

## ORDINANCE NO. \_\_\_\_\_

An ordinance adding Subsection (c) to Section 4.1002 of Chapter 10 of Division 4 of the Los Angeles Administrative Code to allow sworn peace officer personnel, who provide police services for the City, to maintain membership in the Los Angeles City Employees' Retirement System when their sworn positions are transferred from the Department of General Services' Office of Public Safety into the Los Angeles Police Department.

**WHEREAS**, the Department of General Services is an Outside Agency as defined in Charter Section 1202(h);

**WHEREAS**, the City at some future date intends to transfer sworn peace officer personnel providing police services to the City from the Department of General Services to the Los Angeles Police Department pursuant to a merger of police services to be authorized by action of the City Council;

**WHEREAS**, employees who would be transferred pursuant to this merger would become Transferring Employees as defined in Charter Section 1202(i);

**WHEREAS**, the City Council is authorized in Charter Section 1216(b)(1) to provide Transferring Employees with benefits other than those provided by the Fire and Police Pension Plan; and

**WHEREAS**, the City Council desires to enact an ordinance to provide Transferring Employees with pension benefits provided by the Los Angeles City Employees' Retirement System in lieu of benefits provided by the Fire and Police Pension Plan.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (c) is added to Section 4.1002 of Chapter 10 of Division 4 of the Los Angeles Administrative Code to read as follows:

(c) Notwithstanding the provisions of Subsections (a) and (b) of this Section, certain employees shall remain members of the Retirement System pursuant to the provisions of this Subsection.

The Department of General Services is an Outside Agency as defined in Charter Section 1202(h). Members employed by the Department of General Services as sworn peace officer personnel, whose positions may be transferred to the Los Angeles Police Department (LAPD) pursuant to a merger of police services authorized by the City Council shall, at the time of the transfer, become Transferring Employees as defined in

Charter Section 1202(i) and for purposes of this Subsection. The purpose of this Subsection is to provide these Transferring Employees with the benefits provided by the Retirement System, in lieu of the benefits provided by the Fire and Police Pension Plan, pursuant to the authority provided in Charter Section 1216(b)(1).

Transferring Employees shall remain members of the Retirement System for so long as they continue in employment with the LAPD in any sworn position, except as otherwise provided in the following paragraph. In addition to continuing to be members during any period(s) of academy training required in connection with positions held at the time of the transfer, Transferring Employees shall continue to be members of the Retirement System during any period(s) of academy training required to qualify for employment in any other sworn position with the LAPD, provided that they have not opted out of membership as provided in the following paragraph.

In the event that a Transferring Employee decides to transfer to a position with the LAPD that is not a sworn position transferred from the Department of General Services, such Transferring Employee may elect to opt out of membership in the Retirement System. In order to opt out of membership in the Retirement System, a member shall file a written opt out election form with the Retirement System, which election shall become effective on the date the Transferring Employee changes classifications and becomes eligible for membership in the Fire and Police Pension Plan or the Pension Savings Plan established in Chapter 16, Division 4 of this Code, as applicable. The Retirement System shall establish the period during which an opt out election form must be filed, which period shall be at least seven days in length and shall end not later than the day before the date the member is scheduled to change classifications; failure to file an opt out election form within the period established by the Retirement System shall constitute an irrevocable election not to opt out of membership in the Retirement System. A member shall have seven days from the date an opt out election form is filed to revoke his or her election, after which the election shall be irrevocable. Once an election has become irrevocable, it shall not be revoked for any reason by anyone, including the Board, except in the following circumstance: If a Transferring Employee who has opted out and changed classifications should for any reason subsequently revert to a position that was transferred from the Department of General Services, he or she shall be reinstated to membership in the Retirement System. The provisions of this paragraph allowing a member, under specified conditions, to opt out of membership shall expire two years from the effective date of this Subsection, although a member who timely files an opt out form prior to expiration of the two-year period shall be allowed to opt out even if his or her classification changes after expiration of the two-year period. The Board shall not have any authority to waive or extend any time limitation set forth in this paragraph.

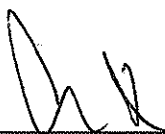
Transferring Employees shall not become members of the Fire and Police Pension Plan except as provided in the preceding paragraph. In the event that a Transferring Employee should terminate employment and thus cease to be a member of the Retirement System, his or her status as a Transferring Employee shall terminate and shall not be reinstated in the event he or she should again enter City employment.

Sec. 2. Pursuant to Charter Section 252(i), this ordinance shall take effect upon publication.

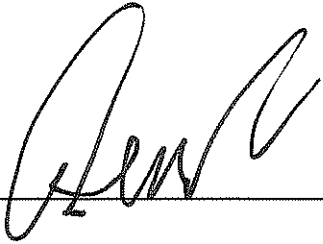
Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles DEC 24 2012, and was passed at its meeting of DEC 7 2012.

JUNE LAGMAY, City Clerk


By  Deputy

Approved DEC 10 2012

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By   
MARY JO CURWEN  
Deputy City Attorney

Date August 20, 2012

File No. CF 11-1392