mortality tables adopted by the board, a monthly death benefit equal to $\frac{1}{2}$
18 of the monthly compensation earnable by such member during the 10
19 years immediately preceding his death, to be paid to the surviving wife to
20 whom such member was married prior to sustaining the injury, to
21 continue as long as she shall live or until her remarriage; or, if there be no
22 widow, or if the widow die before any child of such deceased member
23 shall have attained the age of 16 years, then to his child or children under
24 such age collectively, to continue until every such child dies or attains
25 such age. If payment of the allowance be stopped because of remarriage

1 of the widow or attainment of the age of 16 years by a child, before the
2 sum of monthly payment made shall equal the sum of the amounts
3 provided in the next preceding Paragraphs (1) and (2), then an amount
4 equal to the difference between such sums shall be paid in one amount to
5 the remarried widow; or, if there be no widow to the surviving children of
6 the deceased member, to share and share alike.

7 (c) Designation of Beneficiary. A member, or a beneficiary after the death of a
8 member, may elect, by written designation duly executed and filed with the retirement board,
9 to have the death benefit provided in this Section paid in monthly or annual installments
10 instead of in one lump sum, subject to such rules and regulations as the board may adopt.

11 (d) Death After Retirement. Upon the death of any person, except persons referred
12 to in Sections 8.542 and 8.566 of the Charter, after retirement and while receiving a retirement
13 allowance from the retirement system, there shall be paid to his estate or to such person as
14 he shall have nominated by written designation duly executed and filed with the Retirement
15 Board, the sum of \$100 for each completed year of city service credited to him at the time of
16 his retirement, but the total amount paid shall not exceed \$3,000; provided, that the sum so
17 paid upon the death of a person who was receiving a retirement allowance under the
18 San Francisco City and County Employees' Retirement System on January 8, 1932, or of a
19 person who became a member of the retirement system by reason of his status as an
20 employee of the public utility acquired by the City shall be not less than \$500, regardless of
21 the City service credited. If such deceased person was retired as a member under Sections
22 8.507 or 8.509 of the Charter and his retirement was first effective on or after April 1, 1966, an
23 allowance shall be paid to his widow, until her death or remarriage, equal to ½ of his
24 retirement allowance as it was prior to optional modification and prior to reduction as provided
25 in Subsection (A) of Charter Section 8.514, but exclusive of the part of such allowance which

1 was provided by additional contributions. No allowance, however, shall be paid under this
2 Section to a widow unless she was married to the member at least one year prior to the
3 member's death. If he leaves no such widow, or if she should die or remarry before every
4 child of such deceased retired person attains the age of 18 years, then the allowance which
5 such widow would have received had she lived and not remarried shall be paid to his child or
6 children under said age, collectively, to continue until every such child dies or attains said age,
7 provided that no child shall receive any allowance after marrying or attaining the age of 18
8 years. If the member, at retirement, has no wife who upon his death would qualify as a widow
9 to receive the allowance provided in this subsection, he may elect an option, as provided
10 under Section 16.75 of this Code, with respect to all of his allowance but if at his retirement he
11 has such a wife, he may elect such option only with respect to that part of his retirement
12 allowance, prior to reduction as provided in Charter Section 8-514, which is in excess of the
13 allowance which would be paid to his widow under this paragraph. The funds for payments
14 under this paragraph shall be derived:

- 15 (1) With respect to persons retired as members under Charter Sections 8.509.
16 8.544 and 8.568 from reserves held by the retirement system on account of
17 members under such sections, respectively, and
- 18 (2) With respect to persons retired as members under Charter Sections 8.507,
19 8.543, and 8.567 from the accumulated contributions of the City held to meet the
20 obligation of the City on account of benefits that have been granted and on
21 account of prior service of members. Upon the death of any person after
22 retirement and while receiving a pension under Sections 8.542 or 8.566 of the
23 Charter, as a retired member of the Police or Fire Department, there shall be
24 paid to his estate or to such person as he shall have nominated by written
25 designation duly executed and filed with the retirement board, the sum of

1 \$3,000. The death benefits provided in this paragraph with respect to persons
2 retired under Charter Sections 8.542 or 8.565, shall be funded by contributions
3 to the retirement system by the City which shall not be less in any fiscal year
4 than the amount of such benefits paid during said year.

5 (e) Revocation of Nomination of Beneficiary. A person, while a member or after
6 retirement, shall have the right to revoke the nomination of a beneficiary made by him under
7 the retirement system, and to nominate a beneficiary in lieu thereof, all by written designation
8 duly executed and filed with the Retirement Board; provided, that this right shall not extend to
9 beneficiaries nominated under Options 2 and 3 of Section 16.75 of this Code, nor shall it
10 extend to dependents designated as beneficiaries by State law, the Charter or this Article, to
11 receive benefits payable on account of death or disability incurred in the performance of duty.

12
13
14 APPROVED AS TO FORM:

15 LOUISE H. RENNE
16 City Attorney

17
18
19 By: _____

20 DAN MAGUIRE
21 Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 001921

Date Passed:

Ordinance amending Chapter 16, Article IV of Part I of the San Francisco Administrative Code by repealing Section 16.29-15 and amending Sections 16.29.7.1, 16.29-7.2, 16.29-9.5, 16.29-9.6, 16.29-15.11, 16.29-15.12, 16.37, 16.37-2, 16.37.4, 16.37-5, 16.46, 16.47, 16.52, 16.54, 16.67, 16.70-1, 16.74, 16.77, 16.79, and 16.80 regarding the Retirement System, to eliminate out-dated and obsolete provisions.

December 11, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 18, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

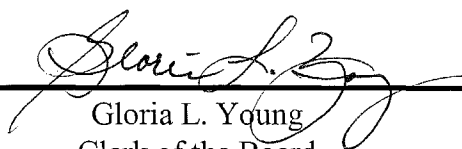
Absent: 2 - Katz, Teng

File No. 001921

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 18,
2000 by the Board of Supervisors of the City
and County of San Francisco.

DEC 28 2000

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.