

ORDINANCE NO. 12430 AUG 28 1978  
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4,  
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTIONS 24.0503 AND 24.0504.1  
AND BY ADDING SECTIONS 24.0514, 24.0515 AND  
24.0516, RELATING TO DISABILITY RETIREMENT.

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

Section 1. That Chapter II, Article 4, Division 5 of  
the San Diego Municipal Code be and the same is hereby  
amended by amending Sections 24.0503 and 24.0504.1 and adding  
Sections 24.0514, 24.0515 and 24.0516 to read as follows:.

SEC. 24.0503 INDUSTRIAL DISABILITY--SAFETY MEMBER  
--COMPUTATION OF BENEFITS

Upon retirement of a safety member for industrial  
disability, he/she shall receive in equal monthly install-  
ments a disability retirement allowance of 50% of his  
or her final compensation, plus an annuity purchased  
with his or her accumulated additional contributions,  
if any, or, if qualified for service retirement, he or  
she shall receive his/her service retirement allowance if  
such allowance, after deducting such additional annuity,  
is greater. The disability retirement allowance for  
a safety member retired because of industrial disability  
shall be derived from an annuity based on his/her accumu-  
lated normal contributions and a disability retirement  
pension derived from contributions of the City.

SEC. 24.0504.1 INDUSTRIAL DISABILITY--GENERAL MEMBER  
--COMPUTATION OF BENEFITS

Upon retirement of a general member for industrial disability, he/she shall receive in equal monthly installments a disability retirement allowance of 33 1/3% of his or her final compensation plus an annuity purchased with his or her accumulated additional contribution, if any, or if qualified for service retirement, he or she shall receive his/her service retirement allowance if such allowance, after deducting such additional annuity, is greater. The disability retirement allowance for a general member retired because of industrial disability shall be derived from an annuity based on his/her accumulated normal contributions and a disability retirement pension derived from contributions of the City.

SEC. 24.0514 INDUSTRIAL DISABILITY--COMPENSATION  
LIMITATION

If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his/her class, a recipient of a disability retirement allowance engages in gainful employment not in City service, the Board shall reduce the monthly disability retirement pension portion of that allowance to an amount which, when added to the compensation earned monthly by him/her, shall not exceed the amount of the maximum current compensation attached to the position which the recipient held at the time of his/her disability retirement, or if

that position has been abolished, the maximum compensation attached to such position immediately prior to its abolition, modified for years succeeding abolition by the average percentage increase in salaries for all City employees. When said recipient reaches the minimum age for voluntary retirement for service applicable to members of the recipient's class, the recipient's pension shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified under this section. This provision shall apply only to those persons hired by The City of San Diego on or after October 1, 1978

SEC. 24.0515 INDUSTRIAL DISABILITY--WORKERS  
COMPENSATION

If, pursuant to general law, an award of compensation shall be made or compensation shall be paid on account of injury or sickness caused by or arising out of employment as an employee of The City of San Diego, that compensation shall not be cumulative with any industrial disability retirement allowance provided for in this Article. Such compensation as may be awarded shall be set off against any disability retirement pension payments which are the obligation of the City. If the amount of compensation as may be awarded is paid in one sum or in installments equal to or greater than the

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monthly disability retirement pension payment, no disability retirement pension payments shall be paid until the disability retirement pension payments equal the amount of compensation awarded and paid. No deductions shall be made from the annuity portion of any disability retirement allowance awarded to a member. This provision shall apply only to those persons hired by The City of San Diego on or after October 1, 1978.

SEC. 24.0516 DISABILITY RETIREMENT--REPORTING  
REQUIREMENTS

Any employee hired by The City of San Diego on or after October 1, 1978, who is subsequently granted a disability retirement allowance (hereinafter "recipient") shall provide the Retirement Board of Administration with the following:

(a) A quarterly statement of all compensation earned by the recipient. For purposes of this section, the reporting periods shall commence on January 1, April 1, July 1 and October 1. All statements must be filed by the 20th day of the month following any given quarter and failure to file a statement shall be cause for the Board to suspend disability allowance payments.

