

MEMORANDUM OF LAW

DATE: July 12, 1996

TO: Councilmember Barbara Warden

FROM: City Attorney

SUBJECT: Industrial Disability Retirement Benefits for City of San Diego
Firefighters Performing Duties as Members of the Urban Search and Rescue Task
Force during the 1996 Summer Olympics

QUESTION PRESENTED

You have asked for a legal opinion concerning City of San Diego firefighters

performing such services for the federal government. You have asked if the status of City of San Diego firefighters performing such services for the federal government, specifically as members of the Urban Search and Rescue Task Force ("USAR") during the 1996 Summer Olympics, alters our view on their eligibility for City of San Diego industrial disability retirement benefits. In a Memorandum of Law dated December 14, 1995, Deputy City Attorney Marshall indicated that the USAR volunteers' status as federal employees may not meet the service requirements for a CERS industrial disability retirement.

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SHORT ANSWER

City of San Diego firefighters will be eligible for all City of San

Diego

performing services for USAR under the May 21, 1996 agreement.

ANALYSIS

The May 21, 1996 agreement between the City of San Diego and FEMA indicate firefighters assigned to perform duties with the USAR during the 1996 Summer considered in service with the sponsoring organization." The City of San Diego organization for these firefighters. We have also been informed that the firefighters' duties will be compensated as City employees during the period of their service. In addition, all normal contributions to the firefighters' CERS accounts will reimburse the City of San Diego to cover the compensation of the assigned firefighters and related costs. During this period of time, the designated firefighters remain employees for all purposes including eligibility for industrial disability retirement. This is not an unusual arrangement and is similar to the situation when firefighters are activated under a mutual aid agreement pursuant to California Government Code section 54900. Therefore, employees in this status are entitled to all of the benefits, including industrial disability retirement benefits.

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By
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