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ORDINANCE NUMBER O- 20018 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 28 2011

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.0305, AND BY AMENDING CHAPTER 2, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 23.0407, BOTH RELATING TO VETERANS' PREFERENCE CREDIT.

WHEREAS, on June 8, 2010, voters approved Proposition C to amend San Diego Charter section 120 regarding veterans' preference credit; and

WHEREAS, prior to the recent amendment to Charter section 120, veterans only received preference credit if they served during a period of conscription; and

WHEREAS, the last conscription period was during the Vietnam War; and

WHEREAS, the revisions to the City Charter allow veterans' preference credit to be granted to applicants who have served in any branch of the United States Armed Forces during any war, major military action, or peacekeeping mission and who have been honorably discharged from active service; and

WHEREAS, a veterans' preference credit is only granted to each applicant upon the first employment after discharge from service; and

WHEREAS, in addition, the veterans' preference credit provides an additional 5 percent credit to any veteran or the qualifying spouse of any veteran who has a service related disability of at least 15 percent; and

WHEREAS, veterans' preference credit will only be granted to a veteran or the qualifying spouse of a veteran who successfully completes all parts of an examination; and

WHEREAS, credit will not be granted in any promotional examination; and

WHEREAS, in order to ensure the Civil Service Rules are consistent with revised Charter section 120, on November 4, 2010, the Civil Service Commission approved the proposed revisions to Civil Service Rule II (Applicants and Applications) and Civil Service Rule III (Examinations), which are contained in San Diego Municipal Code sections 23.0305 and 23.0407, respectively; and

WHEREAS, changes to Municipal Code sections 23.0305 and 23.0407 are required to implement the revisions to the City's veterans' preference credit policy; and

WHEREAS, pursuant to Charter section 118, the Civil Service Commission submits to the City Council such amendments for consideration and adoption; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 3, Division 3 of the San Diego Municipal Code (Rule II of the Rules of the Civil Service Commission) is amended by amending Section 23.0305 to read as follows:

§ 23.0305 Veterans' Provisions

(Rule II, Section 5 of the Rules of the Civil Service Commission)

- (a) A veteran is defined as any person who has served in any branch of the United States Armed Forces during any war, major military action, or peacekeeping mission and who has been honorably discharged from active service.

- (b) A veteran claiming preference credit shall file, at the time of application, proof of service in the United States Armed Forces and honorable separation therefrom.
- (c) To claim veterans' preference credit in an examination, the spouse of any veteran who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, and also the surviving spouse of any veteran killed or who died while in such service, shall receive a credit of 5 percent upon the first employment after such veteran's discharge or death. An additional 5 percent credit, or a total of 10 percent credit, shall be awarded to any veteran or the spouse of any veteran who meets the above criteria and has a service related disability of at least 15 percent which has been duly established by federal law.
- (d) This veterans' preference credit is granted to each applicant only upon the first employment after discharge from service, and is not granted to applicants retired from the service on full pensions. This credit shall not be granted in any promotional examination.

Section 2. That Chapter 2, Article 3, Division 4 of the San Diego Municipal Code (Rule III of the Rules of the Civil Service Commission) is amended by amending Section 23.0407 to read as follows:

§ 23.0407 **Examination Ranking System**

(Rule III, Section 7 of the Rules of the Civil Service Commission)


Candidates shall be placed on eligible lists according to scores attained from successful completion of all parts of an examination and, if applicable, veterans' preference credit.

(a)-(b) [No change in text.]

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon A. Marshall
Deputy City Attorney

SAM:ccm
11/16/2010
Or.Dept:Personnel

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of **JAN 25 2011**

ELIZABETH S. MALAND
City Clerk

By *Mary Zumaya*
Deputy City Clerk

Approved: 1-28-11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.0305, AND BY AMENDING CHAPTER 2, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 23.0407, BOTH RELATING TO VETERANS' PREFERENCE CREDIT.

§ 23.0305 Veterans' Provisions

(Rule II, Section 5 of the Rules of the Civil Service Commission)

- (a) A veteran is defined as any person who has served ~~on active duty~~ in any branch of the ~~Armed Forces of the United States~~ Armed Forces in any period of time in which a Federal conscription act was in effect during any war, major military action, or peacekeeping mission and who has been honorably separated from said discharged from active service; ~~except any person who is retired on a full pension or who has been employed subsequent to discharge from such service will not be considered a veteran for purposes of this Rule.~~
- (b) A veteran claiming preference ~~points~~ credit shall file, at the time of application, proof of service in the ~~Armed Forces of the United States~~ Armed Forces and honorable separation therefrom.
- (c) To claim veterans' preference points credit in an examination, ~~the spouse of a totally disabled veteran or the surviving spouse of a veteran who died~~

~~while in active service shall file proof of such veteran's rights to preference points, marriage to the veteran and the veteran's disability or death~~the spouse of any veteran who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, and also the surviving spouse of any veteran killed or who died while in such service, shall receive a credit of 5 percent upon the first employment after such veteran's discharge or death. An additional 5 percent credit, or a total of 10 percent credit, shall be awarded to any veteran or the spouse of any veteran who meets the above criteria and has a service related disability of at least 15 percent which has been duly established by federal law.

(d) This veterans' preference credit is granted to each applicant only upon the first employment after discharge from service, and is not granted to applicants retired from the service on full pensions. This credit shall not be granted in any promotional examination.

§ 23.0407 Examination Ranking System

(Rule III, Section 7 of the Rules of the Civil Service Commission)

Candidates shall be placed on eligible lists according to scores attained from successful completion of all parts of an examination and, if applicable, veterans' preference credit.

(a)-(b) [No change in text.]

SAM:ccm
11/16/2010
Or.Dept:Personnel