

1 [Administrative Code Revision, Chapter 16, Article VII]
2 AMENDING CHAPTER 16 OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE
3 (ADMINISTRATIVE CODE), BY REPEALING ARTICLE VII (SECTIONS 16.98 THROUGH
4 16.107), REGARDING RESIDENCY REQUIREMENTS, IN ITS ENTIRETY.

5
6 Note: Additions are underlined; deletions are in ((double parentheses)).

7
8 Be it ordained by the People of the City and County of San Francisco:

9
10 Section 1. Chapter 16 of the San Francisco Administrative Code is hereby amended
11 by repealing Article VII (Sections 16.98 through 16.107), in its entirety.

12
13 **((SEC. 16.98. REQUIREMENTS FOR PERSONS ENTERING SERVICE.**

14 Except as otherwise provided in the Charter, the residence requirements for applicants
15 for appointment to offices and employments shall be as follows:

16 (a) Applicants for entrance positions in the uniformed forces of the Police and Fire
17 Departments shall have been residents of San Francisco for the one-year period immediately
18 prior to the last date for receipt of applications.

19 (b) For all other offices and employments residence requirements shall be as follows:

20 (1) General Provisions. Applicants for entrance positions must have been residents of
21 San Francisco for the one-year period immediately prior to the last date for receipt of
22 applications, if the position is subject to civil service examination, or the date of application if
23 the position is exempt from civil service examination. This requirement may be waived or
24 modified to current residence in San Francisco if the Civil Service Commission finds that such
25 waiver or modification is necessary to attract a sufficient number of qualified applicants based

1 on current or prior experience in recruitment. Such waiver or modification may also be made
2 with respect to positions not subject to civil service examination upon application of the
3 appointing officer to the Civil Service Commission.

4 (2) Specially Funded Programs. The residence requirements for specially funded
5 program applicants where the funding agency sets special residence requirements shall be
6 subject to the approval of the Civil Service Commission.

7 (3) Exceptions. San Francisco residence shall not be required for: promotional
8 examinations; entrance examinations in those cases wherein the applicant is an employee of
9 the City and County meeting legal residence requirements applicable to employees; positions
10 outside of the City and County; positions requiring a four-year college or university degree or
11 professional registration or licensing in engineering, medicine, nursing, probation, or other
12 field, except in those cases where the Civil Service Commission anticipates on the basis of
13 past experience that a sufficient number of qualified applications will be received from
14 residents of San Francisco; and those examinations for which the filing period must be
15 extended beyond three weeks for the express purpose of recruiting a sufficient number of
16 qualified applicants.))

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18 **((SEC. 16.99. RESIDENCE DURING EMPLOYMENT.**

19 Except as provided in Sections 16.99-1 through 16.99-6, inclusive, of this Code, all
20 persons appointed to offices or employment in this City and County service shall continue to
21 be residents of the City and County or shall reside within five miles of the physical boundaries
22 of the City and County of San Francisco on the west, north, and east sides and within five
23 miles of the City and County line on the south side.

24 The Civil Service Commission shall maintain a map available for public inspection
25 showing the boundaries of the required residence area for all persons appointed to offices or

1 employment in the City and County office. Said map shall be prepared by the City Engineer
2 and shall be conclusive evidence of the boundaries of required residence areas.))

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4 **((SEC. 16.99-1. RESIDENCE DURING EMPLOYMENT - WHEN PREAPPOINTMENT
5 RESIDENCE REQUIREMENT WAIVED.**

6 Persons appointed to offices or employments for which the preappointment residence
7 requirement of Section 16.98 of this Code has been waived, or appointed as members of the
8 uniformed force of the Police and Fire Departments who do not so reside within the limits set
9 forth in Section 16.99 of this Code, at the time of their appointment, shall establish such
10 residence: (1) if the position is subject to civil service examination, within six months after
11 completion of the probationary period prescribed by the Charter; and (2) if the position is not
12 subject to civil service examination, within one year after appointment thereto.

13 Nonresident appointees to positions located in San Francisco may petition the Civil
14 Service Commission for an extension of the period within which they are required to establish
15 residence within the limits set forth in Section 16.99 of this Code, and, upon the showing of
16 good cause, may be granted reasonable extensions for six-month periods up to a maximum
17 total extension of three years.))

18
19 **((SEC. 16.99-2. RESIDENCE DURING EMPLOYMENT - EMPLOYEE RESIDENT AT TIME
20 OF APPOINTMENT.**

21 Where an employee who resides within the limits set forth in Section 16.99 of this Code
22 at the time of appointment is assigned to a position, the usual and major duties of which
23 require the employee's daily presence at places outside the City and County, the employee
24 may, with the prior approval of the Civil Service Commission, establish and maintain a
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1 residence convenient to the employee's place of employment for the duration of such
2 assignment.))

