

218-09

FILE NO. 091031

ORDINANCE NO.

[Police Department Command Staff]

1
2 **Ordinance amending the Administrative Code to authorize the Chief of Police to select**
3 **~~for appointment~~ appoint to any non-civil service ranks rank above the rank of Captain**
4 **(a) any member of the Police Department who has had supervisory experience over**
5 **other sworn law enforcement officers; and (b) for a period of five years from the**
6 **effective date of this ordinance, any sworn law enforcement officer with supervisory**
7 **experience, ~~either with the San Francisco Police Department or with~~ from any local,**
8 **state or federal agency that employs sworn law enforcement officers, provided that**
9 **only one such officer may hold an appointment at any one time.**

10 NOTE: Additions are *single-underline italics Times New Roman*;
11 deletions are *strike-through italics Times New Roman*.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strikethrough-normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The San Francisco Administrative Code is hereby amended by amending
16 Sections 2A.76 and 2A.77, to read as follows:

17 **Sec. 2A.76. POLICE; CREATION OF NEW RANKS.**

18 The Police Commission shall by rule and subject to the fiscal provisions of the Charter,
19 have power to create new or additional ranks or positions in the Department which shall be
20 subject to the civil service provisions of the Charter; provided that the Police Commission
21 subject to the recommendation of the Civil Service Commission and the approval of the Board
22 of Supervisors may declare such new or additional ranks or positions to be exempt from the
23 civil service provisions of the Charter. If the Civil Service Commission disapproves any such
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25 Supervisor Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi
BOARD OF SUPERVISORS

1 exemption, the Board of Supervisors may approve such exemptions by a majority vote of the
2 members thereof.

3 The Police Commission may in their discretion designate the rank or ranks from which
4 appointments to such exempt ranks or positions shall be made. The Chief of Police may select
5 for Appointments appointment appoint to any non-civil service rank or position above the rank of
6 captain as may be created hereunder ~~shall be designated only from the civil service rank of~~
7 ~~lieutenant or higher. However, a lieutenant appointed to any non-civil service rank above captain must~~
8 ~~have passed the six-month probationary period and served an additional six months as a permanent~~
9 ~~employee in that rank. any sworn law enforcement officer with supervisory experience over other~~
10 ~~sworn law enforcement officers, either with the Department or with any local, state or federal agency~~
11 ~~that employs sworn law enforcement officers. any member of the Police Department who has had~~
12 supervisory experience over other sworn law enforcement officers. If any new or additional
13 rank or position is created pursuant hereto pending the adoption of salary standards for such
14 rank or position, the Police Commission shall have power to recommend the basic rate of
15 compensation therefor to the Board of Supervisors who shall have the power to fix the rate of
16 compensation for said new rank or position and it shall have the power, and it shall be its duty
17 without reference or amendment to the annual budget, to amend the annual appropriation
18 ordinance and the annual salary ordinance to include the provisions necessary for paying the
19 basic rate of compensation fixed by said Board of Supervisors for said new rank or position for
20 the then current fiscal year.

21 The Police Commission shall also have power to establish and from time to time
22 change the order or rank of the non-civil service ranks in the Police Department.

23 Sec. 2A.76-1. Supplemental Authority Regarding Appointment to Non-Civil Service
24 Ranks Above Captain.

1 Notwithstanding the requirements in Section 2A.76, the Chief of Police may appoint to
2 any non-civil service rank above the rank of captain any sworn law enforcement officer who
3 has had supervisory experience over other sworn law enforcement officers in any federal,
4 state or local agency that employs sworn law enforcement officers, provided however that no
5 more than one such officer may hold an appointment at any one time.

6 The authority to make appointments under this Section 2A.76-1 shall expire five years
7 from the effective date of this ordinance. The expiration of the authority that this Section
8 creates shall not terminate or otherwise affect any appointment that the Chief of Police made
9 under this Section.

10 **Sec. 2A.77. POLICE; OTHER EXECUTIVES.**


11 Subject to the provisions of the Charter governing the appointment and removal of non-
12 civil service appointees, and without competitive examination, the Chief of Police shall have
13 power to appoint a police surgeon; to appoint ~~from among the members of the Department holding~~
14 ~~the civil service rank of lieutenant or higher, a member~~ any person who meets the qualifications in
15 Section 2A.76 or 2A.76-1 to any non-civil service rank above the rank of captain as may be
16 created by the Police Commission pursuant to the provisions of Section 2A.76 of this Code;
17 and to appoint a member to any non-civil service rank below the rank of captain as may be
18 created by the Police Commission pursuant to the provisions of Section 2A.76 from among
19 the members of the Department holding the rank or ranks designated by said commission
20 pursuant to the provisions of Section 2A.76 of this Code. ~~However, to be eligible for appointment~~
21 ~~to any non-civil service rank above captain, a lieutenant must have passed the six-month probationary~~
22 ~~period and served an additional six months as a permanent employee in that rank.~~

23 When any member of the Department, detailed to any of the positions above
24 mentioned, shall be removed from said detail or position, he or she shall be returned to his or
25

1 her civil service rank and position, unless removed from the Department pursuant to the
2 provisions of Section A8.343 of the Charter.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By:


6 Linda Ross
7 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 091031

Date Passed:

Ordinance amending the San Francisco Administrative Code to authorize the Chief of Police to appoint to any non-civil service rank above the rank of Captain (a) any member of the Police Department who has had supervisory experience over other sworn law enforcement officers; and (b) for a period of five years from the effective date of this ordinance, any sworn law enforcement officer with such supervisory experience from any local, state or federal agency that employs sworn law enforcement officers, provided that only one such officer may hold an appointment at any one time.

October 6, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi


October 20, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

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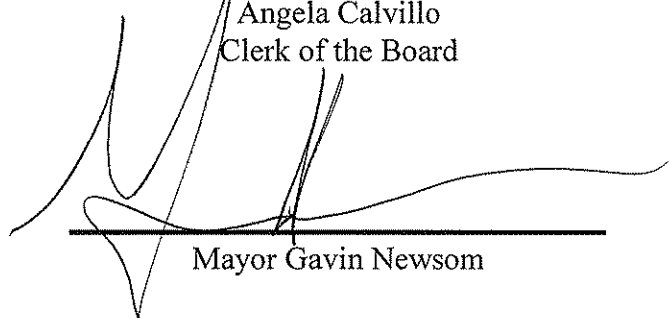
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 20, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

10-29-09

Date Approved



Mayor Gavin Newsom