

ORDINANCE NUMBER O- 20680 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 19 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4,
DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 24.1001 RELATING TO THE CITY'S
RETIREMENT SYSTEM.

WHEREAS, the City of San Diego's defined benefit retirement plan is codified in Chapter 2, Article 4 of the San Diego Municipal Code (Municipal Code); and

WHEREAS, the retirement plan, at Municipal Code section 24.1001, prohibits the City from paying any City retiree for any services rendered as an officer or employee of the City, except under very limited circumstances; and

WHEREAS, those circumstances are: (1) the retiree is hired as a provisional employee for no more than 90 days per fiscal year; (2) the retiree is elected to office by the City's electors; or (3) the retiree was on a disability retirement and the retirement board has terminated his or her disability benefits; and

WHEREAS, this ordinance will amend Municipal Code section 24.1001 to prohibit the City from hiring any retiree as a provisional employee if that retiree has received unemployment insurance compensation arising out of prior City employment as a provisional employee; and

WHEREAS, this ordinance does not require a vote of the retirement system membership under San Diego Charter (Charter) section 143.1, because it does not affect the retirement benefits of any active officer or employee, and does not affect the vested defined benefits of any retired officer or employee; and

WHEREAS, this ordinance also does not require a vote of the City's electors under Charter section 143.1, because it does not increase the retirement benefits of any active City employee, legislative officer or elected official; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 4, Division 10 of the San Diego Municipal Code is amended by amending section 24.1001 to read as follows:

§24.1001 Retired Persons


- (a) The City will not pay any person who has retired from City service under this Article for any services rendered as an officer or employee of the City, except as provided below:
- (1) Reinstatement from Disability Retirement. A former City officer or employee who was granted a disability retirement under Division 5 of this Article, but is ordered back to work under section 24.0510, may return to paid City employment after his or her retirement benefits are terminated.
 - (2) Elected Officers. A retired City officer or employee may return to paid City service as an officer elected by the City's electors.
 - (3) Provisional Employees. A retired City officer or employee may be employed for pay in a position that requires special skills or knowledge, as determined by the appropriate appointing authority, for no more than 720 hours per fiscal year. During this employment, the retired officer or employee will continue to receive his or her retirement benefits under this Article, but will not be an active *Member* of the *System*, will not accrue annual leave, and will not be eligible to participate in either of the City's Supplemental Pension Savings Plans.

- (b) The City will not employ any retired person as a provisional employee under section 24.1001(a)(3) if the retired person received unemployment insurance compensation arising out of prior employment as a provisional employee under section 24.1001 (a)(3).

Section 2. That a full reading of this ordinance is dispensed with before 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 3. That this ordinance will take effect and be in force on the thirtieth day from and after its final passage.

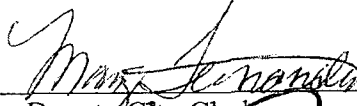
APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Roxanne Story Parks
Deputy City Attorney

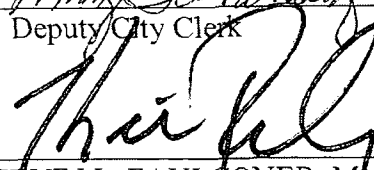
RSP:ccm
01/19/2016
Or.Dept: Human Resources
Doc. No. 1146457

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 12 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/19/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4,
DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 24.1001, RELATING TO THE CITY'S
REITEMENT SYSTEM.

§24.1001 Retired Persons

(a) ~~Notwithstanding any other provision of law, no~~ The City will not pay any
person who has been retired from the service and employment of The City
of San Diego pursuant to the provisions of service under this aArticle shall
thereafter be paid for any service rendered as an officer or employee of
said the City, except as provided in Section 24.0510 or except as an officer
elected by the electors of said City below:

(1) Reinstatement from Disability Retirement. A former City officer
or employee who was granted a disability retirement under
Division 5 of this Article, but is ordered back to work under
section 24.0510, may return to paid City employment after his or
her retirement benefits are terminated.

(2) Elected Officers. A retired City officer or employee may return to
paid City service as an officer elected by the City's electors.

(3) Provisional Employees. A retired City officer or employee may be
employed for pay in a position that requires special skills or
knowledge, as determined by the appropriate appointing authority.

for no more than 720 hours per fiscal year. During this employment, the retired officer or employee will continue to receive his or her retirement benefits under this Article, but will not be an active *Member of the System*, will not accrue annual leave, and will not be eligible to participate in either of the City's Supplemental Pension Savings Plans.

(b) The City will not employ any retired person as a provisional employee under section 24.1001(a)(3) if the retired person received unemployment insurance compensation arising out of prior employment as a provisional employee under section 24.1001(a)(3).

~~Notwithstanding the above provision, commencing on or after July 1, 1983, any person who has retired may be employed in a position requiring special skills or knowledge, as determined by the appropriate appointing authority, for a period not to exceed 90 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as an active member of this System and no deductions shall be made from his or her salary as contributions thereto; nor shall said person, as a result of such limited duty, be considered an eligible employee for purposes of the City's Supplemental Pension Savings Plan or accrual of annual leave.~~

RSP:ccm
01/19/2016
Or.Dept: Human Resources
Doc. No. 1146447

Passed by the Council of The City of San Diego on JUL 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 19 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Mary Stenhardt, 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

JUN 28 2016, and on JUL 19 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Mary Stenhardt, Deputy

Office of the City Clerk, San Diego, California

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