

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 3.28.030.05 OF CHAPTER 3.28 OF TITLE 3 OF
THE SAN JOSE MUNICIPAL CODE TO EXCLUDE A NON-
PENSIONABLE PAY INCREASE FROM THE DEFINITION
OF COMPENSATION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 3.28.030.05 of Chapter 3.28 of Title 3 of the San José Municipal Code is amended to read as follows:

3.28.030.05 Compensation

- A. "Compensation" means the remuneration paid in cash out of funds controlled by the City, plus the monetary value, as determined by the Board, for time during which the member is excused from work because of holidays, sick leave, vacation, or compensating time off.
- B. "Compensation" shall include holiday in lieu pay.
- C. "Compensation" shall include incentive pay for successful completion, on an annual basis, of training in Police Anti-Terrorist Tactics as certified by the Police Department to the City Finance Department.
- D. "Compensation" shall not include the provision by the City of any medical or hospital service or care plan for its employees, any contribution by the City to meet the premium or charge for such plan, or any payment into any fund to provide any death, retirement or survivorship benefits for employees or their survivors, or to provide any health or welfare benefits for employees, value of living quarters, board, lodging, fuel, laundry, and other advantages provided by

the City in payment for the member's services, or any payment by the City of the employee portion of any taxes imposed by federal law, or any payment made by the City to the federal or state government for any social security system or program. Compensation also shall not include any payments based on overtime pay; travel, uniform or expense allowances; insurance, medical, surgical or hospital benefits; workers' compensation benefits; retirement, death or survivorship benefits; per diem payments; or any other fringe benefits.

E. Notwithstanding any other provisions of Chapter 3.28, "Compensation" shall not include any non-pensionable compensation increase, which represents a wage increase, that is effective on or after July 1, 2018. Compensation also shall not include any subsequent increases to non-pensionable compensation due to future increases to base pay, such as merit increases, step increases, and general wage increases.

PASSED FOR PUBLICATION of title this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk