

1 [Amending the Employee Catastrophic Illness Program To Establish A Pool Of Donated  
2 Leave and Creating A Program For Employees With Catastrophically Ill Family Members To  
3 Receive Donations Of Vacation Credits In Accordance With 1999 Charter Amendments.]

4 **Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and**  
5 **replacing it with New Section 16.9-29A to authorize the transfer of vacation and sick**  
6 **leave credits to a pool of catastrophically ill employees and to individual**  
7 **catastrophically ill employees, and adding New Section 16.9-29B to authorize the**  
8 **transfer of vacation credits to individual employees with catastrophically ill family**  
9 **members.**

10 Note: Additions are *italic; Times New Roman*; deletions  
11 are ~~*strikethrough italic; Times New Roman*~~  
12 Board amendment additions are double underlined.  
13 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Article 16 of the San Francisco Administrative Code is hereby amended by  
15 repealing Section 16.9-29 in its entirety.

16 ~~SEC. 16.9-29. T. J. ANTHONY CATASTROPHIC SICK LEAVE POLICY -- TRANSFER OF~~  
17 ~~SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY SICK EMPLOYEES.~~

18 ~~———— (a) ——— Purpose. This Section is enacted as a measure to permit the transfer of sick leave~~  
19 ~~and vacation credits, as authorized by Charter Sections 8.364 and 8.441, respectively.~~

20 ~~———— (b) ——— Definition of Catastrophic Illness. In order to be declared catastrophically ill~~  
21 ~~within the meaning of this Section, an employee must meet all of the following conditions:~~

22 ~~———— (1) ——— The employee has sustained a life-threatening illness or injury; and~~

23 ~~———— (2) ——— The employee has already exhausted all available paid sick leave, vacation,~~  
24 ~~compensatory and in-lieu time.~~

1           ~~———— (c) ——— Eligibility for Receipt of Transfers of Sick Leave and/or Vacation Credits. Any~~  
2 ~~employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and~~  
3 ~~vacation credits may receive transfers of sick leave and vacation credits pursuant to this Section, if the~~  
4 ~~employee has been found to meet the definition of catastrophically ill pursuant to the procedures~~  
5 ~~prescribed in this Section. This Section only provides for receipt of such credits as are donated and~~  
6 ~~does not provide for an absolute right of continued paid leave.~~

7           ~~———— (d) ——— Procedure for Application for Catastrophic Illness Status.~~

8           ~~———— (1) ——— An employee must complete a prescribed application form and return it to the~~  
9 ~~Department of Public Health, as indicated on the form, together with supporting medical~~  
10 ~~documentation. The Department of Public Health shall produce and maintain sufficient quantities of~~  
11 ~~the prescribed application for employee access and distribution.~~

12           ~~———— (2) ——— The Department of Public Health or its designee shall examine the~~  
13 ~~documentation supporting the application. The Department of Public Health or its designee may ask~~  
14 ~~the applicant to submit further documentation and/or to submit to examination by a physician that it~~  
15 ~~designates to determine in fact that the applicant does suffer from a catastrophic illness within the~~  
16 ~~meaning of these rules. An employee's failure to comply with these requirements may be grounds for~~  
17 ~~rejection of the application.~~

18           ~~———— (3) ——— After the Department of Public Health makes its determination, it shall notify the~~  
19 ~~employee and the employee's department head, and for vacation leave transfers the employee's~~  
20 ~~department head must assent to the determination.~~

21           ~~———— (1) ——— In order to continue to qualify as catastrophically ill, an employee who has been~~  
22 ~~determined to be catastrophically ill may from time to time be required (i) to submit to specified~~  
23 ~~examination and/or (ii) to supply further documentation of current medical status, as is necessary in~~  
24 ~~the opinion of the Department of Public Health or its designee in order to continue to qualify as~~

1 ~~catastrophically ill; provided, however, that such requests shall not be made for the purpose of~~  
2 ~~harassing said employee.~~

3 ~~————(5)———— If an employee is determined not to be catastrophically ill, the employee shall~~  
4 ~~have a right to appeal the decision through an administrative appeal process to be established by the~~  
5 ~~Public Health Commission, which shall include the right to a review by the Director of the Department~~  
6 ~~of Public Health and, finally, a hearing before the Public Health Commission. The Department of~~  
7 ~~Public Health shall automatically provide the employee with a written letter setting forth the reasons~~  
8 ~~for denial and the procedure for filing an administrative appeal. The Public Health Commission shall~~  
9 ~~promulgate and post the administrative appeal rules within 14 days from the effective date of this~~  
10 ~~ordinance. The administrative appeal process in its entirety shall not exceed 60 days. An employee~~  
11 ~~whose application has been disapproved is not obligated to exhaust the administrative appeals process~~  
12 ~~before reapplying, and instead the employee may reapply after observing a 30-day waiting period from~~  
13 ~~the date of the initial denial.~~

