

ORDINANCE NO 9993 (NEW SERIES)

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE
ESTABLISHING CLASSIFICATIONS, CHARACTERISTICS AND COMPENSATION.**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 5.6.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 5.6.1: RETIREMENT CONTRIBUTION OFFSET. The County shall adopt the employee contribution rates set as recommended by the Board of Retirement within ninety (90) days after the beginning of the immediately succeeding fiscal year from the date the recommendation is made. Each employee shall pay, via payroll deduction, the amount prescribed by the rate established for each employee's contribution for the appropriate General or Safety benefit Tier into the appropriate fund in accordance with the rules and regulations governing such employee contributions.

- (a) Contribution Rates. The County shall adopt the County contribution rates, including those not integrated with Social Security, as recommended each year by the Board of Retirement as set forth in a letter to the Board of Supervisors from the County Chief Financial Officer/General Manager.
- (1) The County shall pay the rate prescribed for employer contributions into the General or Safety Retirement Fund in accordance with the law and the rules and regulations governing such employer contributions.
 - (2) In the event that the employee's rate is less than the prescribed amount below, the employee shall not be credited with the difference.
 - (3) The Board of Supervisors shall adopt the employee retirement contribution rates recommended by the Retirement Board within ninety (90) days after the beginning of the immediately succeeding fiscal year from the date the recommendation is made.
 - (a) Annual Actuarial Reviews. The employer and employee contribution rates are subject to annual San Diego County Employees Retirement Association actuarial reviews and establishment of rates.
 - (b) Tier I. Retirement benefits for employees hired on or prior to September 30, 1978, shall be those established for Tier I of the General Retirement Program or Tier I of the Safety Retirement Program for eligible employees.
 - (c) Tier II. Retirement benefits for employees (excluding DI, DM, DS and SM, see (d) below) hired on or after October 1, 1978, who did not elect into Tier A benefits, shall be those established for Tier II of the General Retirement Program
 - (d) DI, DM, DS and SM Retirement Benefits.
 - (i) Retirement benefits for employees in classes designated DI, DM, DS and SM effective March 8, 2002, based upon their respective Tier II general and/or Tier II safety statuses, retirement benefits for employees hired on or after October 1, 1978, shall be respectively converted prospectively to those established for Tier I of the General Retirement Program and/or Tier I of the Safety Retirement Program for eligible employees.
 - (ii) The County shall pay the accrued liability for respective previous service before March 8, 2002 for the elimination of Tier II general and/or Tier II safety conversion to Tier I general and/or Tier I safety status and pay the respective rate prescribed for employer contributions into the General and/or Safety Retirement

Fund for the Tier I program in accordance with the law and rules and regulations governing such employer contributions.

- (e) “Tier A” Retirement Benefits.
 - (i) Retirement benefits for employees hired between March 8, 2002 and August 27, 2009, shall be those established for “Tier A” of the General Retirement Program for eligible employees.
 - (ii) Employees hired before March 8, 2002 will receive “Tier A” retirement benefits unless the employee exercised the right to “opt out” of the “Tier A” program. Those who “opted out” of the “Tier A” program will receive Tier I retirement benefits.
- (f) “Tier B” Retirement Benefits.

Retirement benefits for employees hired on or after August 28, 2009, shall be those established for “Tier B” of the General Retirement Program and “Tier B” of the Safety Retirement Program by ordinance and resolutions adopted by the board on July 21, 2009 for eligible employees. Therefore, the ordinance and resolutions apply to any person who commences employment for the County on or after August 28, 2009, including any employee who is appointed on or after August 28, 2009 to a position which makes that employee a new general member or a new safety member of SDCERA.

Section 2. Effective Date. This ordinance affects compensation and shall take effect thirty (30) days after adoption. Within fifteen (15) days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

Section 3. Operative Date. This ordinance shall become operative on August 28, 2009.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 21st of July, 2009.