

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

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

A handwritten signature in cursive script that reads "Victor Young".

DATE: July 7, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 8, 2022, Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.3.

**File No. 220633 Charter Amendment - Forfeiture of Pension Benefits**

**Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide for the forfeiture of City-funded pension benefits of a member of the San Francisco Employees' Retirement System upon a finding by clear and convincing evidence after an administrative hearing that the member committed bribery, embezzlement, extortion, or wire fraud in connection with the member's duties as a City employee or officer, or committed perjury in connection with or to conceal any such crime; and providing all time and service beginning with the date when the member first engaged in the specified criminal conduct or perjury through the date of the adverse administrative decision shall be excluded from the computation of the service to be credited to the member for the purpose of determining whether such member qualifies for retirement and calculating benefits; at an election to be held on November 8, 2022.**

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

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.

c: Todd Rydstrom, Deputy City Controller  
Peg Stevenson, City Performance Director

Natasha Mihal, City Services Auditor

1 [Charter Amendment - Forfeiture of Pension Benefits]

2  
3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **8, 2022, to amend the Charter of the City and County of San Francisco to provide for the**  
5 **forfeiture of City-funded pension benefits of a member of the San Francisco Employees’**  
6 **Retirement System upon a finding by clear and convincing evidence after an administrative**  
7 **hearing that the member committed bribery, embezzlement, extortion, or wire fraud in**  
8 **connection with the member’s duties as a City employee or officer, or committed perjury in**  
9 **connection with or to conceal any such crime; and providing all time and service beginning**  
10 **with the date when the member first engaged in the specified criminal conduct or perjury**  
11 **through the date of the adverse administrative decision shall be excluded from the**  
12 **computation of the service to be credited to the member for the purpose of determining**  
13 **whether such member qualifies for retirement and calculating benefits.**

14  
15 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City  
16 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of  
17 the City and County by adding Section A8.585-17, and revising Sections A8.509, A8.584-7,  
18 A8.584-13, A8.585-10, A8.586-10, A8.586-16, A8.587-7, A8.587-14, A8.588-10, A8.588-16,  
19 A8.597-10, A8.597-16, A8.598-10, A8.598-16, A8.600-7, A8.600-14, A8.601-10, A8.601-16,  
20 A8.602-10, A8.602-16, A8.603-7, A8.603-10, A8.604-10, A8.604-13, A8.605-10, A8.605-13,  
21 A8.606-10, A8.606-15, A8.607-10, A8.607-15, A8.608-10, A8.608-13, A8.609-10, A8.609-15,  
22 A8.610-10, A8.610-13, and 12.102, to read as follows:

23 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
24 **Additions** are *single-underline italics Times New Roman font*.  
25 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
**Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter subsections.

1 **A8.509 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND**  
2 **AFTER JULY 1, 1947**

3 \* \* \* \*

4 (1) Forfeiture of pension benefits.

5 (1) Forfeiture after conviction of a crime involving moral turpitude.

6 Notwithstanding the provisions of Subdivisions (b), (c), (f), and (i) of this Section A8.509, any  
7 member who is convicted of a crime involving moral turpitude, committed in connection with ~~his~~  
8 ~~or her~~ the member's duties as an officer or employee of the City and County  
9 of San Francisco, shall, upon ~~his or her~~ the member's removal from office or employment  
10 pursuant to the provisions of this Charter, forfeit all rights to any benefits under the Retirement  
11 System except refund of ~~his or her~~ the member's accumulated contributions; provided, however,  
12 that if such member is qualified for service retirement by reason of service and age under the  
13 provisions of Subdivision (b) of this Section, ~~he or she~~ the member shall have the right to elect,  
14 without right of revocation and within 90 days after ~~his or her~~ the member's removal from office  
15 or employment, whether to withdraw all of ~~his or her~~ the member's accumulated contributions or  
16 to receive as ~~his or her~~ the member's sole benefit under the Retirement System, an annuity which  
17 shall be the actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time  
18 of such removal from office or employment.

19 (2) Forfeiture after administrative proceeding.

20 (A) Any member who is found by clear and convincing evidence after an  
21 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
22 connection with the member's duties as an officer or employee of the City and County, or to have  
23 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
24 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
25

1 in subsection(1)(2)(D), except refund of the member's accumulated contributions, without  
2 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
3 of the service to be credited to the member for the purpose of determining whether such member  
4 qualifies for retirement and calculating benefits.

5 (B) Any member, after retirement for service or disability or while  
6 receiving a vesting allowance, who is found by clear and convincing evidence after an  
7 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
8 connection with the member's duties as an officer or employee of the City and County, or to have  
9 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
10 further benefits from the Retirement System that were earned or that accrued during the  
11 Forfeiture Period, as defined in subsection (1)(2)(D). Time and service during the Forfeiture  
12 Period shall be excluded from the computation of the service to be credited to the member for the  
13 purpose of determining whether such member qualifies for retirement and calculating benefits.

14 (C) The Retirement System, upon notice by any City department, the  
15 Mayor, or the Board of Supervisors that a member is alleged to have committed one of the  
16 crimes specified in subsection (1)(2)(A) or (1)(2)(B) in connection with the member's duties, or to  
17 have committed perjury in connection with or to conceal any such crime, or on its own initiative,  
18 is authorized in its discretion to initiate the administrative forfeiture proceeding described in this  
19 subsection (1)(2).

20 (D) As provided in subsection (1)(2) herein, if a member is found by clear  
21 and convincing evidence after an administrative hearing to have committed bribery,  
22 embezzlement, extortion, or wire fraud in connection with the member's duties as an officer or  
23 employee of the City and County, or to have committed perjury in connection with or to conceal  
24 any such crime, all time and service beginning with the earliest date of the commission of the  
25 criminal conduct or the perjury to the date of adverse administrative finding ("Forfeiture

1 Period”) shall be excluded from the computation of the service to be credited to the member for  
2 the purpose of determining whether such member qualifies for retirement and calculating  
3 benefits under this Section A8.509.

4  
5 **A8.584 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES AFTER**  
6 **NOVEMBER 1, 1976**

7 \* \* \* \*

8 **A8.584-7 COMPUTATION OF SERVICE**

9 The following time and service shall be included in the computation of the service to be  
10 credited to a member for the purpose of determining whether such member qualifies for  
11 retirement and calculating benefits:

12 \* \* \* \*

13 (g) As provided in Section A8.584-13(b), if a member is found by clear and convincing  
14 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
15 wire fraud in connection with the member’s duties as an officer or employee of the City and  
16 County, or to have committed perjury in connection with or to conceal any such crime, all time  
17 and service beginning with the earliest date of the commission of the criminal conduct or the  
18 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
19 from the computation of the service to be credited to the member for the purpose of determining  
20 whether such member qualifies for retirement and calculating benefits under this Section  
21 A8.584-7.

22  
23 **A8.584-13 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE~~ OF**  
24 **PENSION BENEFITS**

25 (a) Forfeiture after conviction of a crime involving moral turpitude.

1           (1) Any member who is convicted of a crime involving moral turpitude committed  
2 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
3 County, the school district, the community college district, or the Superior Court of California,  
4 County of San Francisco, shall forfeit all rights to any benefits under the Retirement System  
5 except refund of ~~his or her~~ the member's accumulated contributions: provided, however, that if  
6 such member is qualified for service retirement by reason of service and age under the provisions  
7 of Section A8.584-2, ~~he or she~~ the member shall have the right to elect, without right of  
8 revocation and within 90 days after ~~his or her~~ the member's removal from office or employment,  
9 to receive as ~~his or her~~ the member's sole benefit under the Retirement System, an annuity which  
10 shall be the actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time  
11 of such removal from office or employment.

12           (2) Any member, after retirement for service or disability or while receiving a  
13 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
14 ~~or her~~ the member's duties as an officer or employee of the City and County, the school district,  
15 the community college district, or the Superior Court of California, County of San Francisco,  
16 shall forfeit all rights to any further benefit from the Retirement System and the Retirement  
17 System shall immediately cease all future payments to such member; provided however, that if,  
18 at the time of the conviction, said member has remaining accumulated contributions, then such  
19 member shall have the right to elect, without right of revocation and within 30 days after ~~his or~~  
20 ~~her~~ the member's conviction, to receive as ~~his or her~~ the member's sole benefit under the  
21 Retirement System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
22 accumulated contributions remaining at the time of the conviction.

23           (b) Forfeiture after administrative proceeding.