(b) A copy of the recipient's annual Federal income tax return. Said copy must be submitted to the Board within thirty (30) days of its being filed with the Internal Revenue Service.

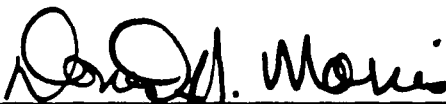
REVISED 8/17/78

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(c) All other reports relating to compensation earned by the recipient deemed necessary by the Board.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
David H. Morris  
Deputy City Attorney

DHM:rc:352  
6/22/78  
Or. Dept.: Rules Committee

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Passed and adopted by the Council of The City of San Diego on AUG 28 1978  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 31 1978

AUG 28 1978

and on

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

JUL 29 1978

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>12430</u> Adopted <u>AUG 28 1978</u>

*Handwritten initials*

ATTORNEY(S)

San Diego, City of  
12th Fl. City Admin. Bldg.  
202 C Street  
San Diego, CA 92101  
Attn: B. Goldberg

RECEIVED  
CITY CLERK'S OFFICE  
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SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

DISABILITY RETIREMENT

ORDINANCE NO. 12430

(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0503 AND 24.0504.1 AND BY ADDING SECTIONS 24.0514, 24.0515 AND 24.0516, RELATING TO DISABILITY RETIREMENT.

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

Section 1. That Chapter II, Article 4, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 24.0503 and 24.0504.1 and adding Sections 24.0514, 24.0515 and 24.0516 to read as follows:

SEC. 24.0503 INDUSTRIAL DISABILITY - SAFETY MEMBER - COMPUTATION OF BENEFITS

Upon retirement of a safety member for industrial disability, he/she shall receive in equal monthly installments a disability retirement allowance of 50% of his or her final compensation, plus an annuity purchased with his or her accumulated additional contributions, if any, or, if qualified for service retirement, he or she shall receive his/her service retirement allowance if such allowance, after deducting such additional annuity, is greater. The disability retirement allowance for a safety member retired because of industrial disability shall be derived from an annuity based on his/her accumulated normal contributions and a disability retirement pension derived from contributions of the City.

SEC. 24.0504.1 INDUSTRIAL DISABILITY - GENERAL MEMBER - COMPUTATION OF BENEFITS

Upon retirement of a general member for industrial disability, he/she shall receive in equal monthly installments a disability retirement allowance of 33 1/3% of his or her final compensation plus an annuity purchased with his or her accumulated additional contributions, if any, or if qualified for service retirement, he or she shall receive his/her service retirement allowance if such allowance, after deducting such additional annuity, is greater. The disability retirement allowance for a general member retired because of industrial disability shall be derived from an annuity based on his/her accumulated normal contributions and a disability retirement pension derived from contributions of the City.

SEC. 24.0514 INDUSTRIAL DISABILITY - COMPENSATION LIMITATION

If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his/her class, a recipient of a disability retirement allowance engages in gainful employment not in City service, the Board shall reduce the monthly disability retirement pension portion of that allowance to an amount which, when added to the compensation earned monthly by him/her, shall not exceed the amount of the maximum current compensation attached to the position which the recipient held at the time of his/her disability retirement, or if that position has been abolished, the maximum compensation attached to such position immediately prior to its abolition, modified for years succeeding abolition by the average percentage increase in salaries for all City employees. When said recipient reaches the minimum age for voluntary retirement for service applicable to members of the recipient's class, the recipient's pension shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified under this section. This provision shall apply only to those persons hired by The City of San Diego on or after October 1, 1978.

I, EVE C. LASH, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12430

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

September 12, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 12th day of Sept., 1978.

*Eve C. Lash*

(Signature)

19" - 115.33

