

[To provide retirement benefits for police department employees who were also airport police officers prior to December 27, 1997, as if they had been members of the police department during their service as airport police officers.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section A8.506-2 to authorize the Board of Supervisors to amend a contract with the Public Employees Retirement System in order to transfer to the San Francisco Employees' Retirement System the assets and liabilities of certain airport police officers, and by adding Section A8.597-10(d) to include time worked as an airport police officer in the calculation for retirement benefits for police department employees.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 6, 2007, a proposal to amend the Charter of the City and County by amending Section A8.506-2 and by adding Section A8.597-10(d) to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. A8.506-2. MISCELLANEOUS SAFETY EMPLOYEES.

Notwithstanding any other provisions of this charter, the Board of Supervisors or the Community College Board shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the probation officers, airport police officers, district attorney and public defender investigators, medical examiner investigators, juvenile court counselors, institutional police, fire safety inspectors and fire protection engineers who are not members of the Section 8.588 plans, shall be members of the Public Employees' Retirement System, and the Board of Supervisors, the Community

College Board and the Retirement Board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

The Board of Supervisors shall have the power to amend such a contract to terminate the participation of certain airport police officers in the Public Employees' Retirement System and to transfer to the San Francisco Employees' Retirement System the accumulated assets and liabilities relating to the airport police officers that make such an election. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contract.

Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College Board is empowered to determine compliance under this Section. As provided in Section A8.409-5 of the City Charter, disputes under this paragraph shall not be subject to the dispute resolution procedures contained in Charter Section A8.409-4.

Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the Health Service Board shall make provision for the participation in the benefits of the health service system by such persons.

SEC. A8.597-10. COMPUTATION OF SERVICE.

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

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to January 1, 2003, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section A8.597-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the City and County contributed or contributes on his or her account.

(d) Time during which said member earned compensation as an airport police officer, provided that said member does not receive a retirement allowance from the Public Employees' Retirement System or receive credit from the Public Employees' Retirement System for the same service, and provided further that the accumulated assets with interest and accrued liability for the past service relating to each said member is transferred from the Public Employees' Retirement System to his or her Section A8.597 account, or if previously refunded, is redeposited into his or her Section A8.597 account with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board. The Retirement Board shall require that each said member execute a waiver consenting to the transfer so that any airport police officer service covered by Section A8.597 is not also covered by other pension

provisions in this charter, and so that any such member is not receiving either a retirement allowance or service credit from the Public Employees' Retirement System for the same service. Members of the police department on November 6, 2007, who are members of the retirement system under Section A8.597 shall execute and file said waiver on or before February 1, 2008. Failure to file a timely waiver shall bar any application to have such airport police officer service treated as safety service under this subsection.

The additions to this section A8.597-10, approved by the electorate on November 6, 2007, shall not apply to any member of the retirement system who separated from service, retired, or died before November 6, 2007, or to his or her continuant.

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

By: _____
CARYN BORTNICK
Deputy City Attorney