14 ~~————(e)———— Eligibility to Transfer Sick Leave and/or Vacation Credits. Any employee of the~~  
15 ~~City and County of San Francisco who is eligible to accumulate and use vacation credits and sick leave~~  
16 ~~may transfer sick leave and/or vacation credits to another employee subject to the following conditions:~~

17 ~~————(1)———— The transferring employee must retain a minimum sick leave balance of 64~~  
18 ~~hours;~~

19 ~~————(2)———— Transfers must be in units of eight hours;~~

20 ~~————(3)———— All transfers are irrevocable;~~

21 ~~————(4)———— The transferring employee may transfer hours once per pay period per recipient;~~

22 ~~————(5)———— The transferring employee may transfer a maximum of 80 hours per pay period~~  
23 ~~and 480 hours per calendar year; and~~

24 ~~————(6)———— Neither the transferring employee nor the designated recipient may be in~~  
25 ~~violation of Subsection (i).~~

1 ~~Notwithstanding the foregoing, for employees retiring after January 31, 1992, and prior~~  
2 ~~to March 31, 1992, pursuant to Charter Section 8.517 2, conditions (1), (4) and (5) shall not be~~  
3 ~~applicable.~~

4 ~~(f) Posting of Eligible Recipients.~~

5 ~~(1) The Department of Public Health shall assign an exclusive number to each~~  
6 ~~catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers~~  
7 ~~under these rules;~~

8 ~~(2) The Department of Public Health shall maintain, reproduce and post a running~~  
9 ~~list of catastrophically ill employees, to be identified only by their special numbers, in order to let~~  
10 ~~transferring employees designate a recipient;~~

11 ~~(3) The list may include the amounts of sick leave and vacation credits already~~  
12 ~~transferred or on reserve to each employee; and~~

13 ~~(4) In all cases, the Department of Public Health and its designees shall shield and~~  
14 ~~protect the true identities of catastrophically ill employees and the right of employees to confidentiality~~  
15 ~~protections.~~

16 ~~(g) Receipt of Transferred Sick Leave and Vacation Credits by a Catastrophically Ill~~  
17 ~~Employee.~~

18 ~~(1) All hours transferred shall be credited as sick leave for the receiving employee.~~  
19 ~~As they are used, they shall be treated as use of the employee's own sick leave for all purposes,~~  
20 ~~including for continued accrual of vacation credits, sick leave, and retirement service; service for pay~~  
21 ~~increments; and eligibility for holiday pay.~~

22 ~~(2) At the beginning of each pay period, a catastrophically ill employee must use all~~  
23 ~~sick leave and vacation credits accrued during the previous pay period before using any transferred~~  
24 ~~hours.~~

1           ~~———— (3) ——— An employee who has been determined catastrophically ill may use transferred~~  
2 ~~hours retroactively from the date of certification of eligibility back to the date of application.~~

3           ~~———— (4) ——— A receiving employee may use transferred credits in a pay period to the extent~~  
4 ~~that when combined with other compensation from the City and County and all other benefits from~~  
5 ~~public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled~~  
6 ~~hours for such pay period (excluding regularly scheduled overtime and premium pay). A receiving~~  
7 ~~employee may be required to provide financial records to prove compliance with this subsection.~~  
8 ~~Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and~~  
9 ~~vacation credit transfers pursuant to this Section.~~

10           ~~———— (5) ——— If a catastrophically ill employee dies, retires, or resigns before having used all~~  
11 ~~hours transferred pursuant to this provision, the unused hours shall be divided equally among~~  
12 ~~eatastrophically ill employees with sick leave balances of 40 hours or less, provided that no~~  
13 ~~eatastrophically ill employee shall receive more than 40 hours under such procedure. If this is not~~  
14 ~~sufficient to exhaust the deceased, retired, or resigned employee's unused hours, the remainder shall~~  
15 ~~then be divided equally among all catastrophically ill employees with sick leave balances of 80 hours~~  
16 ~~or less, provided that no catastrophically ill employee shall receive more than 40 hours under such~~  
17 ~~procedure; if this is not sufficient to exhaust the deceased, retired, or resigned employee's unused~~  
18 ~~hours, the remainder shall then be divided equally among all catastrophically ill employees with sick~~  
19 ~~leave balances of 120 hours or less, provided that no catastrophically ill employee shall receive more~~  
20 ~~than 40 hours under such procedure; further applications of this rule in increments of 40 hours shall be~~  
21 ~~applied until all the deceased employee's remaining hours shall have been redistributed.~~