3
4 **((SEC. 16.99-3. RESIDENCE DURING EMPLOYMENT - BOTH SPOUSES EMPLOYED BY
5 CITY AND COUNTY BUT DUTIES OUTSIDE CITY AND COUNTY.**

6 Where both spouses are employed by the City and County and are assigned to
7 positions, the usual and major duties of which require their daily presence outside the City and
8 County, and they have established a residence convenient to said place of employment, the
9 subsequent assignment of one of the spouses to a position located within the City and County
10 shall not require any change of residence by the spouse so assigned.))

11
12 **((SEC. 16.99-4. RESIDENCE DURING EMPLOYMENT - CIVIL SERVICE RIGHTS NOT
13 AFFECTED.**

14 The establishment of such a residence outside the limits set forth in Section 16.99 of
15 this Code shall not in any way affect the civil service or other employment rights of the
16 employee.))

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18 **((SEC. 16.99-5. RESIDENT DEFINED.**

19 For the purposes of Sections 16.99 through 16.99-6, a resident shall mean a person
20 who actually lives within the limits set forth in Section 16.99 of this Code and maintains an
21 abode therein where such person with his family, if any, customarily spends the night.))

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1 **((SEC. 16.99-6. RESIDENCE DURING EMPLOYMENT - EXCEPTIONS.**

2 The provisions of Section 16.99 shall not apply to: (a) Any person residing outside the
3 limits set forth in Section 16.99 of this Code on the effective date of this Section, whose
4 appointment resulted from an examination announced prior to said date;

5 (b) Any person residing outside the limits set forth in Section 16.99 of this Code on
6 said effective date, appointed to a civil service exempt position prior to said date;

7 (c) Any person residing outside the limits set forth in Section 16.99 of this Code on
8 said effective date, and occupying a position in the City and County service on said date who
9 is appointed to another position resulting from an entrance or promotional examination
10 announced subsequent to said date;

11 (d) Any person residing outside the limits set forth in Section 16.99 of this Code on
12 said effective date, and occupying a position in the City and County service on said date, who
13 is appointed to a civil service exempt position subsequent to said date;

14 (e) Any person residing within the limits set forth in Section 16.99 of this Code and
15 occupying a position in the City and County service on said effective date, who had entered
16 into a contract for the construction or purchase of a home outside the limits set forth in Section
17 16.99 of this Code prior to said effective date;

18 (f) Any person whose spouse is an employee of another public jurisdiction which
19 requires residence of an employee within that jurisdiction and who resides with said spouse in
20 said jurisdiction; and

21 (g) Any person who is an unemancipated minor for so long as that person remains
22 unemancipated.))

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1 **((SEC. 16.100. WAIVER OF REQUIREMENTS OF SECTIONS 16.98 AND 16.99.**

2 After considering the needs of the service, the Board of Supervisors may, upon the
3 recommendation of either the commission, if any, or the department head concerned and
4 approval of the Mayor, and if the position is subject to civil service examination, upon approval
5 by the Civil Service Commission, by resolution, waive the requirements of Section 16.98 and
6 16.99 of this Code as to the residence of any and all the offices and employments described
7 therein.))

8
9 **((SEC. 16.101. APPOINTMENT OF NONRESIDENTS FOR WORK OUTSIDE CITY AND**
10 **COUNTY.**

11 Where it is not possible to secure competent persons, who are residents within the
12 meaning of Section 16.98 of this Code, to fill positions which require the daily presence of the
13 employee at places outside the City and County, nonresidents may be appointed.))

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15 **((SEC. 16.101-1. NONRESIDENT CIVIL SERVICE EMPLOYEES RIGHT TO COMPETE IN**
16 **PROMOTIONAL EXAMINATIONS.**

17 Nonresident employees of the City and County and employees of the San Francisco
18 Unified School District who are not residents of the City and County, may compete in
19 promotional examinations on the same basis as any other employee of the City and County
20 and shall have eligibility rights on promotive registers for appointment to positions inside of the
21 City and County of San Francisco, provided that such nonresident employee who accepts
22 promotive appointment from a promotional register to a position inside of the City and County
23 of San Francisco shall become a resident of the City and County of San Francisco within six
24 months after completion of the probationary period. Nonresident employees or eligibles who
25 become residents of the City and County of San Francisco for one year may, upon

1 presentation of acceptable records of such residency to the Civil Service Commission, have
2 their eligibility or employee status changed to that of a resident.))

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4 **((SEC. 16.102. TEMPORARY ABSENCES FROM CITY AND COUNTY NOT A VIOLATION.**

5 Absence from the City and County of any officer or employee: (1) For a period of three
6 months or less in any calendar year; (2) while on a journey for business or pleasure; (3) when
7 on a leave of absence approved by the Civil Service Commission; or (4) while performing the
8 duties of an official or employee of the City and County, state or United States government,
9 shall not constitute a violation of the residence requirements of this Article.))

