

FILE NO. 011743

ORDINANCE NO. 222-01

1 [Compensation for Employees Called to Active Military Duty in Response to September 11th,
2 2001 Terrorist Attacks]

3 **Ordinance amending the 2001-2002 Annual Salary Ordinance to entitle City officers or**
4 **employees called to active duty with a military reserve organization to receive from the**
5 **City the difference between the amount of the individual's military pay and the amount**
6 **the individual would have received as a City officer or employee had the individual**
7 **worked his or her normal work schedule.**

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

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

13 Section 1. The San Francisco 2001-2002 Annual Salary Ordinance is hereby amended
14 by adding to Section (2) (Compensation Provisions) a new Sub-Section (4) (Supplementation
15 of Military Pay) to read as follows:

16 4. Supplementation of Military Pay

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

24 (b) Any officer or employee to whom subdivision (a) applies, while on military leave ~~active duty~~,
25 shall receive from the City, for a period not to exceed 180 calendar days from the effective date of this

1 ordinance, the following as part of the individual's compensation supplement to their military pay and
2 benefits:

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

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

9 ~~(2)~~(3) All other benefits to which the individual would have been entitled had the individual not
10 been called to active duty, except as limited under state law or the Charter.

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

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

15 (2) The purpose for such call to active service shall have been to respond to the September 11th
16 2001 terrorist attacks in New York City, Washington D.C and Pennsylvania or related extraordinary
17 circumstances and shall not include scheduled training, drills, unit training assemblies or similar
18 events.

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

21 (4) Any individual receiving compensation pursuant to this ordinance shall execute an
22 agreement providing that if the individual does not return to City service within 60 days of release from
23 active duty (or if the individual is not fit for employment at that time, within 60 days of a determination
24 that the employee is fit for employment), then that compensation described in Sections (b)(1) through
25 (b)(3) ~~(a)(1) and (a)(2)~~ shall be treated as a loan payable with interest at a rate equal to the greater of

1 (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the
2 minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as
3 amended from time to time, and any successor statute. Such loan shall be payable in equal monthly
4 installments over a period not to exceed 5 years, commencing 90 days after the individual's release
5 from active service or return to fitness for employment, as the case may be.

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

8 (6) This ordinance shall not be retroactive.

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10 APPROVED AS TO FORM:
11 LOUISE H. RENNE, City Attorney

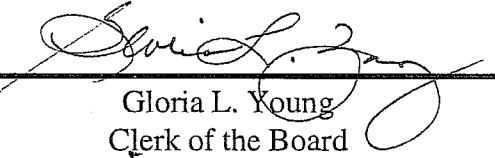
12 By:


13 Philip A. Ginsburg
14 Deputy City Attorney

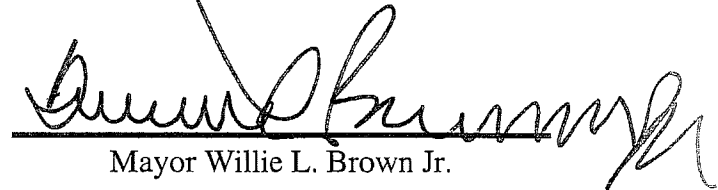
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MAYOR WILLIE L. BROWN, JR.
BOARD OF SUPERVISORS

File No. 011743

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 5, 2001 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

NOV 5 2001
Date Approved


Mayor Willie L. Brown Jr.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 011743

Date Passed:

Ordinance amending the 2001-2002 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule.

October 29, 2001 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

November 5, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin,
Sandoval, Yee
Absent: 1 - Ammiano