24           (1) Any member who is found by clear and convincing evidence after an  
25 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in

1 connection with the member's duties as an officer or employee of the City and County, the school  
2 district, the community college district, or the Superior Court of California, County of San  
3 Francisco, or to have committed perjury in connection with or to conceal any such crime, shall  
4 forfeit all rights to any benefits under the Retirement System earned or accrued during the  
5 Forfeiture Period, as defined in Section A8.584-7(g), except refund of the member's accumulated  
6 contributions, without interest. Time and service during the Forfeiture Period shall be excluded  
7 from the computation of the service to be credited to the member for the purpose of determining  
8 whether such member qualifies for retirement and calculating benefits.

9 (2) Any member, after retirement for service or disability or while receiving a  
10 vesting allowance, who is found by clear and convincing evidence after an administrative  
11 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
12 member's duties as an officer or employee of the City and County, the school district, the  
13 community college district, or the Superior Court of California, County of San Francisco, or to  
14 have committed perjury in connection with or to conceal any such crime, shall forfeit all rights  
15 to any further benefits from the Retirement System that were earned or that accrued during the  
16 Forfeiture Period, as defined in Section A8.584-7(g). Time and service during the Forfeiture  
17 Period shall be excluded from the computation of the service to be credited to the member for the  
18 purpose of determining whether such member qualifies for retirement and calculating benefits.

19 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
20 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
21 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
22 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
23 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
24 (2) of this subsection (b).



1 **A8.585 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 1975**

2 \* \* \* \*

3 **A8.585-10 COMPUTATION OF SERVICE**

4 The following time shall be included in the computation of the service to be credited to a  
5 member of the Fire Department for the purposes of determining whether such member qualified  
6 for retirement and calculating benefits, excluding, however, any time, the contributions for which  
7 were withdrawn by said member upon termination of his service while he was a member under  
8 any other Charter section, and not redeposited upon re-entry into service:

9 \* \* \* \*

10  
11 (e) As provided in Section A8.585-17(b), if a member is found by clear and convincing  
12 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
13 wire fraud in connection with the member's duties as an officer or employee of the City and  
14 County, or to have committed perjury in connection with or to conceal any such crime, all time  
15 and service beginning with the earliest date of the commission of the criminal conduct or the  
16 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
17 from the computation of the service to be credited to the member for the purpose of determining  
18 whether such member qualifies for retirement and calculating benefits under this Section  
19 A8.585-10.

20  
21 **A8.585-17 FORFEITURE OF PENSION BENEFITS**

22 (a) Forfeiture after conviction of a crime involving moral turpitude.

23 (1) Any member who is convicted of a crime involving moral turpitude committed  
24 in connection with the member's duties as an officer or employee of the City and County, shall  
25 forfeit all rights to any benefits under the Retirement System except refund of the member's

1 accumulated contributions: provided, however, that if such member is qualified for service  
2 retirement by reason of service and age under the provisions of Section A8.585-2, the member  
3 shall have the right to elect, without right of revocation and within 90 days after the member's  
4 removal from office or employment, to receive as the member's sole benefit under the Retirement  
5 System, an annuity which shall be the actuarial equivalent of the member's accumulated  
6 contributions at the time of such removal from office or employment.

7 (2) Any member, after retirement for service or disability or while receiving a  
8 vesting allowance, who is convicted of a crime involving moral turpitude in connection with the  
9 member's duties as an officer or employee of the City and County, shall forfeit all rights to any  
10 further benefit from the Retirement System and the Retirement System shall immediately cease  
11 all future payments to such member; provided however, that if, at the time of the conviction, said  
12 member has remaining accumulated contributions, then such member shall have the right to  
13 elect, without right of revocation and within 30 days after the member's conviction, to receive as  
14 the member's sole benefit under the Retirement System an annuity which shall be the actuarial  
15 equivalent of the member's accumulated contributions remaining at the time of the conviction.

16 (b) Forfeiture after administrative proceeding.

17 (1) Any member who is found by clear and convincing evidence after an  
18 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
19 connection with the member's duties as an officer or employee of the City and County, or to have  
20 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
21 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
22 in Section A8.585-10(e), except refund of the member's accumulated contributions, without  
23 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
24 of the service to be credited to the member for the purpose of determining whether such member  
25 qualifies for retirement and calculating benefits.

1                   (2) Any member, after retirement for service or disability or while receiving a  
2 vesting allowance, who is found by clear and convincing evidence after an administrative  
3 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
4 member's duties as an officer or employee of the City and County, or to have committed perjury  
5 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
6 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
7 defined in Section A8.585-10(e). Time and service during the Forfeiture Period shall be  
8 excluded from the computation of the service to be credited to the member for the purpose of  
9 determining whether such member qualifies for retirement and calculating benefits.

10                   (3) The Retirement System, upon notice by any City department, the Mayor, or the  
11 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
12 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
13 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
14 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
15 (2) of this subsection (b).

16  
17 **A8.586 MEMBERS OF THE POLICE DEPARTMENT AFTER NOVEMBER 1, 1976**

18 \* \* \* \*

19 **A8.586-10 COMPUTATION OF SERVICE**

20                   The following time shall be included in the computation of the service to be credited to a  
21 member of the Police Department for the purposes of determining whether such member  
22 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
23 for which were withdrawn by said member upon termination of his or her service while he or she  
24 was a member under any other Charter section, and not redeposited upon re-entry into service:

25 \* \* \* \*

1 (e) As provided in Section A8.586-16(b), if a member is found by clear and convincing  
2 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
3 wire fraud in connection with the member's duties as an officer or employee of the City and  
4 County, or to have committed perjury in connection with or to conceal any such crime, all time  
5 and service beginning with the earliest date of the commission of the criminal conduct or the  
6 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
7 from the computation of the service to be credited to the member for the purpose of determining  
8 whether such member qualifies for retirement and calculating benefits under this Section A586-  
9 10.

10  
11 **A8.586-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
12 **PENSION BENEFITS**

13 (a) Forfeiture after conviction of a crime involving moral turpitude.

14 (1) Any member who is convicted of a crime involving moral turpitude committed  
15 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
16 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
17 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
18 qualified for service retirement by reason of service and age under the provisions of Section  
19 A8.586-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
20 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
21 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
22 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
23 removal from office or employment.

24 (2) Any member, after retirement for service or disability or while receiving a  
25 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~

1 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
2 rights to any further benefit from the Retirement System and the Retirement System shall  
3 immediately cease all future payments to such member; provided however, that if at the time of  
4 the conviction, said member has remaining accumulated, contributions, then such member shall  
5 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
6 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
7 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
8 accumulated contributions remaining at the time of the conviction.

9 (b) Forfeiture after administrative proceeding.

10 (1) Any member who is found by clear and convincing evidence after an  
11 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
12 connection with the member's duties as an officer or employee of the City and County, or to have  
13 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
14 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
15 in Section A8.586-10(e), except refund of the member's accumulated contributions, without  
16 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
17 of the service to be credited to the member for the purpose of determining whether such member  
18 qualifies for retirement and calculating benefits.

19 (2) Any member, after retirement for service or disability or while receiving a  
20 vesting allowance, who is found by clear and convincing evidence after an administrative  
21 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
22 member's duties as an officer or employee of the City and County, or to have committed perjury  
23 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
24 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
25 defined in Section A8.586-10(e). Time and service during the Forfeiture Period shall be

1 excluded from the computation of the service to be credited to the member for the purpose of  
2 determining whether such member qualifies for retirement and calculating benefits.

3 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
4 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
5 extortion, or wire fraud, in connection with the member’s duties, or to have committed perjury in  
6 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
7 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
8 (2) of this subsection (b).

9  
10 **A8.587 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND**  
11 **AFTER NOVEMBER 7, 2000**

12 \* \* \* \*

13 **A8.587-7 COMPUTATION OF SERVICE**

14 The following time and service shall be included in the computation of the service to be  
15 credited to a member for the purpose of determining whether such member qualifies for  
16 retirement and calculating benefits:

17 \* \* \* \*

18 (i) As provided in Section A8.587-14(b), if a member is found by clear and convincing  
19 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
20 wire fraud in connection with the member’s duties as an officer or employee of the City and  
21 County, or to have committed perjury in connection with or to conceal such crimes, all time and  
22 service beginning with the earliest date of the commission of the criminal conduct or the perjury  
23 to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded from the  
24 computation of the service to be credited to the member for the purpose of determining whether  
25 such member qualifies for retirement and calculating benefits under this Section A8.587-7.

1  
2 **A8.587-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
3 **PENSION BENEFITS**

4 (a) Forfeiture after a conviction of a crime involving moral turpitude.

