***DRAFT***

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 3.36.757 OF CHAPTER 3.36 OF TITLE 3 OF THE SAN JOSE MUNICIPAL CODE**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), it has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008, (General Procedure & Policy Making Resulting in No Changes to the Physical Environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE** BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 3.36.757 of Chapter 3.36 of Title 3 of the San José Municipal Code is amended to read as follows:

**3.36.757 Limited Reemployment of Retired Person ~~From the Police Department~~**

A. A person who has been retired ~~from the police department~~ under this system, for service or disability, may be employed by the City to perform City service on a temporary basis without reinstatement from retirement where the

employment does not exceed one hundred twenty working days or nine hundred sixty hours, whichever is greater, in any payroll calendar year. For the purposes of this provision, "payroll calendar year" means the twelve-month period commencing on the first day of the first pay period for active City employees.

B. The procedures for the employment of a retired person ~~from the police department~~ under this Section shall be in accordance with the procedures set forth in the City administrative policy manual.

C. The employment of a person pursuant to this Section shall not operate to reinstate the person as a member of this system. The person shall not earn service credit in this system for any period of such reemployment, nor shall either the person or the City make any contributions to this system on account of such employment.

D. The employment of a person pursuant to this Section shall not operate to terminate or suspend the retirement allowance otherwise payable to such person.

E. A person employed pursuant to this Section shall not be entitled to a disability retirement from the position in which the person is reemployed.

F. If the Internal Revenue Service determines that a reemployment program such as that described in this Section cannot be implemented without placing a retirement system out of conformity with the qualified plan requirements of the Internal Revenue Code (Title 26 of the United States Code), this Section shall become inoperative and any employment of a person pursuant to this Section shall be terminated immediately.


**DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.**

PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
SAM LICCARDO
Mayor

ATTEST:

_____
TONI J. TABER, CMC
City Clerk