22           ~~———— (h) ——— Confidentiality.~~

23           ~~———— (1) ——— All medical records submitted by an employee pursuant to this statute are to be~~  
24 ~~kept confidential by the Department of Public Health or its designee.~~

1           ~~—— (2) —— Until the Department of Public Health has rendered its opinion pursuant to~~  
2 ~~Subsection (d) that the employee is catastrophically ill, the fact of an employee's application is to be~~  
3 ~~kept confidential by the parties processing the application and not shared with the employee's~~  
4 ~~department head.~~

5           ~~—— (3) —— The names of employees donating hours pursuant to this provision are to remain~~  
6 ~~confidential.~~

7           ~~—— (4) —— Violation of the provisions of this subsection or any other relating to~~  
8 ~~confidentiality protections shall be grounds for disciplinary action.~~

9           ~~—— (i) —— No Selling or Coercion.~~

10          ~~—— (1) —— No individual shall directly or indirectly solicit the receipt of, or accept, any~~  
11 ~~compensation in full or partial exchange, directly or indirectly, for sick leave or vacation credits to be~~  
12 ~~transferred pursuant to this Section.~~

13          ~~—— (2) —— No individual shall solicit the receipt of, or accept, the transfer of any sick leave~~  
14 ~~or vacation credits pursuant to this Section in full or partial exchange, directly or indirectly, for any~~  
15 ~~compensation.~~

16          ~~—— (3) —— No individual shall threaten or in any way attempt to coerce an employee with~~  
17 ~~respect to transfer of sick leave or vacation credits pursuant to this Section.~~

18          ~~—— (4) —— Violation of the provisions of this subsection shall be grounds for disciplinary~~  
19 ~~action.~~

20          ~~—— (j) —— Limitation. In undertaking the adoption and enforcement of this ordinance, the~~  
21 ~~City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is~~  
22 ~~not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is~~  
23 ~~liable in money damages to any person who claims that such breach proximately caused injury.~~

24          ~~—— (k) —— Review.~~

1           ~~—— (1) —— Within six months following final passage of this ordinance, a Task Force on~~  
2 ~~Transfer Benefits shall be assembled to review the sick leave and vacation transfer program, the report~~  
3 ~~of the Executive Director of Employee Relations on the costs of purchasing long-term disability~~  
4 ~~insurance for employees of the City and County of San Francisco, this ordinance, and the performance~~  
5 ~~of City and County departments in carrying out their Charter and statutory obligations.~~

6           ~~—— (2) —— The Task Force shall be composed of seven members, with one member each~~  
7 ~~representing the Health Commission, Civil Service Commission, and Retirement Board; two members~~  
8 ~~representing employee associations; one member representing the public; and one member~~  
9 ~~representing persons with catastrophic illnesses;~~

10          ~~—— (3) —— Members of the Task Force shall be appointed by the Board of Supervisors in~~  
11 ~~accordance with the composition requirements established herein; and~~

12          ~~—— (4) —— The Task Force shall prepare a report with its findings and recommendations for~~  
13 ~~improvements or modifications in the sick leave and vacation credit transfer program, and to be~~  
14 ~~presented to the Board of Supervisors and Mayor within 120 days from the date of the first meeting of~~  
15 ~~the Task Force.~~

16          ~~—— (l) —— Notices. The Civil Service Commission shall develop notices with relevant~~  
17 ~~information about the sick leave and vacation credit transfer program, including facts on how and~~  
18 ~~where to apply for registry as a catastrophically ill employee, and how and where employees can~~  
19 ~~contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be~~  
20 ~~distributed to all appointing officers who shall then post them in public places where other notices~~  
21 ~~advising employees of rights and benefits are posted.~~

22          ~~—— (m) —— Termination of this Provision. Unless otherwise specified by ordinance or~~  
23 ~~Charter provision, the provisions of this Section shall expire upon the effective date of a successor~~  
24 ~~ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the~~  
25 ~~effective date of an ordinance or Charter section instituting a long-term disability program.~~

