

BOARD of SUPERVISORS



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MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: July 9, 2024

SUBJECT: LEGISLATION INTRODUCED – MEET AND CONFER DETERMINATION

The Board of Supervisors' Rules Committee has received the following Charter Amendment. This matter is being **re-referred** to you as it may require the Department of Human Resources to fulfill "**Meet and Confer**" requirements. Please review, assess the impact and provide proper noticing as required and report back to on the status of the "Meet and Confer" requirement.

File No. 240552 (ver2)

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to shorten to one year the period to calculate "final compensation" for retirement benefits for persons who have or will become members of the Fire Department on and after July 7, 2010; change the age factor percentage for benefit calculations such that persons who have or will become members of the Fire Department on and after January 7, 2012 reach a higher age factor percentage at earlier ages; and lower from 58 to 55 the retirement age at which persons who have or will become members of the Fire Department on and after January 7, 2012 reach the highest age factor percentage; at an election to be held on November 5, 2024.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM THE DEPARTMENT OF HUMAN RESOURCES - Date: _____

_____ **Meet and Confer requirement has been fulfilled.**

_____ **Meet and Confer requirement not applicable.**

_____ **Additional information attached.**

Department of Human Resources

c: Mawuli Tugbenyoh, Department of Human Resources
Aliya Chisti, Department of Human Resources

LEGISLATIVE DIGEST

(Revised 7/8/2024)

[Charter Amendment – Fire Department Service Retirement Pension]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to shorten to one year the period to calculate “final compensation” for retirement benefits for persons who have or will become members of the Fire Department on and after July 7, 2010; change the age factor percentage for benefit calculations such that persons who have or will become members of the Fire Department on and after January 7, 2012 reach a higher age factor percentage at earlier ages; and lower from 58 to 55 the retirement age at which persons who have or will become members of the Fire Department on and after January 7, 2012 reach the highest age factor percentage.

Existing Law

1. Definition of “Final Compensation”

Currently, persons who have or will become members of the Fire Department on and after July 7, 2010, have a different final compensation period included for benefits calculations than those hired earlier than that date. For persons who became members of the Fire Department between July 7, 2010 and January 7, 2012, Charter Section A8.601-1 defines “final compensation” as the average monthly compensation earned by a member during the higher of any two consecutive fiscal years of earnings immediately before retirement. For persons who have or will become members of the Fire Department on and after January 7, 2012, Charter Section A8.604-1 defines “final compensation” as the average monthly compensation earned by a member during the higher of any three consecutive fiscal years of earnings immediately before retirement. In contrast, persons who became members of the Fire Department before July 7, 2010 have a retirement benefit calculation based on a one-year period.

2. Changing Age Factor Percentages and Lowering Retirement Age

Persons who are members of the Fire Department and meet age and service requirements receive a service retirement allowance based on their age, final compensation, and years of service. Under Charter Section A8.604-2, persons who have or will become members of the Fire Department on and after January 7, 2012 attain their highest age factor percentage when they reach age 58. In contrast, persons who became members of the Fire Department before January 7, 2012 attain their highest age factor percentage when they reach age 55. Similarly, persons who became members of the Fire Department before January 7, 2012 attain higher age factor percentages at earlier ages than those who have or will become members of the Fire Department on and after January 7, 2012.

Amendments to Current Law

1. Definition of “Final Compensation”

This amendment would change the definition of final compensation so that persons who have or will become members of the Fire Department on and after July 7, 2010 have a final compensation calculation based on one year of credited service as do those who became members of the Fire Department before that date.

2. Changing Age Factor Percentages and Lowering Retirement Age

This amendment would: 1) align the age factor percentage for persons who have or will become members of the Fire Department on and after January 7, 2012 with those who became members of the Fire Department before that date; and 2) lower from 58 to 55 the retirement age at which persons who have or will become members of the Fire Department on and after January 7, 2012 reach the highest age factor percentage, consistent with persons who join the Fire Department before that date.

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1 [Charter Amendment - Fire Department Service Retirement Pension]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **5, 2024, to amend the Charter of the City and County of San Francisco to shorten to one**
5 **year the period to calculate “final compensation” for retirement benefits for persons who**
6 **have or will become members of the Fire Department on and after July 7, 2010; change the**
7 **age factor percentage for benefit calculations such that persons who have or will become**
8 **members of the Fire Department on and after January 7, 2012 reach a higher age factor**
9 **percentage at earlier ages; and lower from 58 to 55 the retirement age at which persons**
10 **who have or will become members of the Fire Department on and after January 7, 2012**
11 **reach the highest age factor percentage.**

12
13 Section 1. Findings.