5 (1) Any member who is convicted of a crime involving moral turpitude committed  
6 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
7 County, the school district, the community college district, or the Superior Court of California-  
8 County of San Francisco, shall forfeit all rights to any benefits under the Retirement System  
9 except refund of ~~his or her~~ the member's accumulated contributions: provided, however, that if  
10 such member is qualified for service retirement by reason of service and age under the provisions  
11 of Section A8.587-2, ~~he or she~~ the member shall have the right to elect, without right of  
12 revocation and within 90 days after ~~his or her~~ the member's removal from office or employment  
13 to receive as ~~his or her~~ the member's sole benefit under the Retirement System an annuity which  
14 shall be the actuarial equivalent of ~~his or her~~ the member's accumulated, contributions at the  
15 time of such removal from office or employment.

16 (2) Any member, after retirement for service or disability or while receiving a  
17 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
18 ~~or her~~ the member's duties as an officer or employee of the City and County, the school district,  
19 the community college district, or the Superior Court of California, County of San Francisco,  
20 shall forfeit all rights to any further benefit from the Retirement System and the Retirement  
21 System shall immediately cease all future payments to such member; provided however, that if at  
22 the time of the conviction, said member has remaining accumulated contributions, then such  
23 member shall have the right to elect, without right of revocation and within 30 days after ~~his or~~  
24 ~~her~~ the member's conviction, to receive as ~~his or her~~ the member's sole benefit under the

1 Retirement System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
2 accumulated contributions remaining at the time of the conviction.

3 (b) Forfeiture after administrative proceeding.

4 (1) Any member who is found by clear and convincing evidence after an  
5 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
6 connection with the member's duties as an officer or employee of the City and County, or to have  
7 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
8 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
9 in Section A8.587-7(i), except refund of the member's accumulated contributions, without  
10 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
11 of the service to be credited to the member for the purpose of determining whether such member  
12 qualifies for retirement and calculating benefits.

13 (2) Any member, after retirement for service or disability or while receiving a  
14 vesting allowance, who is found by clear and convincing evidence after an administrative  
15 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
16 member's duties as an officer or employee of the City and County, or to have committed perjury  
17 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
18 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
19 defined in Section A8.587-7(i). Time and service during the Forfeiture Period shall be excluded  
20 from the computation of the service to be credited to the member for the purpose of determining  
21 whether such member qualifies for retirement and calculating benefits.

22 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
23 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
24 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
25 connection with or to conceal any such crime, or on its own initiative, is authorized in its



1 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
2 (2) of this subsection (b).

3  
4 **A8.588 MEMBERS OF THE FIRE DEPARTMENT AFTER NOVEMBER 1, 1976**

5 \* \* \* \*

6 **A8.588-10 COMPUTATION OF SERVICE**

7 The following time shall be included in the computation of the service to be credited to a  
8 member of the fire department for the purposes of determining whether such member qualified  
9 for retirement and calculating benefits, excluding, however, any time, the contributions for which  
10 were withdrawn by said member upon termination of his or her service while he or she was a  
11 member under any other Charter section, and not redeposited upon re-entry into service:

12 \* \* \* \*

13 (f) As provided in Section A8.588-16(b), if a member is found by clear and convincing  
14 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
15 wire fraud in connection with the member’s duties as an officer or employee of the City and  
16 County, or to have committed perjury in connection with or to conceal any such crime, all time  
17 and service beginning with the earliest date of the commission of the criminal conduct or the  
18 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
19 from the computation of the service to be credited to the member for the purpose of determining  
20 whether such member qualifies for retirement and calculating benefits under this Section  
21 A8.588-10.

22  
23 **A8.588-16 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE~~ OF**  
24 **PENSION BENEFITS**

25 (a) Forfeiture after conviction of a crime involving moral turpitude.

1           (1) Any member who is convicted of a crime involving moral turpitude committed  
2 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
3 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
4 ~~her~~ the member's accumulated contributions: provided, however that if such member is qualified  
5 for service retirement by reason of service and age under the provisions of Section A8.588-2, ~~he~~  
6 ~~or she~~ the member shall have the right to elect, without right of revocation and within 90 days  
7 after his or her removal from office or employment to receive as ~~his or her~~ the member's sole  
8 benefit under the Retirement System an annuity which shall be the actuarial equivalent of ~~his or~~  
9 ~~her~~ the member's accumulated contributions at the time of such removal from office or  
10 employment.

11           (2) Any member, after retirement for service or disability or while receiving a  
12 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
13 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all rights  
14 to any further benefit from the Retirement System and the Retirement System shall immediately  
15 cease all future payments to such member; provided however, that if at the time of the  
16 conviction, said member has remaining accumulated contributions, then such member shall have  
17 the right to elect, without right of revocation and within 30 days after ~~his or her~~ the member's  
18 conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement System an  
19 annuity which shall be the actuarial equivalent of ~~his or her~~ the member's accumulated  
20 contributions remaining at the time of the conviction.

21           **(b) Forfeiture after administrative proceeding.**

22           **(1) Any member who is found by clear and convincing evidence after an**  
23 **administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in**  
24 **connection with the member's duties as an officer or employee of the City and County, or to have**  
25 **committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any**

1 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
2 in Section A8.588-10(f), except refund of the member's accumulated contributions, without  
3 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
4 of the service to be credited to the member for the purpose of determining whether such member  
5 qualifies for retirement and calculating benefits.

6 (2) Any member, after retirement for service or disability or while receiving a  
7 vesting allowance, who is found by clear and convincing evidence after an administrative  
8 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
9 member's duties as an officer or employee of the City and County, or to have committed perjury  
10 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
11 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
12 defined in Section A8.588(10)(f). Time and service during the Forfeiture Period shall be  
13 excluded from the computation of the service to be credited to the member for the purpose of  
14 determining whether such member qualifies for retirement and calculating benefits.

15 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
16 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
17 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
18 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
19 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
20 (2) of this subsection (b).

21  
22 **A8.597 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO**  
23 **ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION**  
24 **A8.586, AND MEMBERS OF THE POLICE DEPARTMENT AFTER JANUARY 1, 2003**

25 \* \* \* \*

1 **A8.597-10 COMPUTATION OF SERVICE**

2 The following time shall be included in the computation of the service to be credited to a  
3 member of the police department for the purposes of determining whether such member  
4 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
5 for which were withdrawn by said member upon termination of his or her service while he or she  
6 was a member under any other Charter section, and not redeposited upon re-entry into service:

7 \* \* \* \*

8 (e) The additions to this Section A8.597-10, approved by the electorate on November 6,  
9 2007, shall not apply to any member of the Retirement System who separated from service,  
10 retired, or died before November 6, 2007, or to his or her continuant.

11 (f) As provided in Section A8.597-16(b), if a member is found by clear and convincing  
12 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
13 wire fraud in connection with the member’s duties as an officer or employee of the City and  
14 County, or to have committed perjury in connection with or to conceal any such crime, all time  
15 and service beginning with the earliest date of the commission of the criminal conduct or the  
16 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
17 from the computation of the service to be credited to the member for the purpose of determining  
18 whether such member qualifies for retirement and calculating benefits under this Section  
19 A8.597-10.

20  
21 **A8.597-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
22 **PENSION BENEFITS**

23 (a) Forfeiture after conviction of a crime involving moral turpitude.

24 (1) Any member who is convicted of a crime involving moral turpitude  
25 committed in connection with ~~his or her~~ the member’s duties as an officer or employee of the

1 City and County shall forfeit all rights to any benefits under the Retirement System except  
2 refund of ~~his or her~~ the member's accumulated contributions; provided, however, that if such  
3 member is qualified for service retirement by reason of service and age under the provisions of  
4 Section A8.597-2, ~~he or she~~ the member shall have the right to elect, without right of revocation  
5 and within 90 days after ~~his or her~~ the member's removal from office or employment to receive  
6 as ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be  
7 the actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
8 removal from office or employment.

9 (2) Any member after retirement for service or disability or while receiving a  
10 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
11 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
12 rights to any further benefit from the Retirement System and the Retirement System shall  
13 immediately cease all future payments to such member; provided however, that if at the time of  
14 the conviction, said member has remaining accumulated contributions, then such member shall  
15 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
16 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
17 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
18 accumulated contributions remaining at the time of the conviction.

19 (b) Forfeiture after administrative proceeding.

20 (1) Any member who is found by clear and convincing evidence after an  
21 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
22 connection with the member's duties as an officer or employee of the City and County, or to have  
23 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
24 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
25 in Section A8.597-10(f), except refund of the member's accumulated contributions, without

1 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
2 of the service to be credited to the member for the purpose of determining whether such member  
3 qualifies for retirement and calculating benefits.