1           ~~\_\_\_\_\_ (n) \_\_\_\_\_~~ *Retroactive. The provisions of this Section shall be effective retroactively to the*  
2 *date the relevant Charter amendments were certified by the State of California.*

3           ~~\_\_\_\_\_ (o) \_\_\_\_\_~~ *Sunset. Not later than 14 months after this ordinance goes into effect, and every*  
4 *18 months thereafter, the Clerk shall calendar for hearing in the appropriate committee consideration*  
5 *of whether this legislation should be amended. At that time the Board of Supervisors can evaluate the*  
6 *fiscal consequences in light of the City's experience under the removal of the cap.*

7           ~~\_\_\_\_\_ (p) \_\_\_\_\_~~ *Retroactive Application of the 1994 Amendment. The 1994 amendment shall be*  
8 *effective retroactive to August 11, 1994.*

9           Section 2. Article 16 of the San Francisco Administrative Code is hereby amended by  
10 adding new Sections 16.9-29A and 16.9-29B, to read as follows:

11           *Sec. 16.9-29A. T. J. ANTHONY EMPLOYEE CATASTROPHIC ILLNESS PROGRAM --*  
12 *TRANSFER OF SICK LEAVE AND VACATION CREDITS TO INDIVIDUAL CATASTROPHICALLY*  
13 *ILL EMPLOYEES OR TO A POOL OF CATASTROPHICALLY ILL EMPLOYEES.*

14           **(a) Purpose.**

15           *To enable catastrophically-ill employees to continue to be paid through donations of*  
16 *sick leave and vacation hours from other employees, as authorized by Charter Sections A8.364 and*  
17 *A8.441. This program shall be known as the Catastrophically Ill Program, or "CIP." This Section*  
18 *only provides for receipt of such credits as are donated and does not provide for an absolute right of*  
19 *continued paid leave.*

20           **(b) Establishment of Pool; Administration and Rule-Making Authority.**

21           *There is hereby established a pool into which employees may donate sick leave and/or*  
22 *vacation credits to benefit catastrophically-ill employees. The Controller shall have authority to*  
23 *administer the CIP program, including the authority to make and enforce rules not inconsistent with*  
24 *this Section, with consultation from the Director of Health.*

25           **(c) Definitions.**



1           (1)     A "catastrophic illness" shall mean a life-threatening illness or injury, as  
2 determined by the Department of Public Health.

3           (2)     An "active participant" in the CIP is defined as a City employee who has applied  
4 for Catastrophic Illness Status and been notified of his or her acceptance in the CIP by the Department  
5 of Public Health or its designee and whose participation in the CIP has not terminated, regardless of  
6 whether or not the employee has actually received or used any donated sick leave and/or vacation  
7 credits.

8           **(d)     Eligibility of Employees To Participate in CIP.**

9           Any employee of the City and County of San Francisco may participate in the CIP if the  
10 employee meets all of the following conditions:

- 11           (1)     the employee is eligible to accumulate and use sick leave and vacation credits;
- 12           (2)     the employee is catastrophically ill;
- 13           (3)     the employee has exhausted all of his/her available paid leave; and
- 14           (4)     the employee does not participate in a short or long-term disability program for  
15 which the City pays in whole, directly or indirectly, or if the employee participates in such a program,  
16 the employee agrees to, and does, apply for disability benefits immediately upon becoming eligible for  
17 such benefits. Any employee who participates in a short or long-term disability program for which the  
18 City pays in whole, directly or indirectly, may participate in the CIP program until the employee  
19 receives or is qualified to receive benefits under the terms of a short or long-term disability program  
20 for which the City pays in whole, directly or indirectly. Any employee who is receiving or is qualified  
21 to receive short or long term disability benefits from a short or long term disability program for which  
22 the City pays in whole, directly or indirectly, may not participate in the CIP program until and unless  
23 the employee's disability benefits terminate. This paragraph does not apply to employees who are  
24 active participants in the CIP as of the effective date of this Amendment.

25           **(e)     Procedure for Applying for Catastrophic Illness Status.**

1           (1)     An employee must complete a prescribed application form and return it to the  
2 Department of Public Health, together with supporting medical documentation. The Department of  
3 Public Health shall produce and maintain sufficient quantities of the prescribed application for  
4 employee access and distribution.

5           (2)     The Department of Public Health or its designee shall examine the  
6 documentation supporting the application. The Department of Public Health or its designee may ask  
7 the applicant to submit further documentation and/or to submit to examination by a physician that it  
8 designates to determine in fact that the applicant does suffer from a catastrophic illness within the  
9 meaning of this Section. An applicant's failure to comply with these requirements may be grounds for  
10 rejection of the application.