14 (a) In November 2011, San Francisco voters approved Proposition C to reform the
15 City and County of San Francisco’s (City) retirement and health benefits systems. This reform
16 was a response to the disastrous fiscal impacts of the 2008 Great Recession that significantly
17 reduced the City’s revenues and caused the retirement fund to drop from being fully funded to
18 being only partially funded. This drop in funding status required the City to substantially
19 increase its employer contributions, further exacerbating the City’s budget deficit.

20 (b) Proposition C amended the Charter to increase pension contribution rates for
21 employees hired on and after January 7, 2012. In addition, it increased to three years the final
22 compensation time period for calculating retirement benefits for employees who were hired on
23 and after January 7, 2012. Further, it raised the retirement ages for which members of the Fire
24 Department hired on and after January 7, 2012 receive the highest percentage for each year of
25 credited service for retirement benefit calculations and raised the age at which employees reach

1 the highest percentage from age 55 to 58.

2 (c) In the more than 12 years since this pension reform, the financial outlook of the
3 San Francisco Employees' Retirement System has improved significantly.

4 (d) Members of the Fire Department uniquely face both short- and long-term health
5 complications as a result of their occupation. The City relies on our firefighters to be the first
6 responders to a plethora of dangerous circumstances, most notably active fires but also many
7 other instances of trauma or tragedy. Beyond these immediate high-risk threats, the conditions
8 that City firefighters endure have demonstrably increased their risk of adverse long-term health
9 impacts. According to the San Francisco Firefighters Cancer Prevention Foundation, San
10 Francisco's female firefighters have a rate of breast cancer that is six times higher than the
11 national average, and over the past 20 years, the Fire Department has lost more than 300
12 firefighters to cancer. Furthermore, national research shows that firefighters experience higher
13 rates of behavioral health issues than the general public. According to the International
14 Association of Fire Fighters, 20% of firefighters and paramedics meet the criteria for post-
15 traumatic stress at some point during their careers, while the National Fallen Firefighters
16 Foundation reports that the suicide rate for firefighters is higher than the rate for the general
17 public.

18 (e) Additionally, the Fire Department has few positions that are not directly in the
19 field, meaning that members of the Fire Department are asked to enter active fires and other
20 dangerous circumstances regardless of their age. In 2024, only approximately 180 out of 1800
21 positions in the San Francisco Fire Department are not "in the field" or on frontline service
22 delivery, and these jobs are dependent on promotions, not seniority of employee tenure. As a
23 result, the risk of severe injury and health complications is further heightened for members of the
24 Fire Department over age 55, as demonstrated by data from the Department of Human Resources
25 that show a positive correlation between increased age, number of injuries, and workers'

1 compensation claim costs.

2 (f) This Charter amendment aims to recognize the distinctive and brave work of the
3 members of the Fire Department and to lessen the adverse health impacts firefighters experience.
4 By allowing members of the Fire Department to retire with up to 90% of their final
5 compensation at age 55 while maintaining the increased contribution rates for employees
6 imposed by Proposition C in 2011, the City simultaneously accomplishes these important goals.
7 In doing so, the City ensures that our firefighters can enter retirement with financial security
8 without facing an additional three years of potential health risks.

9 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on November 5, 2024, a proposal to amend the Charter of
11 the City and County by revising Sections A8.601, A8.601-1, A8.604, A8.604-1, and A8.604-2,
12 and adding Sections A8.601-17 and A8.604-17, to read as follows:

13 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
14 **Additions** are *single-underline italics Times New Roman font*.
15 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Charter
17 subsections.

18 **A8.601 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1,**
19 **2010**

20 Persons who become members of the fire department, as defined in Section A8.601-1,
21 on and after July 1, 2010, shall be members of the Retirement System subject to the provisions of
22 Sections A8.601 through A8.601-17~~6~~ (which shall apply only to members under Section A8.601)
23 in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500,
24 A8.510, A8.520, A8.526-2~~2~~, and A8.526-3 of this Charter, notwithstanding the provisions of any
25 other section of this Charter, and shall not be subject to any of the provisions of Sections~~8~~ A8.598
of this Charter.

1 The provisions of Section A8.601 shall not apply to any member of the Retirement
2 System before July 1, 2010, or any member who separated from service, retired, or
3 died before July 1, 2010, or to ~~his or her~~ the member's continuant.

4 **A8.601-1 DEFINITIONS**

5 The following words and phrases as used in this section, Section A8.601, and Sections
6 A8.601-2 through A8.601-176, unless a different meaning is plainly required by the context,
7 shall have the following meanings:

8 "Retirement allowance," "death allowance," or "allowance," shall mean equal monthly
9 payments, beginning to accrue upon the date of retirement, or upon the day following the date of
10 death, as the case may be, and continuing for life unless a different term of payment is definitely
11 provided by the context.