4 (2) Any member, after retirement for service or disability or while receiving a  
5 vesting allowance, who is found by clear and convincing evidence after an administrative  
6 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
7 member's duties as an officer or employee of the City and County, or to have committed perjury  
8 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
9 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
10 defined in Section A8.597-10(f). Time and service during the Forfeiture Period shall be  
11 excluded from the computation of the service to be credited to the member for the purpose of  
12 determining whether such member qualifies for retirement and calculating benefits.

13 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
14 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
15 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
16 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
17 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
18 (2) of this subsection (b).

19  
20 **A8.598 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE**  
21 **MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.588,**  
22 **AND MEMBERS OF THE FIRE DEPARTMENT AFTER JANUARY 1, 2003**

23 \* \* \* \*

24 **A8.598-10 COMPUTATION OF SERVICE**

1 The following time shall be included in the computation of the service to be credited to a  
2 member of the fire department for the purposes of determining whether such member qualified  
3 for retirement and calculating benefits, excluding, however, any time, the contributions for which  
4 were withdrawn by said member upon termination of his or her service while he or she was a  
5 member under any other Charter section, and not redeposited upon re-entry into service:

6 \* \* \* \*

7  
8 (f) As provided in Section A8.598-16(b), if a member is found by clear and convincing  
9 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
10 wire fraud in connection with the member's duties as an officer or employee of the City and  
11 County, or to have committed perjury in connection with or to conceal any such crime, all time  
12 and service beginning with the earliest date of the commission of the criminal conduct or the  
13 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
14 from the computation of the service to be credited to the member for the purpose of determining  
15 whether such member qualifies for retirement and calculating benefits under this Section  
16 A8.598-10.

17  
18 **A8.598-16 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE OF~~**  
19 **PENSION BENEFITS**

20 (a) Forfeiture after conviction of a crime involving moral turpitude.

21 (1) Any member who is convicted of a crime involving moral turpitude committed  
22 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
23 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
24 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
25 qualified for service retirement by reason of service and age under the provisions of Section

1 A8.598-2, ~~he or she~~ *the member* shall have the right to elect, without right of revocation and  
2 within 90 days after ~~his or her~~ *the member's* removal from office or employment to receive as  
3 ~~his or her~~ *the member's* sole benefit under the Retirement System an annuity which shall be the  
4 actuarial equivalent of ~~his or her~~ *the member's* accumulated contributions at the time of such  
5 removal from office or employment.

6 (2) Any member, after retirement for service or disability or while receiving a  
7 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
8 ~~or her~~ *the member's* duties as an officer or employee of the City and County shall forfeit all  
9 rights to any further benefit from the Retirement System and the Retirement System shall  
10 immediately cease all future payments to such member; provided however, that if at the time of  
11 the conviction, said member has remaining accumulated contributions, then such member shall  
12 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ *the*  
13 *member's* conviction, to receive as ~~his or her~~ *the member's* sole benefit under the Retirement  
14 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ *the member's*  
15 *accumulated contributions remaining at the time of the conviction.*

16 *(b) Forfeiture after administrative proceeding.*

17 *(1) Any member who is found by clear and convincing evidence after an*  
18 *administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in*  
19 *connection with the member's duties as an officer or employee of the City and County, or to have*  
20 *committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any*  
21 *benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined*  
22 *in Section A8.598-10(f), except refund of the member's accumulated contributions, without*  
23 *interest. Time and service during the Forfeiture Period shall be excluded from the computation*  
24 *of the service to be credited to the member for the purpose of determining whether such member*  
25 *qualifies for retirement and calculating benefits.*



1                   (2) Any member, after retirement for service or disability or while receiving a  
2 vesting allowance, who is found by clear and convincing evidence after an administrative  
3 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
4 member's duties as an officer or employee of the City and County, or to have committed perjury  
5 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
6 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
7 defined in Section A8.598-10(f). Time and service during the Forfeiture Period shall be  
8 excluded from the computation of the service to be credited to the member for the purpose of  
9 determining whether such member qualifies for retirement and calculating benefits.

10                   (3) The Retirement System, upon notice by any City department, the Mayor, or the  
11 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
12 extortion, perjury, or wire fraud, in connection with the member's duties, or to have committed  
13 perjury in connection with or to conceal any such crime, or on its own initiative, is authorized in  
14 its discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
15 (2) of this subsection (b).

16  
17 **A8.600 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER JULY 1,**  
18 **2010**

19 \* \* \* \*

20 **A8.600-7 COMPUTATION OF SERVICE**

21                   The following time and service shall be included in the computation of the service to be  
22 credited to a member for the purpose of determining whether such member qualifies for  
23 retirement and calculating benefits:

24 \* \* \* \*

1           (h) As provided in A8.600-14(b), if a member is found by clear and convincing evidence  
2 after an administrative hearing to have committed bribery, embezzlement, extortion, or wire  
3 fraud in connection with the member's duties as an officer or employee of the City and County,  
4 or to have committed perjury in connection with or to conceal any such crime, all time and  
5 service beginning with the earliest date of the commission of the criminal conduct or the perjury  
6 to the date of adverse administrative finding ("Forfeiture Period") shall be excluded from the  
7 computation of the service to be credited to the member for the purpose of determining whether  
8 such member qualifies for retirement and calculating benefits under this Section A8.600-7.

9  
10 **A8.600-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
11 **PENSION BENEFITS**

12           (a) Forfeiture after conviction of a crime involving moral turpitude.

13           (1) Any member who is convicted of a crime involving moral turpitude committed  
14 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
15 County, the school district, the community college district, or the Superior Court of California,  
16 City and County of San Francisco, shall forfeit all rights to any benefits under the Retirement  
17 System except refund of ~~his or her~~ he member's accumulated contributions: provided, however,  
18 that if such member is qualified for service retirement by reason of service and age under the  
19 provisions of Section A8.600-2, ~~he or she~~ the member shall have the right to elect, without right  
20 of revocation and within 90 days after ~~his or her~~ the member's removal from office or  
21 employment to receive as ~~his or her~~ the member's sole benefit under the Retirement System an  
22 annuity which shall be the actuarial equivalent of ~~his or her~~ the member's accumulated,  
23 contributions at the time of such removal from office or employment.

24           (2) Any member, after retirement for service or disability or while receiving a  
25 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~

1 ~~or her~~ the member's duties as an officer or employee of the City and County, the school district,  
2 the community college district, or the Superior Court of California, City and County of San  
3 Francisco, shall forfeit all rights to any further benefit from the Retirement System and the  
4 Retirement System shall immediately cease all future payments to such member; provided  
5 however, that if at the time of the conviction, said member has remaining accumulated  
6 contributions, then such member shall have the right to elect, without right of revocation and  
7 within 30 days after ~~his or her~~ the member's conviction, to receive as ~~his or her~~ the member's  
8 sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of  
9 ~~his or her~~ the member's accumulated contributions remaining at the time of the conviction.

10 (b) Forfeiture after administrative proceeding.

11 (1) Any member who is found by clear and convincing evidence after an  
12 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
13 connection with the member's duties as an officer or employee of the City and County, the school  
14 district, the community college district, or the Superior Court of California, City and County of  
15 San Francisco, or to have committed perjury in connection with or to conceal any such crime,  
16 shall forfeit all rights to any benefits under the Retirement System earned or accrued during the  
17 Forfeiture Period, as defined in Section A8.600-7(h), except refund of the member's accumulated  
18 contributions, without interest. Time and service during the Forfeiture Period shall be excluded  
19 from the computation of the service to be credited to the member for the purpose of determining  
20 whether such member qualifies for retirement and calculating benefits.

21 (2) Any member, after retirement for service or disability or while receiving a  
22 vesting allowance, who is found by clear and convincing evidence after an administrative  
23 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
24 member's duties as an officer or employee of the City and County, the school district, the  
25 community college district, or the Superior Court of California, City and County of San

1 Francisco, or to have committed perjury in connection with or to conceal any such crime, shall  
2 forfeit all rights to any further benefits from the Retirement System that were earned or that  
3 accrued during the Forfeiture Period, as defined in Section A8.600-7(h). Time and service  
4 during the Forfeiture Period shall be excluded from the computation of the service to be credited  
5 to the member for the purpose of determining whether such member qualifies for retirement and  
6 calculating benefits.

7 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
8 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
9 extortion, or wire fraud, in connection with the member's duties, or to have committed perjury in  
10 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
11 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
12 (2) of this subsection (b).

