

Article 4: City Employees' Retirement System

Division 3: Safety Members Contributions

*("Membership" incorp. 1-22-1952 by O-5046 N.S.,
contained in O-10792 O.S. adopted 11-29-1926;
repealed 10-25-1962 by O-8744 N.S.)*

*("Contributions of Safety Members" added 10-25-1962 by O-8744 N.S.)
(Retitled to "Safety Members Contributions on 11-18-2002 by O-19121 N.S.)*

§24.0301 Normal Rate of Contributions

- (a) The *Board* determines the normal rate of contribution for a *Safety Member* based upon the *Member's* age at their birthday nearest to the date the *Member* joined the *System*, adjusted for periods of time the *Member* was regularly working less than half-time (i.e., inactive or withdrawn) and for purchases of *Service Credit* under Section 24.1303. *Safety Members* identified in section 24.0104(g), (h), (i), and (j) are considered to have joined the *System* on the membership date determined in section 24.0104(m).
- (b) Effective November 18, 2002, a *Member* who is serving as the duly elected president of a recognized employee organization will continue to participate in the *System*, if, while serving as president:
 - (1) the *Member* remains a full-time *City* employee, and receives a salary from the *City*;
 - (2) the *Member* continues to make contributions, as set forth in this Division, based upon his or her *City* salary;
 - (3) the *Member's Base Compensation* is based solely upon the salary paid to the *Member* by the *City*, and does not include any amounts paid by the employee organization, either directly or indirectly.

(Retitled from "Contribution of Safety Members" and amended 11-18-2002 by O-19121 N.S.)

(Amended 4-28-2008 by O-19740 N.S.; effective 5-28-2008.)

(Amended 6-10-2014 by O-20376 N.S.; effective 7-10-2014.)

(Amended 7-1-2022 by O-21474 N.S.; effective 7-31-2022.)

§24.0302 Adoption Safety Member Contribution Rates

The Board, based upon the advice of the Actuary, will periodically adopt by Rule the rate of contribution of each Safety Member according to the age at the time of entry into the Retirement System in compliance with federal law. These rates will be contained in the operating Tables furnished to the Board by the System's Actuary. The Rules adopted by the Board under this section are incorporated into this Article as part of the Plan document and are effective beginning July 1, 1989, in accordance with their terms.

(Amended 3-31-1997 by O-18392 N.S.)

(Amended 4-28-2008 by O-19740 N.S.; effective 5-28-2008.)

§24.0303 Maximum and Minimum Rates for Safety Members

The normal rate of contribution established for age 49 is the rate for any safety member who has attained a greater age before entrance into the Retirement System, and that established for age 20 is the rate for any safety member who enters the Retirement System at a lesser age.

(“Maximum and Minimum Rates for Safety Members” added 12-8-1976 by O-11964 N.S.)

§24.0304 Safety Member Contributions Deducted by City Auditor

The contributions herein provided for shall be deducted by the City Auditor and Comptroller from each payroll warrant-check and shall be transferred to the Retirement System for crediting to each individual safety member's account.

(“Safety Member Contributions Deducted by City Auditor” renumbered from Sec. 24.0305 on 2-25-1997 by O-18383 N.S.)

§24.0305 Additional Contributions by Safety Members

Subject to the rules and regulations prescribed by the *Board*, a *Safety Member* may elect to make post-tax *Additional Contributions* at rates in excess of his *Normal Contributions*, for the purpose of providing additional benefits. The exercise of this privilege by a *Safety Member* will not obligate the *City* to make any additional contributions. Upon application, the *Board* will furnish to the *Safety Member* information concerning the nature and amount of additional benefits to be obtained by the *Additional Contributions*. The *Member* may stop or change the amount of his or her *Additional Contributions* at any time, but may not withdraw *Additional Contributions* except upon termination of membership, and then only if the employee withdraws all of his or her *Accumulated Contributions*.

(“Additional Contributions for Safety Members” renumbered from Sec 24.0306 on 2–25–1997 by O–18383 N.S.)

(Retitled to “Additional Contributions by Safety Members,” and amended 6-10-2014 by O-20376 N.S.; effective 7-10-2014.)

§24.0306 Withdrawal of Accumulated Contributions and Deferred Benefits —by Safety Members

If the service of a safety member is discontinued other than by death or retirement, If a *Safety Member’s City* employment is discontinued other than by death or retirement, and the *Member* makes a written request for return of employee contributions, the *Board* will pay the *Member* his or her *Accumulated Contributions*, including interest compounded annually, within six months of the request. A *Member* who has ten or more years of *Service Credit* and leaves his or her *Accumulated Contributions* on deposit with the *System*, will be eligible for a service retirement upon meeting the age requirements for a service retirement. The *Member’s* service retirement benefit will be calculated using the benefit formula in effect on the date the *Member* terminated *City* employment. A *Safety Member* may not withdraw his or her *Accumulated Contributions* under any circumstances other than those provided in this section.

(“Withdrawal of Accumulated Contributions and Deferred Benefits Safety Members” renumbered from Sec. 24.0308 on 2–25–1997 by O–18383 N.S.)

(Retitled to “Withdrawal of Accumulated Contributions and Deferred Benefits —by Safety Members,” and amended 6-10-2014 by O-20376 N.S.; effective 7-10-2014.)

§24.0307 Termination of Benefits — Safety Member

Any person eligible to withdraw Accumulated Contributions pursuant to Section 24.0306 who requests withdrawal, and thereafter receives his or her Accumulated Contributions from the System, shall be deemed to have knowingly terminated membership in the System and, as a result thereof, be ineligible for any rights, privileges, or benefits granted under this Retirement System.

(“Termination of Benefits — Safety Member” renumbered from Sec. 24.0308.5 and amended 2–25–1997 by O–18383 N.S.)

§24.0308 Auditor and Comptroller to Withhold Monies Owing City — Safety Members

The Auditor and Comptroller of The City of San Diego is hereby empowered and it shall be his duty to deduct any monies owing to the City by said employees from any benefits or any other monies due said employees from the City.

(“Auditor and Comptroller to Withhold Monies Owing City — Safety Members” renumbered from Sec. 24.0309 on 2–25–1997 by O–18383 N.S.)

§24.0309 Annuity, Actuarial Equivalent of Safety Members’ Accumulated Contributions

The actual amount of annuity receivable by a Safety Member upon retirement shall be the actuarial equivalent of the Safety Member accumulated contributions.

(“Annuity, Actuarial Equivalent of Safety Members’ Accumulated Contributions” added 3–31–1997 by O–18392 N.S.)

§24.0310 Upgrade of Benefits— Safety Members

Effective July 1, 1991, any safety member who was enrolled and participated in the 1981 Pension Plan between September 3, 1982 and December 31, 1987 shall receive the same level of benefits provided safety members in CERS except as provided in Section 24.1120.

(“Upgrade of Benefits— Safety Members” renumbered from Sec. 24.0311 on 3-31-1997 by O–18392 N.S.)