12 "Compensation," as distinguished from benefits under the Workers' Compensation
13 Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash,
14 by the City and County, without deduction except for absence from duty, for time during which
15 the individual receiving such remuneration is a member of the fire department, but excluding
16 remuneration paid for overtime. Subject to the requirement that it be payable in cash and that
17 overtime be excluded, "compensation" for pension purposes may be defined in a collective
18 bargaining agreement.

19 "Compensation earnable" shall mean the compensation which would have been earned
20 had the member received compensation without interruption throughout the period under
21 consideration and at the rates of remuneration attached at that time to the ranks or positions held
22 by ~~him or her~~ the member during such period, it being assumed that during any absence, ~~he or~~
23 ~~she~~ the member was in the rank or position held by ~~him or her~~ the member at the beginning of
24 the absence, and that prior to becoming a member of the fire department, ~~he or she~~ the member
25 was in the rank or position first held by ~~him or her~~ the member in such department.

1 "Benefit" shall include "allowance," "retirement allowance," "death allowance," and
2 "death benefit."

3 "Final compensation" shall mean the average monthly compensation earned by a
4 member during any one year of credited service in which the member's average compensation is
5 the highest the higher of any two consecutive fiscal years of earnings or the twenty four months
6 of earnings immediately prior to retirement.

7 For the purpose of Sections A8.601 through A8.601-176, the terms "member of the fire
8 department," "member of the department," or "member" shall mean any officer or employee of
9 the fire department employed on and after July 1, 2010, who was or shall be subject to the
10 Charter provisions governing entrance requirements of members of the uniformed force of said
11 department and said terms shall further mean persons employed on and after July 1, 2010, at an
12 age not greater than the maximum age then prescribed for entrance into employment in said
13 uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine
14 engineer of fireboats; provided, however, that said terms shall not include any person who has
15 not satisfactorily completed such course of training as may be required by the fire department
16 prior to assignment to active duty with said department.

17 "Retirement System" or "system" shall mean San Francisco City and County
18 Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

19 "Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the
20 Charter.

21 "Charter" shall mean the Charter of the City and County of San Francisco.

22 * * * *

23 "Interest" shall mean interest at the rate adopted by the Retirement Board.

24 **A8.601-17 APPLICABILITY**

1 The amendment to Section A8.601-1 effective January 1, 2025 shall not apply to any
2 member of the Retirement System who separated from service, retired, or died before that date,
3 or to that member's continuant.

4 **A8.604 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JANUARY**
5 **7, 2012**

6 Persons who become members of the fire department, as defined in Section A8.604-1,
7 on and after January 7, 2012, shall be members of the Retirement System subject to the
8 provisions of Sections A8.604 through A8.604-176 in addition to such other applicable
9 provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

10 **A8.604-1 DEFINITIONS**

11 The following words and phrases as used in this Section, Section A8.604, and Sections
12 A8.604-2 through A8.604-176, unless a different meaning is plainly required by the context,
13 shall have the following meanings:

14 "Retirement allowance," "death allowance," or "allowance," shall mean equal monthly
15 payments, beginning to accrue upon the date of retirement, or upon the day following the date of
16 death, as the case may be, and continuing for life unless a different term of payment is definitely
17 provided by the context.

18 "Compensation," as distinguished from benefits under the Workers' Compensation laws
19 of the State of California shall mean all remuneration whether in cash or by other allowances
20 made by the City and County, for service qualifying for credit under this Section, but excluding
21 remuneration for overtime and such other forms of compensation excluded by the Board of
22 Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall not mean new
23 premiums or allowances first paid by the City and County after January 7, 2012, that exceed the
24 rate of pay fixed for each classification for service qualifying for credit under this Section. For
25 members with concurrent service in more than one position, "compensation" shall be limited to

1 the first hours paid during any fiscal year equal to one full-time equivalent position.

2 "Compensation" for any fiscal year shall not include remuneration that exceeds 75% of the limits
3 set forth in Internal Revenue Code Section 401(a)(17) and as amended from time to time.

4 Subject to the requirements that it be payable in cash, and that overtime and new
5 premiums or allowances first paid by the City and County after January 7, 2012 are excluded,
6 "compensation" for pension purposes may be defined in a collective bargaining agreement.

7 "Compensation earnable" shall mean the compensation which would have been earned
8 had the member received compensation without interruption throughout the period under
9 consideration and at the rates of remuneration attached at that time to the ranks or positions held
10 by ~~him or her~~ the member during such period, it being assumed that during any absence, ~~he or~~
11 ~~she~~ the member was in the rank or position held by ~~him or her~~ the member at the beginning of
12 the absence, and that prior to becoming a member of the fire department, ~~he or she~~ the member
13 was in the rank or position first held by ~~him or her~~ the member in such department.

14 "Benefit" shall include "allowance," "retirement allowance," "death allowance" and
15 "death benefit."