11          (3)     In order to continue to qualify as catastrophically ill, a CIP employee may from  
12 time to time be required to submit to specified examination, or to supply further documentation of  
13 current medical status, as is necessary in the opinion of the Department of Public Health or its  
14 designee; provided, however, that such requests shall not be made for the purpose of harassing said  
15 employee. In addition, an employee may be required to submit documentation of application for and/or  
16 status of disability benefits.

17          (4)     If the Department of Public Health determines that an employee is not  
18 catastrophically ill, the employee shall have a right to appeal the decision through an administrative  
19 appeal process to be established by the Health Commission, which shall include the right to a review  
20 by the Director of Health and, finally, a hearing before the Health Commission. The Department of  
21 Public Health shall provide the employee with a written letter setting forth the reasons for denial and  
22 the procedure for filing an administrative appeal. The Health Commission shall promulgate and post  
23 the administrative appeal rules within 60 days of the effective date of this ordinance. The  
24 administrative appeal process in its entirety shall not exceed 60 days. An employee whose application  
25 has been disapproved is not obligated to exhaust the administrative appeals process before reapplying.

1 *Instead, the employee may reapply after observing a 30-day waiting period from the date of the initial*  
2 *denial.*

3 ***(f) Posting of Eligible Recipients.***

4 *(1) The Department of Public Health shall assign an exclusive number to each*  
5 *catastrophically ill employee deemed eligible to participate in the CIP.*

6 *(2) The Department of Public Health shall maintain, reproduce and post a running*  
7 *list of CIP employees, to be identified only by their exclusive numbers, in order to let transferring*  
8 *employees designate a recipient.*

9 *(3) The list may include the amounts of sick leave and vacation credits already*  
10 *transferred or on reserve to each CIP employee.*

11 *(4) In all cases, the Department of Public Health and its designees shall shield and*  
12 *protect the true identities of CIP employees.*

13 ***(g) Eligibility to Transfer Sick Leave and/or Vacation Credits.***

14 *Any employee of the City and County of San Francisco who is eligible to accumulate*  
15 *and use vacation credits and sick leave may transfer sick leave and/or vacation credits to the CIP pool*  
16 *or to an individual CIP employee, subject to the following conditions:*

17 *(1) The transferring employee must retain a minimum sick leave balance of 64*  
18 *hours.*

19 *(2) Transfers must be in units of eight hours.*

20 *(3) All transfers are irrevocable.*

21 *(4) The transferring employee may transfer hours to the CIP (pool or individual)*  
22 *only once per pay period.*

23 *(5) The transferring employee may transfer a maximum of 160 hours per pay period,*  
24 *of which no more than 80 hours may be to individual CIP employees.*

1           (6)     *The transferring employee may transfer a maximum of 480 hours per fiscal year*  
2 *to the pool and to individual CIP employees combined.*

3           (7)     *Neither a transferring employee nor a CIP employee may be in violation of*  
4 *Subsection (k).*

5           ***(h) Use of Transferred Sick Leave and Vacation Credits.***

6           (1)     *All hours transferred shall be credited as sick leave for the CIP employee. As*  
7 *they are used, they shall be treated as the employee's own sick leave for all purposes, including for*  
8 *continued accrual of vacation credits, sick leave, and retirement service; service for pay increments;*  
9 *and eligibility for holiday pay.*

10          (2)     *At the beginning of each pay period, a CIP employee must use all sick leave and*  
11 *vacation credits accrued during the previous pay period before using any transferred hours.*

12          (3)     *A CIP employee may use transferred hours retroactively from the date of*  
13 *certification of eligibility back to the date of application.*

14          (4)     *A CIP employee may use transferred credits in a pay period to the extent that*  
15 *when combined with other compensation from the City and County and all other benefits from public*  
16 *sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled hours*  
17 *for such pay period (excluding regularly scheduled overtime and premium pay). A CIP employee may*  
18 *be required to provide financial records to prove compliance with this subsection. Failure to provide*  
19 *such records is grounds for exclusion from the CIP.*

20          ***(i) Redistribution of Transferred Hours Upon Termination of Participation In CIP.***