13  
14 **A8.601 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 2010**

15 \* \* \* \*

16 **A8.601-10 COMPUTATION OF SERVICE**

17 The following time shall be included in the computation of the service to be credited to a  
18 member of the fire department for the purposes of determining whether such member qualified  
19 for retirement and calculating benefits, excluding, however, any time, the contributions for which  
20 were withdrawn by said member upon termination of his or her service while he or she was a  
21 member under any other Charter section, and not redeposited upon re-entry into service:

22 \* \* \* \*

23  
24 (f) As provided in A8.601-16(b), if a member is found by clear and convincing evidence  
25 after an administrative hearing to have committed bribery, embezzlement, extortion, or wire

1 fraud in connection with the member's duties as an officer or employee of the City and County,  
2 or to have committed perjury in connection with or to conceal any such crime, all time and  
3 service beginning with the earliest date of the commission of the criminal conduct or the perjury  
4 to the date of adverse administrative finding ("Forfeiture Period") shall be excluded from the  
5 computation of the service to be credited to the member for the purpose of determining whether  
6 such member qualifies for retirement and calculating benefits under this Section A8.601-10.

7  
8 **A8.601-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
9 **PENSION BENEFITS**

10 (a) Forfeiture after conviction of a crime involving moral turpitude.

11 (1) Any member who is convicted of a crime involving moral turpitude committed  
12 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
13 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
14 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
15 qualified for service retirement by reason of service and age under the provisions of Section  
16 A8.601-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
17 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
18 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
19 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
20 removal from office or employment.

21 (2) Any member, after retirement for service or disability or while receiving a  
22 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
23 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
24 rights to any further benefit from the Retirement System and the Retirement System shall  
25 immediately cease all future payments to such member; provided however, that if at the time of

1 the conviction, said member has remaining accumulated contributions, then such member shall  
2 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
3 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
4 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
5 accumulated contributions remaining at the time of the conviction.

6 (b) Forfeiture after administrative proceeding.

7 (1) Any member who is found by clear and convincing evidence after an  
8 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
9 connection with the member's duties as an officer or employee of the City and County, or to have  
10 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
11 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
12 in Section A8.601(10)(f), except refund of the member's accumulated contributions, without  
13 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
14 of the service to be credited to the member for the purpose of determining whether such member  
15 qualifies for retirement and calculating benefits.

16 (2) Any member, after retirement for service or disability or while receiving a  
17 vesting allowance, who is found by clear and convincing evidence after an administrative  
18 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
19 member's duties as an officer or employee of the City and County, or to have committed perjury  
20 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
21 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
22 defined in Section A8.601(10)(f). Time and service during the Forfeiture Period shall be  
23 excluded from the computation of the service to be credited to the member for the purpose of  
24 determining whether such member qualifies for retirement and calculating benefits.

1           (3) The Retirement System, upon notice by any City department, the Mayor, or the Board  
2 of Supervisors that a member is alleged to have committed bribery, embezzlement, extortion, or  
3 wire fraud in connection with the member’s duties, or to have committed perjury in connection  
4 with or to conceal any such crime, or on its own initiative, is authorized in its discretion to  
5 initiate the administrative forfeiture proceeding described in paragraphs (1) and (2) of this  
6 subsection (b).

7  
8 **A8.602 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JULY 1, 2010**

9 \* \* \* \*

10 **A8.602-10 COMPUTATION OF SERVICE**

11           The following time shall be included in the computation of the service to be credited to a  
12 member of the police department for the purposes of determining whether such member  
13 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
14 for which were withdrawn by said member upon termination of his or her service while he or she  
15 was a member under any other Charter section, and not redeposited upon re-entry into service:

16 \* \* \* \*

17  
18           (d) As provided in Section A8.602-16(b), if a member is found by clear and convincing  
19 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
20 wire fraud in connection with the member’s duties as an officer or employee of the City and  
21 County, or to have committed perjury in connection with or to conceal any such crime, all time  
22 and service beginning with the earliest date of the commission of the criminal conduct or the  
23 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
24 from the computation of the service to be credited to the member for the purpose of determining  
25

1 whether such member qualifies for retirement and calculating benefits under this Section  
2 A8.602-10.

3  
4 **A8.602-16 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE OF~~**  
5 **PENSION BENEFITS**

6 (a) Forfeiture after conviction of a crime involving moral turpitude.

7 (1) Any member who is convicted of a crime involving moral turpitude committed  
8 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
9 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
10 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
11 qualified for service retirement by reason of service and age under the provisions of Section  
12 A8.602-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
13 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
14 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
15 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
16 removal from office or employment.

17 (2) Any member after retirement for service or disability or while receiving a  
18 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
19 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
20 rights to any further benefit from the Retirement System and the Retirement System shall  
21 immediately cease all future payments to such member; provided however, that if at the time of  
22 the conviction, said member has remaining accumulated contributions, then such member shall  
23 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
24 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
25



1 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
2 accumulated contributions remaining at the time of the conviction.

3 (b) Forfeiture after administrative proceeding.

4 (1) Any member who is found by clear and convincing evidence after an  
5 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
6 connection with the member's duties as an officer or employee of the City and County, or to have  
7 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
8 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
9 in Section A8.602-10(d), except refund of the member's accumulated contributions, without  
10 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
11 of the service to be credited to the member for the purpose of determining whether such member  
12 qualifies for retirement and calculating benefits.

13 (2) Any member, after retirement for service or disability or while receiving a  
14 vesting allowance, who is found by clear and convincing evidence after an administrative  
15 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
16 member's duties as an officer or employee of the City and County, or to have committed perjury  
17 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
18 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
19 defined in Section A8.602-10(d). Time and service during the Forfeiture Period shall be  
20 excluded from the computation of the service to be credited to the member for the purpose of  
21 determining whether such member qualifies for retirement and calculating benefits.

22 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
23 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
24 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
25 connection with or to conceal any such crime, or on its own initiative, is authorized in its

1 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
2 (2) of this subsection (b).

3  
4 **A8.603 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER**  
5 **JANUARY 7, 2012**

6 \* \* \* \*

7 **A8.603-7 COMPUTATION OF SERVICE**

8 The following time and service shall be included in the computation of the service to be  
9 credited to a member for the purpose of determining whether such member qualifies for  
10 retirement and calculating benefits:

11 \* \* \* \*

12  
13 (h) As provided in Section A8.603-10(b), if a member is found by clear and convincing  
14 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
15 wire fraud in connection with the member’s duties as an officer or employee of the City and  
16 County, or to have committed perjury in connection with or to conceal any such crime, all time  
17 and service beginning with the earliest date of the commission of the criminal conduct or the  
18 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
19 from the computation of the service to be credited to the member for the purpose of determining  
20 whether such member qualifies for retirement and calculating benefits under this Section  
21 A8.603(7)..

22  
23 **A8.603-10 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE~~ OF**  
24 **PENSION BENEFITS**

25 (a) Forfeiture after conviction of a crime involving moral turpitude.

1           (1) Any member who is convicted of a crime involving moral turpitude committed  
2 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
3 County, the school district, the college district, or the Superior Court of California, City and  
4 County of San Francisco, shall forfeit all rights to any benefits under the Retirement System  
5 except refund of ~~his or her~~ the member's accumulated contributions: provided, however, that if  
6 such member is qualified for service retirement by reason of service and age under the provisions  
7 of Section A8.603, ~~he or she~~ the member shall have the right to elect, without right of revocation  
8 and within 90 days after ~~his or her~~ the member's removal from office or employment to receive  
9 as ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be  
10 the actuarial equivalent of ~~his or her~~ the member's accumulated, contributions at the time of such  
11 removal from office or employment.

12           (2) Any member, after retirement for service or disability, or while receiving a  
13 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
14 ~~or her~~ the member's duties as an officer or employee of the City and County, the school district,  
15 the college district, or the Superior Court of California, City and County of San Francisco, shall  
16 forfeit all rights to any further benefit from the Retirement System and the Retirement System  
17 shall immediately cease all future payments to such member; provided however, that if at the  
18 time of the conviction, said member has remaining accumulated contributions, then such member  
19 shall have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
20 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
21 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
22 accumulated contributions remaining at the time of the conviction.

23           (b) Forfeiture after administrative proceeding.

24           (1) Any member who is found by clear and convincing evidence after an  
25 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in

1 connection with the member's duties as an officer or employee of the City and County, the school  
2 district, the college district, or the Superior Court of California, City and County of San  
3 Francisco, or to have committed perjury in connection with or to conceal any such crime, shall  
4 forfeit all rights to any benefits under the Retirement System earned or accrued during the  
5 Forfeiture Period, as defined in Section A8.603-7(h), except refund of the member's accumulated  
6 contributions, without interest. Time and service during the Forfeiture Period shall be excluded  
7 from the computation of the service to be credited to the member for the purpose of determining  
8 whether such member qualifies for retirement and calculating benefits.

