

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Alison Romano, CEO/CIO, Retirement Board

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: April 13, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

**File No. 230375**

**Ordinance amending the Administrative Code to expand the definition of "public service" to allow members of the San Francisco Employees' Retirement System to purchase service credit for time served in the military before City employment.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

cc: Darlene Armanino, SFERS



# City and County of San Francisco

## Master Report

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

**File Number:** 230375      **File Type:** Ordinance      **Status:** 30 Day Rule

**Enacted:** \_\_\_\_\_ **Effective:** \_\_\_\_\_

**Version:** 1      **In Control:** Rules Committee

**File Name:** Administrative Code - Including Military Service in Definition of "Public Service" for Retirement Service Credit Purchases      **Date Introduced:** 04/04/2023

**Requester:** \_\_\_\_\_ **Cost:** \_\_\_\_\_ **Final Action:** \_\_\_\_\_

**Comment:** \_\_\_\_\_ **Title:** Ordinance amending the Administrative Code to expand the definition of "public service" to allow members of the San Francisco Employees' Retirement System to purchase service credit for time served in the military before City employment.

**Sponsor:** Stefani

### History of Legislative File 230375

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	04/04/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	05/04/2023	

1 [Administrative Code - Including Military Service in Definition of "Public Service" for  
2 Retirement Service Credit Purchases]

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4 **service" to allow members of the San Francisco Employees' Retirement System to**  
5 **purchase service credit for time served in the military before City employment.**

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8 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14 Section 1. Chapter 16, Article IV, of the Administrative Code is hereby amended by  
15 revising Section 16.55-1, to read as follows:

16 **SEC. 16.55-1. DEFINITION OF "PUBLIC SERVICE."**

17 (a) As used in Sections 16.55-1 to 16.55-4, inclusive, "public service" means:

18 (1a) ~~Civilian s~~Service rendered as an employee or officer of an agency of the  
19 government of the United States, including both civilian and military service;

20 (2b) ~~Civilian s~~Service rendered as an employee or officer of the State of California;  
21 and

22 (3e) Service rendered as an employee or officer of a public agency in the State of  
23 California which, with respect to such service, maintained a locally administered defined  
24 benefit plan or was entitled to participate in the Public Employees' Retirement System of the  
25 State of California under a contract between such public agency and the Public Employees'  
Retirement System.

1           **(b)** For ~~the~~ purposes of this Section 16.55-1, a person shall be considered as being in  
2 public service only while ~~he or she was~~ they were receiving compensation from the public  
3 agency of which ~~he or she was~~ they were an employee or officer.

4           **(c)** "Public service," as used in this Section 16.55-1~~herein~~, does not include service as  
5 defined in ~~Subdivisions~~ subsections (a)(1), ~~(2b)~~, or ~~(3e) of this Section~~ with respect to which a  
6 person became a member of any other retirement system supported wholly or in part by  
7 public funds and with respect to which ~~he or she~~ they continues to receive credit in such other  
8 system or with respect to which ~~he or she is~~ they are entitled to receive a retirement allowance  
9 under such other system.

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11           Section 2. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

15  
16           Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the “Note” that appears under  
2 the official title of the ordinance.

3

4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: /s/ \_\_\_\_\_  
7 KELLY COLLINS  
8 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Administrative Code - Including Military Service in Definition of “Public Service” for Retirement Service Credit Purchases]

**Ordinance amending the Administrative Code to expand the definition of “public service” to allow members of the San Francisco Employees’ Retirement System to purchase service credit for time served in the military before City employment.**

### Existing Law

Currently, City employees may purchase San Francisco Employees’ Retirement System (SFERS) service credit for civilian service in other government agencies. City employees may only purchase service credit for military time served during City employment or while on an eligible list.

### Amendments to Current Law

The amendment to Administrative Code Section 16.55-1 will eliminate the civilian limitation, expanding eligible public service for purchase to employees who served in the military.

### Background Information

The current definition of public service in Administrative Code Section 16.55-1 limits the type of public service eligible to purchase service credit with SFERS to civilian service only. This definition excludes SFERS members with prior military service from the opportunity to purchase service credit.

This amendment expands the definition of public service to create an equal opportunity for all SFERS members with eligible public service to purchase retirement service credit.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only

**From:** [Donovan, Dominica \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Stefani, Catherine \(BOS\)](#); [COLLINS, KELLY \(CAT\)](#)  
**Subject:** FW: USERRA legislation ordinance and legislative digest  
**Date:** Tuesday, April 4, 2023 2:29:24 PM  
**Attachments:** [01665315.pdf](#)  
[01665315.DOCX](#)  
[01667637.pdf](#)  
[01667637.DOCX](#)  
[SCS - Intro Form - Ord - 4.4.2023.pdf](#)

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Dear Clerks Office,

Please see the attached intro form and draft ordinance for introduction today.

Thank you!

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Dominica Donovan  
Office of Supervisor Catherine Stefani, District 2

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**From:** Collins, Kelly (CAT) <Kelly.Collins@sfcityatty.org>  
**Sent:** Monday, April 03, 2023 3:17 PM  
**To:** Donovan, Dominica (BOS) <dominica.donovan@sfgov.org>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; MANGOBA, CECILIA (CAT) <Cecilia.Mangoba@sfcityatty.org>  
**Subject:** USERRA legislation ordinance and legislative digest

Good afternoon Dominica,

Attached, please find Word and PDF versions of the legislative digest and ordinance regarding the military retirement service credit purchase for introduction. The use of “/s/” on the signature line of the ordinance is intended to reflect my approval as to form.

Our office is currently in the process of drafting a confidential memo to provide the Board with some context for this ordinance. We will send that memo closer to the time that the item is calendared in committee. The memo will not be cautioning to Board about any risk, it will simply provide more of an explanation for the legislation than is offered in the ordinance itself.

Please let me know if you have any questions.

Thank you,

**Kelly Collins** (she/her)  
Deputy City Attorney  
Office of City Attorney David Chiu



415-554-3914 (Direct)

This email message and any attachments may contain confidential and/or privileged information. If you are not the intended recipient you are hereby notified that any review, disclosure, copying, distribution or use of any of the information contained herein is prohibited. If you have received this email message in error, please contact the sender by reply email and destroy the original message and attachments without reading or saving in any manner.

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5 DAVID CHIU, City Attorney

6 By: /s/ \_\_\_\_\_  
7 KELLY COLLINS  
8 Deputy City Attorney

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7 KELLY COLLINS  
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