[Compensation for Employees Called to Active Military Duty in Response to September 11th, 2001 Terrorist Attacks]

Ordinance amending the 2001-2002 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics 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. The San Francisco 2001-2002 Annual Salary Ordinance is hereby amended by adding to Section (2) (Compensation Provisions) a new Sub-Section (4) (Supplementation of Military Pay) to read as follows:

4. Supplementation of Military Pay

(a) In accordance with Charter Section A8.400 (h) and in addition to the benefits provided pursuant to Section 395.01 and 395.02 of the California Military and Veterans Code and the Civil Service Rules, any City officer or employee who is a member of the reserve corps of the United States Armed Forces, National Guard or other uniformed service organization of the United States and is called into active military service on or after September 11th, 2001 in response to the September 11th, 2001 terrorist attacks in New York City, Washington D.C, and Pennsylvania or related extraordinary circumstances shall have the benefits provided for in subdivision (b).

(b) Any officer or employee to whom subdivision (a) applies, while on military leave active duty, shall receive from the City, for a period not to exceed 180 calendar days from the effective date of this

MAYOR WILLIE L. BROWN, JR., Supervisors Daly, Newsom
BOARD OF SUPERVISORS
ordinance, the following as part of the individual's compensation supplement to their military pay and 
benefits:

(1) The difference between the amount of the individual's gross military pay and the amount of 
gross pay the individual would have received as a city officer or employee, had the officer or employee 
worked his or her normal work schedule.

(2) Retirement service credit consistent with section A8.520 of the Charter. The City shall pay 
the full employee contributions required by the Charter to the extent employer paid employee 
contributions are required under the memorandum of understanding covering the employee.

(2)(3) All other benefits to which the individual would have been entitled had the individual not 
been called to active duty, except as limited under state law or the Charter.

(c) As set forth in Charter Section A8.400 (h), this ordinance shall be subject to the following 
limitations and conditions:

(1) The individual must have been called into active service for a period greater than 30 
consecutive days.

(2) The purpose for such call to active service shall have been to respond to the September 11th 
2001 terrorist attacks in New York City, Washington D.C and Pennsylvania or related extraordinary 
circumstances and shall not include scheduled training, drills, unit training assemblies or similar 
events.

(3) The amounts authorized pursuant to this ordinance shall be offset by amounts required to 
be paid pursuant to any other law in order that there be no double payments.

(4) Any individual receiving compensation pursuant to this ordinance shall execute an 
agreement providing that if the individual does not return to City service within 60 days of release from 
active duty (or if the individual is not fit for employment at that time, within 60 days of a determination 
that the employee is fit for employment), then that compensation described in Sections (b)(1) through 
(b)(3) (a)(1) and (a)(2) shall be treated as a loan payable with interest at a rate equal to the greater of
(i) the rate received for the concurrent period by the Treasurer’s Pooled Cash Account or (ii) the
minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as
amended from time to time, and any successor statute. Such loan shall be payable in equal monthly
installments over a period not to exceed 5 years, commencing 90 days after the individual's release
from active service or return to fitness for employment, as the case may be.

(5) This ordinance shall not apply to any active duty served voluntarily after the time that the
individual is called to active service.

(6) This ordinance shall not be retroactive.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By:
Philip A. Ginsburg
Deputy City Attorney
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 5, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.
Ordinance amending the 2001-2002 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule.

October 29, 2001  Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

November 5, 2001  Board of Supervisors — FINALLY PASSED
Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Ammiano