9 (2) Any member, after retirement for service or disability or while receiving a  
10 vesting allowance, who is found by clear and convincing evidence after an administrative  
11 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
12 member's duties as an officer or employee of the City and County, the school district, the college  
13 district, or the Superior Court of California, City and County of San Francisco, or to have  
14 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
15 further benefits from the Retirement System that were earned or that accrued during the  
16 Forfeiture Period, as defined in Section A8.603-7(h). Time and service during the Forfeiture  
17 Period shall be excluded from the computation of the service to be credited to the member for the  
18 purpose of determining whether such member qualifies for retirement and calculating benefits.

19 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
20 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
21 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
22 connection with or to conceal any such crim., or on its own initiative, is authorized in its  
23 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
24 (2) of this subsection (b).

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

2 \* \* \* \*

3 **A8.604-10 COMPUTATION OF SERVICE**

4 The following time shall be included in the computation of the service to be credited to a  
5 member of the fire department for the purposes of determining whether such member qualified  
6 for retirement and calculating benefits, excluding, however, any time, the contributions for which  
7 were withdrawn by said member upon termination of his or her service while he or she was a  
8 member under any other Charter section, and not redeposited upon re-entry into service:

9 \* \* \* \*

10 (f) As provided in Section A8.604-13(b), if a member is found by clear and convincing  
11 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
12 wire fraud in connection with the member's duties as an officer or employee of the City and  
13 County, or to have committed perjury in connection with or to conceal any such crime, all time  
14 and service beginning with the earliest date of the commission of the criminal conduct or the  
15 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
16 from the computation of the service to be credited to the member for the purpose of determining  
17 whether such member qualifies for retirement and calculating benefits under this Section A8.604.

18  
19 **A8.604-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
20 **PENSION BENEFITS**

21 (a) Forfeiture after conviction of a crime involving moral turpitude.

22 (1) Any member who is convicted of a crime involving moral turpitude committed  
23 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
24 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
25 ~~her~~ the member's accumulated contributions; provided, however, that if such member is

1 qualified for service retirement by reason of service and age under the provisions of Section  
2 A8.604-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
3 within 90 days after ~~his or her~~ the member's removal from office or employment, to receive as  
4 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
5 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
6 removal from office or employment.

7 (2) Any member, after retirement for service or disability or while receiving a  
8 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
9 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
10 rights to any further benefit from the Retirement System and the Retirement System shall  
11 immediately cease all future payments to such member; provided however, that if at the time of  
12 the conviction, said member has remaining accumulated contributions, then such member shall  
13 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
14 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
15 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
16 accumulated contributions remaining at the time of the conviction.

17 (b) Forfeiture after administrative proceeding.

18 (1) Any member who is found by clear and convincing evidence after an  
19 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
20 connection with the member's duties as an officer or employee of the City and County, or to have  
21 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
22 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
23 in Section A8.604-10(f), except refund of the member's accumulated contributions, without  
24 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
25

1 of the service to be credited to the member for the purpose of determining whether such member  
2 qualifies for retirement and calculating benefits.

3 (2) Any member, after retirement for service or disability or while receiving a  
4 vesting allowance, who is found by clear and convincing evidence after an administrative  
5 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
6 member's duties as an officer or employee of the City and County, or to have committed perjury  
7 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
8 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
9 defined in Section A8.604-10(f). Time and service during the Forfeiture Period shall be  
10 excluded from the computation of the service to be credited to the member for the purpose of  
11 determining whether such member qualifies for retirement and calculating benefits.

12 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
13 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
14 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
15 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
16 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
17 (2) of this subsection (b).

18  
19 **A8.605 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JANUARY 7,**  
20 **2012**

21 \* \* \* \*

22 **A8.605-10 COMPUTATION OF SERVICE**

23 The following time shall be included in the computation of the service to be credited to a  
24 member of the police department for the purposes of determining whether such member  
25 qualified for retirement and calculating benefits, excluding, however, any time, the contributions

1 for which were withdrawn by said member upon termination of his or her service while he or she  
2 was a member under any other Charter section, and not redeposited upon re-entry into service:

3 \* \* \* \*

4  
5 (e) As provided in Section A8.605-13(b), if a member is found by clear and convincing  
6 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
7 wire fraud in connection with the member’s duties as an officer or employee of the City and  
8 County, or to have committed perjury in connection with or to conceal any such crime, all time  
9 and service beginning with the earliest date of the commission of the criminal conduct or the  
10 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
11 from the computation of the service to be credited to the member for the purpose of determining  
12 whether such member qualifies for retirement and calculating benefits under this Section  
13 A8.605-10.

14  
15 **A8.605-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
16 **PENSION BENEFITS**

17 (a) Forfeiture after conviction of a crime involving moral turpitude.

18 (1) Any member who is convicted of a crime involving moral turpitude committed  
19 in connection with ~~his or her~~ the member’s duties as an officer or employee of the City and  
20 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
21 ~~her~~ the member’s accumulated contributions; provided, however, that if such member is  
22 qualified for service retirement by reason of service and age under the provisions of Section  
23 A8.605-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
24 within 90 days after ~~his or her~~ the member’s removal from office or employment to receive as  
25 ~~his or her~~ the member’s sole benefit under the Retirement System an annuity which shall be the



1 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
2 removal from office or employment.

3 (2) Any member after retirement for service or disability, or while receiving a  
4 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
5 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
6 rights to any further benefit from the Retirement System and the Retirement System shall  
7 immediately cease all future payments to such member; provided however, that if at the time of  
8 the conviction, said member has remaining accumulated contributions, then such member shall  
9 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
10 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
11 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
12 accumulated contributions remaining at the time of the conviction.

13 (b) Forfeiture after administrative proceeding.

14 (1) Any member who is found by clear and convincing evidence after an  
15 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
16 connection with the member's duties as an officer or employee of the City and County, or to have  
17 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
18 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
19 in Section A8.605-10(e), except refund of the member's accumulated contributions, without  
20 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
21 of the service to be credited to the member for the purpose of determining whether such member  
22 qualifies for retirement and calculating benefits.

23 (2) Any member, after retirement for service or disability or while receiving a  
24 vesting allowance, who is found by clear and convincing evidence after an administrative  
25 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the

1 member's duties as an officer or employee of the City and County, or to have committed perjury  
2 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
3 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
4 defined in Section A8.605-10(e). Time and service during the Forfeiture Period shall be  
5 excluded from the computation of the service to be credited to the member for the purpose of  
6 determining whether such member qualifies for retirement and calculating benefits.

7 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
8 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
9 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
10 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
11 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
12 (2) of this subsection (b).

13  
14 **A8.606 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S**  
15 **DEPARTMENT BEFORE JULY 1, 2010**

16 \* \* \* \*

17 **A8.606-10 COMPUTATION OF SERVICE**

18 The following time shall be included in the computation of the service to be credited to a  
19 member of the sheriff's department for the purposes of determining whether such member  
20 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
21 for which were withdrawn by said member upon termination of his or her service while he or she  
22 was a member under any other Charter section, and not redeposited upon re-entry into service:

23 \* \* \* \*

1           (e) As provided in Section A8.606-15(b), if a member is found by clear and convincing  
2 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
3 wire fraud in connection with the member's duties as an officer or employee of the City and  
4 County, or to have committed perjury in connection with or to conceal any such crime, all time  
5 and service beginning with the earliest date of the commission of the criminal conduct or the  
6 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
7 from the computation of the service to be credited to the member for the purpose of determining  
8 whether such member qualifies for retirement and calculating benefits under this Section  
9 A8.606-10.

10  
11 **A8.606-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
12 **PENSION BENEFITS**

13           (a) Forfeiture after conviction of a crime involving moral turpitude.

14           (1) Any member who is convicted of a crime involving moral turpitude committed  
15 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
16 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
17 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
18 qualified for service retirement by reason of service and age under the provisions of Section  
19 A8.606-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
20 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
21 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
22 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
23 removal from office or employment.

24           (2) Any member after retirement for service or disability or while receiving a  
25 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~

1 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
2 rights to any further benefit from the Retirement System and the Retirement System shall  
3 immediately cease all future payments to such member; provided however, that if at the time of  
4 the conviction, said member has remaining accumulated contributions, then such member shall  
5 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
6 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
7 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
8 accumulated contributions remaining at the time of the conviction.

9 (b) Forfeiture after administrative proceeding.

10 (1) Any member who is found by clear and convincing evidence after an  
11 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
12 connection with the member's duties as an officer or employee of the City and County, or to have  
13 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
14 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
15 in Section A8.606-10(e), except refund of the member's accumulated contributions, without  
16 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
17 of the service to be credited to the member for the purpose of determining whether such member  
18 qualifies for retirement and calculating benefits.

