

**RESOLUTION No. 215552**

Adopted on MAR 17 1976

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That this Council hereby requests the State Legislature to initiate legislation to add Section 45060 to the California Government Code as set forth in Exhibit A attached hereto and made a part hereof. The purpose of this addition is to allow The City of San Diego to hire employees who do not meet the physical standards established for such employees after such employees have waived their rights to disability retirement benefits.

APPROVED: JOHN W. WITT, City Attorney

By Paul E. Robinson  
Paul E. Robinson  
Deputy City Attorney

PER:k:046  
3-24-76  
Or.Dept.: Mayor

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§ 45060. Failure of applicant to meet physical standards for employment; waiver of rights to disability retirement; review of waiver.

Any applicant for employment who does not meet the physical standards established for such employment because of a physical impairment existing on the date of his or her employment may be required by the city, as a condition to such employment, to execute a waiver of any and all rights to a disability retirement, under any retirement system established by such city pursuant to charter authority if a chartered city, or Section 45300 et seq. of this code if a general law city, arising as a result of such impairment or any aggravation thereof while in city service. The city shall provide the applicant with written notice of the rights and benefits which such applicant is being required to waive. The applicant shall give written acknowledgment of the receipt of such notice.

No earlier than two years after employment an employee who has waived rights pursuant to this section may apply to the retirement board to review such waiver to determine if it shall remain in force. The employee shall submit a physician's report concerning the condition for which such a waiver was required with such request for review. The retirement board may require, at city expense, an examination of such employee by a physician of such board's choosing. The retirement board, following a hearing, may release such employee from all or part of a waiver given pursuant to this section. An employee may not require such a review more often than every two years, although such board in its sole discretion may allow a review at more frequent intervals.

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Passed and adopted by the Council of The City of San Diego on MAR 17 1976  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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