

5f(3)

CITY OF SAN JOSE  
FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM  
MUNICIPAL CODE

Part 10 - RETIREMENT FOR DISABILITY

3.28.1200 - Eligibility.

No person shall be retired for disability under or pursuant to the provisions of this Chapter 3.28 unless he is eligible therefor under and pursuant to the provisions of this Part 10.

(Prior code § 2904.1450.)

3.28.1210 - Definitions.

As used in this Part 10:

- A. "Disability," "incapacity for the performance of duty" and "incapacitated for the performance of duty," when used as a basis for retirement under this system, mean disability of a member, short of death, of permanent or extended and uncertain duration, occurring while such member is an employee of the city in the federated city service of the city, as a result of injury or disease (except that in case of a mental derangement the cause thereof, for purposes of this section only, shall be disregarded), which renders the member physically or mentally incapable of continuing to satisfactorily assume the responsibilities and perform the duties and functions of the position then held by him and of any other position in the same classification of positions to which the city may offer to transfer him, as determined by the retirement board on the basis of competent medical opinion. It does not mean mere physical or mental inability to assume said responsibilities or perform said duties.
- B. "Nonservice-connected disability" means a disability, as above defined, of a member, which is not a service-connected disability.
- C. "Service-connected disability" means a disability, as above defined, of a member which arises and results from an injury or disease arising out of and in the course of the federated city service, rendered by the member, for which he is entitled to credit under the provisions of this system.

(Prior code §§ 2904.1451 - 2904.1453.)