19 (2) Any member, after retirement for service or disability or while receiving a  
20 vesting allowance, who is found by clear and convincing evidence after an administrative  
21 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
22 member's duties as an officer or employee of the City and County, or to have committed perjury  
23 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
24 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
25 defined in Section A8.606-10(e). Time and service during the Forfeiture Period shall be

1 excluded from the computation of the service to be credited to the member for the purpose of  
2 determining whether such member qualifies for retirement and calculating benefits.

3 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
4 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
5 extortion, or wire fraud in connection with the member’s duties, or to have committed perjury in  
6 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
7 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
8 (2) of this subsection.

9  
10 **A8.607 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S**  
11 **DEPARTMENT HIRED AFTER JULY 1, 2010 AND BEFORE JANUARY 7, 2012**

12 \* \* \* \*

13 **A8.607-10 COMPUTATION OF SERVICE**

14 The following time shall be included in the computation of the service to be credited to a  
15 member of the sheriff's department for the purposes of determining whether such member  
16 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
17 for which were withdrawn by said member upon termination of his or her service while he or she  
18 was a member under any other Charter section, and not redeposited upon re-entry into service:

19 \* \* \* \*

20 (e) As provided in Section A8.607-15(b), if a member is found by clear and convincing  
21 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
22 wire fraud in connection with the member’s duties as an officer or employee of the City and  
23 County, or to have committed perjury in connection with or to conceal any such crime, all time  
24 and service beginning with the earliest date of the commission of the criminal conduct or the  
25 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded

1 from the computation of the service to be credited to the member for the purpose of determining  
2 whether such member qualifies for retirement and calculating benefits under this Section  
3 A8.607-10.

4  
5 **A8.607-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
6 **PENSION BENEFITS**

7 (a) Forfeiture after conviction of a crime involving moral turpitude.

8 (1) Any member who is convicted of a crime involving moral turpitude committed  
9 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
10 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
11 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
12 qualified for service retirement by reason of service and age under the provisions of Section  
13 A8.607-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
14 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
15 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
16 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
17 removal from office or employment.

18 (2) Any member after retirement for service or disability or while receiving a  
19 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
20 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
21 rights to any further benefit from the Retirement System and the Retirement System shall  
22 immediately cease all future payments to such member; provided however, that if at the time of  
23 the conviction, said member has remaining accumulated contributions, then such member shall  
24 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
25 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement

1 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
2 accumulated contributions remaining at the time of the conviction.

3 (b) Forfeiture after administrative proceeding.

4 (1) Any member who is found by clear and convincing evidence after an  
5 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
6 connection with the member's duties as an officer or employee of the City and County, or to have  
7 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
8 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
9 in Section A8.607-10(e), except refund of the member's accumulated contributions, without  
10 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
11 of the service to be credited to the member for the purpose of determining whether such member  
12 qualifies for retirement and calculating benefits.

13 (2) Any member, after retirement for service or disability or while receiving a  
14 vesting allowance, who is found by clear and convincing evidence after an administrative  
15 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
16 member's duties as an officer or employee of the City and County, or to have committed perjury  
17 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
18 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
19 defined in Section A8.607-10(e). Time and service during the Forfeiture Period shall be  
20 excluded from the computation of the service to be credited to the member for the purpose of  
21 determining whether such member qualifies for retirement and calculating benefits.

22 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
23 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
24 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
25 connection with or to conceal any such crime, or on its own initiative, is authorized in its

1 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
2 (2) of this subsection (b).

3  
4 **A8.608 SHERIFF, UNDERSHERIFF AND DEPUTIZED PERSONNEL OF THE**  
5 **SHERIFF'S DEPARTMENT ASSUMING OFFICE ON AND AFTER JANUARY 7, 2012**

6 \* \* \* \*

7 **A8.608-10 COMPUTATION OF SERVICE**

8 The following time shall be included in the computation of the service to be credited to a  
9 member of the sheriff's department for the purposes of determining whether such member  
10 qualified for retirement and calculating benefits, excluding, however, any time, the contributions  
11 for which were withdrawn by said member upon termination of his or her service while he or she  
12 was a member under any other Charter section, and not redeposited upon re-entry into service:

13 \* \* \* \*

14 (e) As provided in Section A8.608-13(b), if a member is found by clear and convincing  
15 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
16 wire fraud in connection with the member's duties as an officer or employee of the City and  
17 County, or to have committed perjury in connection with or to conceal any such crime, all time  
18 and service beginning with the earliest date of the commission of the criminal conduct or the  
19 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
20 from the computation of the service to be credited to the member for the purpose of determining  
21 whether such member qualifies for retirement and calculating benefits under this Section  
22 A8.608-10.

23  
24 **A8.608-13 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE~~ OF**  
25 **PENSION BENEFITS**



1                    (a) Forfeiture after conviction of a crime involving moral turpitude.

2                    (1) Any member who is convicted of a crime involving moral turpitude committed  
3 in connection with ~~his or her~~ the member's duties as an officer or employee of the City and  
4 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
5 ~~her~~ the member's accumulated contributions; provided, however, that if such member is  
6 qualified for service retirement by reason of service and age under the provisions of Section  
7 A8.608-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
8 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
9 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
10 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
11 removal from office or employment.

12                    (2) Any member after retirement for service or disability, or while receiving a  
13 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
14 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
15 rights to any further benefit from the Retirement System and the Retirement System shall  
16 immediately cease all future payments to such member; provided however, that if at the time of  
17 the conviction, said member has remaining accumulated contributions, then such member shall  
18 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
19 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
20 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
21 accumulated contributions remaining at the time of the conviction.

22                    (b) Forfeiture after administrative proceeding.

23                    (1) Any member who is found by clear and convincing evidence after an  
24 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
25 connection with the member's duties as an officer or employee of the City and County, or to have

1 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
2 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
3 in Section A8.608-10(e), except refund of the member's accumulated contributions, without  
4 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
5 of the service to be credited to the member for the purpose of determining whether such member  
6 qualifies for retirement and calculating benefits.

7 (2) Any member, after retirement for service or disability or while receiving a  
8 vesting allowance, who is found by clear and convincing evidence after an administrative  
9 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
10 member's duties as an officer or employee of the City and County, or to have committed perjury  
11 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
12 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
13 defined in Section A8.608-10(e). Time and service during the Forfeiture Period shall be  
14 excluded from the computation of the service to be credited to the member for the purpose of  
15 determining whether such member qualifies for retirement and calculating benefits.

16 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
17 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
18 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
19 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
20 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
21 (2) of this subsection (b).

22  
23 **A8.609 MISCELLANEOUS SAFETY PERSONNEL HIRED BEFORE JANUARY 7,**  
24 **2012**

25 \* \* \* \*

1 **A8.609-10 COMPUTATION OF SERVICE**

2 The following time shall be included in the computation of the service to be credited to a  
3 miscellaneous safety member for the purposes of determining whether such member qualified for  
4 retirement and calculating benefits, excluding, however, any time, the contributions for which  
5 were withdrawn by said member upon termination of his or her service while he or she was a  
6 member under any other Charter section, and not redeposited upon re-entry into service:

7 \* \* \* \*

8  
9 (d) As provided in Section A8.609-15(b), if a member is found by clear and convincing  
10 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
11 wire fraud in connection with the member’s duties as an officer or employee of the City and  
12 County, or to have committed perjury in connection with or to conceal any such crime, all time  
13 and service beginning with the earliest date of the commission of the criminal conduct or the  
14 perjury to the date of adverse administrative finding (“Forfeiture Period”) shall be excluded  
15 from the computation of the service to be credited to the member for the purpose of determining  
16 whether such member qualifies for retirement and calculating benefits under this Section  
17 A8.609-10.

18  
19 **A8.609-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE OF**  
20 **PENSION BENEFITS**

21 (a) Forfeiture after conviction of a crime involving moral turpitude.

22 (1) Any member who is convicted of a crime involving moral turpitude committed  
23 in connection with ~~his or her~~ the member’s duties as an officer or employee of the City and  
24 County shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or~~  
25 ~~her~~ the member’s accumulated contributions; provided, however, that if such member is

1 qualified for service retirement by reason of service and age under the provisions of Section  
2 A8.609-2, ~~he or she~~ the member shall have the right to elect, without right of revocation and  
3 within 90 days after ~~his or her~~ the member's removal from office or employment to receive as  
4 ~~his or her~~ the member's sole benefit under the Retirement System an annuity which shall be the  
5 actuarial equivalent of ~~his or her~~ the member's accumulated contributions at the time of such  
6 removal from office or employment.