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11 **((SEC. 16.103. AUTHORITY TO LIVE OUTSIDE CITY AND COUNTY.**

12 (a) Any officer or employee, except elective officers, may apply directly to the
13 Retirement Board, without any prior application or approval of any officer, board or
14 commission, for authorization to live outside the City and County. Such application shall be
15 made upon forms prescribed by the Retirement Board. A copy of such application shall be
16 filed by the officer or employee with his department head, who shall have 10 days thereafter in
17 which to file any objections to such application with the Retirement Board. The Retirement
18 Board is hereby granted the exclusive authority to permit any officer or employee described
19 herein to live outside the City and County if, on the basis of medical examinations and reports,
20 the Retirement Board determines that such officer or employee or a member of his immediate
21 family suffers from a condition of ill health which necessitates that such officer or employee or
22 member of his immediate family live outside the City and County as a means of eliminating or
23 substantially ameliorating such condition of ill health. The Retirement Board shall require
24 medical examinations, at the applicant's expense, and such other information in regard to any
25 such application as it shall deem reasonable. Such authorization shall be terminated after 60

1 days' notice by the Retirement Board when in its opinion the authorization is no longer
2 justified. The Retirement Board may at any time, but not later than every two years, shall
3 require such medical examinations and information as it may deem reasonable to determine
4 the continued existence of such authorization. Failure to comply with the request of the
5 Retirement Board or any physician designated by it shall constitute good cause for the
6 Retirement Board to deny or terminate such authorization.

7 The authorization to live outside the City and County pursuant to this Section and any
8 modification or termination thereof shall be filed by the Retirement Board with the applicant's
9 department head. Authorization to live outside the City and County on account of the ill health
10 of an officer or employee heretofore granted by the Civil Service Commission or the
11 Retirement Board shall continue in effect subject to the provisions of Section 16.99.))

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13 **((SEC. 16.104. EFFECT ON NONRESIDENTS UNDER AUTHORITY GRANTED BEFORE**
14 **EFFECTIVE DATE OF ARTICLE.**

15 Nothing in this Article shall be construed to in any way affect the residence of any
16 officer or employee which was authorized by resolution adopted pursuant to a Charter
17 provision or an ordinance prior to the effective date of this Article; provided, however, that
18 persons whose names presently appear on Civil Service eligible lists for appointment to
19 offices or employments whose preappointment residence only has heretofore been waived by
20 the Board of Supervisors shall become subject to the provisions of Section 16.99 of this Code
21 after appointment.))

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1 **((SEC. 16.105. CERTIFICATION AS TO RESIDENCY ON TIMEROLLS; STATEMENT TO**
2 **BE FILED SEMIANNUALLY.**

3 It shall be the duty of the appointing authority to certify on each timeroll submitted that
4 all employees in his department are residents within the meaning of this Article. Each officer
5 and employee shall semiannually file with the appointing authority a statement as to the status
6 of his residence, on a form to be prescribed by the Controller.))


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8 **((SEC. 16.106. COMPLIANCE WITH ARTICLE BY SEPTEMBER 30, 1960.**

9 Any officer or employee whose residence on March 31, 1958, did not meet the
10 residential requirements of Section 16.99 of this Code, or any exception thereto provided for
11 in this Article, shall have until September 30, 1960, to comply therewith. Failure to so comply
12 by September 30, 1960, shall subject the officer or employee to the proceedings and penalties
13 provided in Section 16.107 of this Code, but no penalty of any nature shall attach for such
14 noncompliance prior to September 30, 1960.))

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16 **((SEC. 16.107. VIOLATIONS OF ARTICLE.**

17 Any violation of this Article shall constitute official misconduct or cause for dismissal
18 and shall subject the violator to the proceedings and penalties provided therefor in the
19 Charter.))

20
21 APPROVED AS TO FORM:
22 LOUISE H. RENNE, City Attorney

23 By: 
24 THOMAS J. OWEN
25 Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 000631

Date Passed:

Ordinance amending Chapter 16 of Part I of the San Francisco Municipal Code (Administrative Code), by repealing Article VII (Sections 16.98 through 16.107), regarding residency requirements, in its entirety.

June 12, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Kaufman, Leno, Newsom, Teng, Yaki, Yee

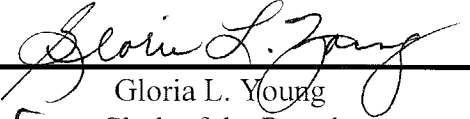
Absent: 3 - Bierman, Brown, Katz

June 19, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000631

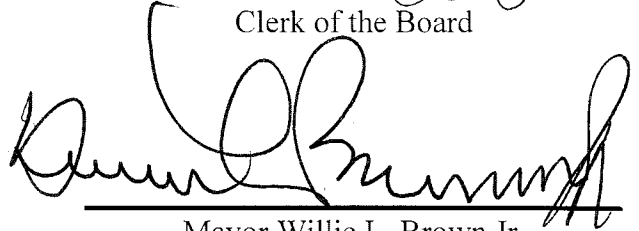
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 19, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 30 2000

Date Approved



Mayor Willie L. Brown Jr.