

[Retirement benefits for district attorneys, public defenders and public defender investigators]

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 adding Section A8.506-5 thereto, to authorize the board of supervisors to contract with the board of administration of the Public Employees' Retirement System to provide increased retirement benefits for district attorneys, public defenders and public defender investigators.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on March 2, 2004, a proposal to amend the Charter of the City and County by adding Section A8.506-5 to read as follows:

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

**A8.506-5 DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND PUBLIC DEFENDER INVESTIGATORS**

*(a) Notwithstanding any other provisions of this charter, the board of supervisors 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 local prosecutors, public defenders and public defender investigators, on or after January 1, 2002, shall be members of the Public Employees' Retirement System pursuant to Government Code §20423.6 and the board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract. 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.*

(b) For the purposes of the retirement system and of this section, the terms " local prosecutor, public defender and public defender investigator" or "member," shall mean:

(1) "Local prosecutor" means any one of the following:

(A) An officer or employee of the City and County of San Francisco who meets all of the following criteria:

(i) He or she is employed in the Office of the District Attorney and

(ii) His or her job classification is district attorney, deputy district attorney, chief deputy district attorney, senior deputy district attorney, assistant district attorney, chief assistant district attorney, senior assistant district attorney, or any other similar classification or title.

(B) An officer or employee of the City and County of San Francisco who meets all of the following criteria:

(i) He or she was employed in the Office of the District Attorney prior to the date the local child support agency transitioned from the District Attorney to the San Francisco Office of Child Support Services;

(ii) His or her job classification was district attorney, deputy district attorney, chief deputy district attorney, senior deputy district attorney, assistant district attorney, chief assistant district attorney, senior assistant district attorney, or any other similar classification or title; and

(iii) He or she is an attorney in the San Francisco Office of Child Support Services, with no break in service between employment by the Office of the District Attorney and the San Francisco Office of Child Support Services.

(2) "Local public defender" means an officer or employee of the City and County of San Francisco who meets all of the following criteria:

(A) He or she is employed in the Office of the Public Defender and

(B) His or her job classification is public defender, deputy public defender, chief deputy public defender, senior deputy public defender, assistant public defender, chief assistant public defender, senior assistant public defender, or any other similar classification or title.

(3) "Local public defender investigator" means an officer or employee of the City and County of San Francisco who meets all of the following criteria:

(A) He or she is employed in the Office of the Public Defender;

(B) His or her job classification is inspector, investigator, detective, or any other similar classification or title; and

(C) His or her principal duties are to investigate crime and criminal cases.

(c) The power to enter into a contract under subsection (a), above, shall be limited to a contract that is cost-neutral to the city. Employee bargaining units shall be permitted to trade salary or other employer-paid benefits, including but not limited to social security benefits, to achieve cost-neutrality. 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.

APPROVED AS TO FORM:  
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By:  
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