7 (2) Any member after retirement for service or disability or while receiving a  
8 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
9 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
10 rights to any further benefit from the Retirement System and the Retirement System shall  
11 immediately cease all future payments to such member; provided however, that if at the time of  
12 the conviction, said member has remaining accumulated contributions, then such member shall  
13 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
14 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
15 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
16 accumulated contributions remaining at the time of the conviction.

17 (b) Forfeiture after administrative proceeding.

18 (1) Any member who is found by clear and convincing evidence after an  
19 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
20 connection with the member's duties as an officer or employee of the City and County, or to have  
21 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
22 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
23 in Section A8.609-10(d), except refund of the member's accumulated contributions, without  
24 interest. Time and service during the Forfeiture Period shall be excluded from the computation  
25

1 of the service to be credited to the member for the purpose of determining whether such member  
2 qualifies for retirement and calculating benefits.

3 (2) Any member, after retirement for service or disability or while receiving a  
4 vesting allowance, who is found by clear and convincing evidence after an administrative  
5 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the  
6 member's duties as an officer or employee of the City and County, or to have committed perjury  
7 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
8 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
9 defined in Section A8.609-10(d). Time and service during the Forfeiture Period shall be  
10 excluded from the computation of the service to be credited to the member for the purpose of  
11 determining whether such member qualifies for retirement and calculating benefits.

12 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
13 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
14 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
15 connection with or to conceal any such crime, or on its own initiative, is authorized in its  
16 discretion to initiate the administrative forfeiture proceeding described in paragraphs (1) and  
17 (2) of this subsection (b).

18  
19 **A8.610 MISCELLANEOUS SAFETY PERSONNEL HIRED ON AND AFTER**  
20 **JANUARY 7, 2012**

21 \* \* \*

22 **A8.610-10 COMPUTATION OF SERVICE**

23 The following time shall be included in the computation of the service to be credited to a  
24 miscellaneous safety member for the purposes of determining whether such member qualified for  
25 retirement and calculating benefits, excluding, however, any time, the contributions for which

1 were withdrawn by said member upon termination of his or her service while he or she was a  
2 member under any other Charter section, and not redeposited upon re-entry into service:

3 \* \* \*

4 (d) As provided in Section A8.610-13(b), if a member is found by clear and convincing  
5 evidence after an administrative hearing to have committed bribery, embezzlement, extortion, or  
6 wire fraud in connection with the member's duties as an officer or employee of the City and  
7 County, or to have committed perjury in connection with or to conceal any such crime, all time  
8 and service beginning with the earliest date of the commission of the criminal conduct or the  
9 perjury to the date of adverse administrative finding ("Forfeiture Period") shall be excluded  
10 from the computation of the service to be credited to the member for the purpose of determining  
11 whether such member qualifies for retirement and calculating benefits under this Section  
12 A8.610-10.

13  
14 **A8.610-13 FORFEITURE ~~FOR CRIMES INVOLVING MORAL TURPITUDE~~ OF PENSION**  
15 **BENEFITS**

16 (a) Forfeiture after conviction of a crime involving moral turpitude.

17 (1) Any member convicted of a crime involving moral turpitude committed in  
18 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County  
19 shall forfeit all rights to any benefits under the Retirement System except refund of ~~his or her~~ the  
20 member's accumulated contributions; provided, however, that if such member is qualified for  
21 service retirement by reason of service and age under the provisions of Section A8.610-2, ~~he or~~  
22 ~~she~~ the member shall have the right to elect, without right of revocation and within 90 days after  
23 ~~his or her~~ the member's removal from office or employment to receive as ~~his or her~~ the  
24 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
25

1 equivalent of ~~his or her~~ the member's accumulated contributions at the time of such removal  
2 from office or employment.

3 (2) Any member after retirement for service or disability, or while receiving a  
4 vesting allowance, who is convicted of a crime involving moral turpitude in connection with ~~his~~  
5 ~~or her~~ the member's duties as an officer or employee of the City and County shall forfeit all  
6 rights to any further benefit from the Retirement System and the Retirement System shall  
7 immediately cease all future payments to such member; provided however, that if at the time of  
8 the conviction, said member has remaining accumulated contributions, then such member shall  
9 have the right to elect, without right of revocation and within 30 days after ~~his or her~~ the  
10 member's conviction, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
11 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
12 accumulated contributions remaining at the time of the conviction.

13 (b) Forfeiture after administrative proceeding.

14 (1) Any member who is found by clear and convincing evidence after an  
15 administrative hearing to have committed bribery, embezzlement, extortion, or wire fraud in  
16 connection with the member's duties as an officer or employee of the City and County, or to have  
17 committed perjury in connection with or to conceal any such crime, shall forfeit all rights to any  
18 benefits under the Retirement System earned or accrued during the Forfeiture Period, as defined  
19 in Section 610-10(d), except refund of the member's accumulated contributions, without interest.  
20 Time and service during the Forfeiture Period shall be excluded from the computation of the  
21 service to be credited to the member for the purpose of determining whether such member  
22 qualifies for retirement and calculating benefits.

23 (2) Any member, after retirement for service or disability or while receiving a  
24 vesting allowance, who is found by clear and convincing evidence after an administrative  
25 hearing to have committed bribery, embezzlement, extortion, or wire fraud in connection with the

1 member's duties as an officer or employee of the City and County, or to have committed perjury  
2 in connection with or to conceal any such crime, shall forfeit all rights to any further benefits  
3 from the Retirement System that were earned or that accrued during the Forfeiture Period, as  
4 defined in Section A8.610-10(d). Time and service during the Forfeiture Period shall be  
5 excluded from the computation of the service to be credited to the member for the purpose of  
6 determining whether such member qualifies for retirement and calculating benefits.

7 (3) The Retirement System, upon notice by any City department, the Mayor, or the  
8 Board of Supervisors that a member is alleged to have committed bribery, embezzlement,  
9 extortion, or wire fraud in connection with the member's duties, or to have committed perjury in  
10 connection with or to conceal any such crime, or on its own initiative, is authorized to initiate in  
11 its discretion the administrative forfeiture proceeding described in paragraphs (1) and (2) of this  
12 subsection (b).

13  
14 **SEC. 12.102. HEARING OFFICER.**

15 (a) Any application for retirement or death allowance made pursuant to this Charter, or  
16 any pension forfeiture administrative proceeding initiated pursuant to this Charter, shall be  
17 heard by a hearing officer employed under contract by the Retirement Board and selected by  
18 procedures set forth in its rules, which shall include rules setting forth the qualifications and  
19 selection procedure necessary to appoint a qualified and unbiased hearing officer.

20 (b) Application for retirement or death allowance.

21 (1) Following public hearing, the hearing officer shall determine whether such  
22 application shall be granted or denied. All expenses related to processing and adjudicating such  
23 applications shall be paid from the Trust Fund.



1           (2) At any time within 30 days after the service of the hearing officer's decision,  
2 the applicant or any other affected party, including the Retirement System, may petition the  
3 hearing officer for a rehearing upon one or more of the following grounds and no other:

4           ~~1-(A)~~ That the hearing officer acted without or in excess of the hearing officer's  
5 powers;

6           ~~2-(B)~~ That the decision was procured by fraud;

7           ~~3-(C)~~ That the evidence does not justify the decision; or

8           ~~4-(D)~~ That the petitioner has discovered new material evidence which could not,  
9 with reasonable diligence, have been discovered and produced at the hearing.

10          (3) The decision of the hearing officer shall be final upon the expiration of 30  
11 days after the petition for rehearing is denied, or if the hearing is granted, upon the expiration of  
12 30 days after the rendition of the decision. Such final decision shall not be subject to amendment,  
13 modification or rescission by the Board, but shall be subject to review by the Board only for the  
14 purpose of determining whether to seek judicial review.

15          (c) Pension forfeiture administrative proceeding. Following an administrative hearing,  
16 the hearing officer shall determine whether the Retirement System has met its burden of proving  
17 by clear and convincing evidence that the member has committed bribery, embezzlement,  
18 extortion, or wire fraud in connection with the member's duties as an officer or employee of the  
19 City and County, or committed perjury in connection with or to conceal any such crime, and  
20 shall issue a written decision setting forth the hearing officer's factual findings and legal  
21 conclusions. The hearing officer's decision shall be a final administrative decision. The  
22 member may appeal an adverse decision by filing in San Francisco Superior Court a petition for  
23 a writ of mandate under California Code of Civil Procedure, Section 1094.5 et seq., as  
24 applicable, and as may be amended from time to time. If the court reverses the forfeiture  
25 decision and finds in favor of the member, the member's pension benefits shall be reinstated.

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APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Zachary Porianda  
ZACHARY PORIANDA  
Deputy City Attorney

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