

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sheryl Davis, Office of Racial Equity

FROM: Angela Calvillo, Clerk of the Board by *Victor Young*

DATE: July 7, 2022

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Office of Racial Equity for comment and recommendation. Please note that the Rules Committee is scheduled to hear the matter on July 11, 2022, at 10:00 a.m. and possible the Board of Supervisors on July 19, 2022.

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 return this cover sheet with any response to Victor Young, Assistant Clerk, Rules Committee (victor.young@sfgov.org)

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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LEGISLATIVE DIGEST

(Revised 7/6/2022)

[Charter Amendment - Forfeiture of Pension Benefits]

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, 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.

Existing Law

Currently, under Charter Sections A8.509, A8.584-13, A8.586-16, A8.587-14, A8.588-16, A8.597-16, A8.598-16, A8.600-14, A8.601-16, A8.602-16, A8.603-10, A8.604-13, A8.605-13, A8.606-15, A8.607-15, A8.608-13, A8.609-15, A8.610-13, any active or retired City employee who is a member of the San Francisco Employee Retirement System (SFERS) and who is convicted of a crime involving moral turpitude committed in connection with their City duties, forfeits all rights to City-funded benefits under the City's retirement system.

Charter Sections A8.584-7, A8.585-10, A8.586-10, A8.587-7, A8.588-10, A8.597-10, A8.598-10, A8.600-7, A8.601-10, A8.602-10, A8.603-7, A8.604-10, A8.605-10, A8.606-10, A8.607-10, A8.608-10, A8.609-10, and A8.610-10 provide for how time and service shall be calculated for the purpose of determining whether a member qualifies for retirement and calculating benefits under a specific pension plan.

Amendments to Current Law

The proposed measure would amend the Charter's pension forfeiture provisions to add a second mechanism for forfeiture: a member would forfeit City-funded pension benefits earned or accrued during the defined Forfeiture Period if, after an administrative hearing, the member is found by clear and convincing evidence to have committed bribery, embezzlement, extortion, or wire fraud in connection with the member's duties as an officer or employee of the City and County, or to have committed perjury in connection with or to conceal any of

those crimes. In such cases, the member would be entitled to a refund of the member's contributions made during the Forfeiture Period, without interest. The measure would amend the Charter's computation of service provisions to define "Forfeiture Period" as the period beginning with the date that the member first engaged in the specified criminal conduct or perjury through the date of the adverse administrative finding, and would provide that all time and service during the Forfeiture Period 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.

The measure would also amend Section A8.585, which currently does not include a forfeiture provision, to include a new Section A8.585-17, which would subject pension benefits under that plan to forfeiture on the same grounds as the other Charter sections.

The measure would also amend Section 12.102 to authorize the Retirement System to hire hearing officers to preside over the administrative forfeiture proceedings. Finally, the measure would amend Section 12.102 to provide that, after the administrative hearing, the hearing officer shall issue a written decision setting forth the hearing officer's factual findings and legal conclusions and the decision shall be a final administrative decision, subject to the member's right to appeal an adverse decision by filing a writ of mandate.

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