

1 [Compensation for Employees Called to Active Military Duty in Response to International  
2 Terrorism]

3 **Ordinance amending the 2002-2003 Annual Salary Ordinance to entitle City officers or**  
4 **employees called to active duty with a military reserve organization to receive from the**  
5 **City the difference between the amount of the individual's military pay and the amount**  
6 **the individual would have received as a City officer or employee had the individual**  
7 **worked his or her normal work schedule.**

8 Note: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The San Francisco 2002-2003 Annual Salary Ordinance is hereby amended  
14 by adding to Section (2) (Compensation Provisions) a new Sub-Section (4) (Supplementation  
15 of Military Pay) to read as follows:

16 4. Supplementation of Military Pay

17 (a) In accordance with Charter Section A8.400 (h) and in addition to the benefits provided  
18 pursuant to Section 395.01 and 395.02 of the California Military and Veterans Code and the Civil  
19 Service Rules, any City officer or employee who is a member of the reserve corps of the United States  
20 Armed Forces, National Guard or other uniformed service organization of the United States and is  
21 called into active military service on or after September 11<sup>th</sup>, 2001 in response to the September 11<sup>th</sup>,  
22 2001 terrorist attacks, international terrorism or related extraordinary circumstances shall have the  
23 benefits provided for in subdivision (b).

24 (b) Any officer or employee to whom subdivision (a) applies, while on military leave shall  
25 receive from the City, for a period not to exceed 180 calendar days from the effective date of this  
ordinance, the following supplement to their military pay and benefits:

1           (1) The difference between the amount of the individual's gross military pay and the amount of  
2 gross pay the individual would have received as a city officer or employee, had the officer or employee  
3 worked his or her normal work schedule.

4           (2) Retirement service credit consistent with section A8.520 of the Charter. The City shall pay  
5 the full employee contributions required by the Charter to the extent employer paid employee  
6 contributions are required under the memorandum of understanding covering the employee.

7           (3) All other benefits to which the individual would have been entitled had the individual not  
8 been called to active duty, except as limited under state law or the Charter.

9           (c) As set forth in Charter Section A8.400 (h), this ordinance shall be subject to the following  
10 limitations and conditions:

11           (1) The individual must have been called into active service for a period greater than 30  
12 consecutive days.

13           (2) The purpose for such call to active service shall have been to respond to the September 11<sup>th</sup>,  
14 2001 terrorist attacks, international terrorism or related extraordinary circumstances and shall not  
15 include scheduled training, drills, unit training assemblies or similar events.

16           (3) The amounts authorized pursuant to this ordinance shall be offset by amounts required to  
17 be paid pursuant to any other law in order that there be no double payments.

18           (4) Any individual receiving compensation pursuant to this ordinance shall execute an  
19 agreement providing that if the individual does not return to City service within 60 days of release from  
20 active duty (or if the individual is not fit for employment at that time, within 60 days of a determination  
21 that the employee is fit for employment), then that compensation described in Sections (b)(1) through  
22 (b)(3) shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate  
23 received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount  
24 necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to  
25 time, and any successor statute. Such loan shall be payable in equal monthly installments over a

1 period not to exceed 5 years, commencing 90 days after the individual's release from active service or  
2 return to fitness for employment, as the case may be.

3 (5) This ordinance shall not apply to any active duty served voluntarily after the time that the  
4 individual is called to active service.

5 (6) This ordinance shall not be retroactive.

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By: \_\_\_\_\_  
10 Philip A. Ginsburg  
11 Deputy City Attorney

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25