16 "Final compensation" shall mean the average monthly compensation earned by a
17 member during any one year of credited service in which the member's average compensation is
18 the highest the higher of any three consecutive fiscal years of earnings or the thirty six
19 consecutive months of earnings immediately prior to retirement.

20 For the purpose of Sections A8.604 through A8.604-176, the terms "member of the fire
21 department," "member of the department," or "member" shall mean any member of the fire
22 department employed on and after January 7, 2012, who was or shall be subject to the Charter
23 provisions governing entrance requirements of members of the uniformed force of said
24 department and said terms shall further mean persons employed on and after January 7, 2012, at
25 an age not greater than the maximum age then prescribed for entrance into employment in said

1 uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine
2 engineer of fireboats; provided, however, that said terms shall not include any person who has
3 not satisfactorily completed such course of training as may be required by the fire department
4 prior to assignment to active duty with said department.

5 “Qualified for service retirement,” “qualification for service retirement,” or “qualified as
6 to age and service for retirement,” as used in this Section and other Sections to which persons
7 who are members under Section A8.604 are subject, shall mean completion of 25 years of
8 service and attainment of age 50, said service to be computed under Section A8.604-10.

9 “Retirement System” or “system” shall mean San Francisco City and County
10 Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

11 “Retirement Board” shall mean “Retirement Board” as created in Section 12.100 of the
12 Charter.

13 “Charter” shall mean the Charter of the City and County of San Francisco.

14 * * * *

15 “Interest” shall mean interest at the rate adopted by the Retirement Board.

16 **A8.604-2 SERVICE RETIREMENT**

17 Any member of the fire department, who completes at least five years of service in the
18 aggregate and attains the age of ~~fifty~~ (50) years, said service to be computed under Section
19 A8.604-10, may retire for service at ~~his or her~~ the member's option. A member retired after
20 meeting the service and age requirements in the preceding sentence, shall receive a retirement
21 allowance equal to the percent of final compensation (as defined in Section A8.604-1) set forth
22 below opposite ~~his or her~~ the member's age at retirement, taken to the preceding completed
23 quarter year, for each year of service, as computed under Section A8.604-10:

<i>Age at Retirement</i>	<i>Percent for Each Year of Credited Service</i>
50	2.200

1	50¹/₄	2.225
2	50¹/₂	2.250
3	50³/₄	2.275
4	51	2.300
5	51¹/₄	2.325
6	51¹/₂	2.350
7	51³/₄	2.375
8	52	2.400
9	52¹/₄	2.425
10	52¹/₂	2.450
11	52³/₄	2.475
12	53	2.500
13	53¹/₄	2.525
14	53¹/₂	2.550
15	53³/₄	2.575
16	54	2.600
17	54¹/₄	2.625
18	54¹/₂	2.650
19	54³/₄	2.675
20	55	2.700
21	55¹/₄	2.725
22	55¹/₂	2.750

1	55¾	2.775
2	56	2.800
3	56¼	2.825
4	56½	2.850
5	56¾	2.875
6	57	2.900
7	57¼	2.925
8	57½	2.950
9	57¾	2.975
10	58	3.0

	<u>Age at Retirement</u>	<u>Percent for Each Year of Credited Service</u>
12	<u>50</u>	<u>2.400</u>
13	<u>50.25</u>	<u>2.430</u>
14	<u>50.5</u>	<u>2.460</u>
15	<u>50.75</u>	<u>2.490</u>
16	<u>51</u>	<u>2.520</u>
17	<u>51.25</u>	<u>2.550</u>
18	<u>51.5</u>	<u>2.580</u>
19	<u>51.75</u>	<u>2.610</u>
20	<u>52</u>	<u>2.640</u>
21	<u>52.25</u>	<u>2.670</u>
22	<u>52.5</u>	<u>2.700</u>
23	<u>52.75</u>	<u>2.730</u>

1	<u>53</u>	<u>2.760</u>
2	<u>53.25</u>	<u>2.790</u>
3	<u>53.5</u>	<u>2.820</u>
4	<u>53.75</u>	<u>2.850</u>
5	<u>54</u>	<u>2.880</u>
6	<u>54.25</u>	<u>2.910</u>
7	<u>54.5</u>	<u>2.940</u>
8	<u>54.75</u>	<u>2.970</u>
9	<u>54.75</u>	<u>2.970</u>
10	<u>55+</u>	<u>3.000</u>

11 In no event shall a member's initial retirement allowance exceed 90%~~ninety percent~~
12 of ~~his or her~~ the member's average final compensation.

13 **A8.604-17 APPLICABILITY**

14 The amendment to Sections A8.604-1 and A8-604-2, effective January 1, 2025, shall
15 not apply to any member of the Retirement System who separated from service, retired, or
16 died before that date, or to that member's continuant.

18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/
21 CECILIA MANGOBA
22 Deputy City Attorney

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