21                 *If a CIP employee dies, retires, resigns or begins receiving disability benefits before*  
22 *having used all hours transferred pursuant to this Section, the unused hours shall be transferred to the*  
23 *CIP pool. If a CIP employee returns to work and terminates participation in the CIP before having*  
24 *used all hours transferred pursuant to this Section, all unused hours in excess of 64 hours shall be*  
25 *transferred to the CIP pool.*

1           **(j) Confidentiality.**

2           (1)     *All medical records submitted by an employee pursuant to this statute are to be*  
3 *kept confidential by the Department of Public Health or its designee.*

4           (2)     *Until the Department of Public Health has rendered its opinion pursuant to*  
5 *Subsection (d) that the employee is catastrophically ill, the fact of an employee's application is to be*  
6 *kept confidential by the parties processing the application and not shared with the employee's*  
7 *department head.*

8           (3)     *The names of employees donating hours pursuant to this provision are to remain*  
9 *confidential.*

10          (4)     *Violation of the provisions of this subsection or any other provision relating to*  
11 *confidentiality protections shall be grounds for disciplinary action.*

12           **(k) No Selling or Coercion.**

13          (1)     *No individual shall directly or indirectly solicit the receipt of, or accept, any*  
14 *compensation in full or partial exchange, directly or indirectly, for sick leave or vacation credits to be*  
15 *transferred pursuant to this Section.*

16          (2)     *No individual shall solicit the receipt of, or accept, the transfer of any sick leave*  
17 *or vacation credits pursuant to this Section in full or partial ex-change, directly or indirectly, for any*  
18 *compensation.*

19          (3)     *No individual shall threaten or in any way attempt to coerce an employee with*  
20 *respect to transfer of sick leave or vacation credits pursuant to this Section.*

21          (4)     *Violation of the provisions of this subsection shall be grounds for termination of*  
22 *participation in the CIP and for disciplinary action.*

23           **(l) Notices.**

1            *The Civil Service Commission shall develop notices with relevant information about the*  
2 *CIP. These notices shall be distributed to all appointing officers who shall then post them in public*  
3 *places where other notices advising employees of rights and benefits are posted.*

4            **(m) Termination of this Provision.**

5            *Unless otherwise specified by ordinance or Charter provision, the provisions of this*  
6 *Section shall expire upon the effective date of an ordinance or Charter section instituting, or upon the*  
7 *effective date of the last MOU through which all City employees are covered by, a long-term disability*  
8 *program.*

9            **(n) Limitation.**

10           *In undertaking the adoption and enforcement of this ordinance, the City and County of*  
11 *San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor*  
12 *is it imposing on its officers and employees, an obligation for breach of which it is liable in money*  
13 *damages to any person who claims that such breach proximately caused injury.*

14           *SEC. 16.9-29B. PROGRAM FOR EMPLOYEES WITH CATASTROPHICALLY ILL FAMILY*  
15 *MEMBERS -- TRANSFER OF VACATION CREDITS TO INDIVIDUAL EMPLOYEES WITH A*  
16 *CATASTROPHICALLY ILL FAMILY MEMBER.*

17           **(a) Purpose.**

18           *To create a program, as authorized by Charter Section A8.441, to allow employees with*  
19 *catastrophically ill family members to receive donations of vacation credits to take time off to care for*  
20 *their ill family member. This program shall be known as the Catastrophically Ill Program for Family*  
21 *Members, or "CIP-FM." This Section only provides for receipt of such credits as are donated and does*  
22 *not provide for an absolute right of continued paid leave.*

23           **(b) Administration and Rule-Making Authority.**

1           The Controller shall have authority to administer the CIP-FM program, including the  
2 authority to make and enforce rules not inconsistent with this Section, with consultation from the  
3 Director of Health.

4           **(c) Definitions.**

5           (1) A catastrophic illness shall mean a life-threatening illness or injury, as  
6 determined by the Department of Public Health.

7           (2) "Family member" means a spouse, registered domestic partner, or another  
8 dependent as dependent is defined in the Internal Revenue Code (26 U.S.C. sec. 152 as amended from  
9 time to time).

10          **(d) Eligibility of Employee To Participate in CIP-FM Program.**

11          In order to participate in the CIP-FM, an employee must meet all of the following  
12 conditions:

- 13           (1) The employee must be eligible to accumulate and use sick leave credits;  
14           (2) The employee must have exhausted all of his/her available paid leave;  
15           (3) The employee must have a catastrophically-ill family member; and  
16           (4) The employee must need to take time off from work to care for the  
17 catastrophically ill family member.

18          **(e) Procedure for Applying to Participate in CIP-FM.**

19           (1) An employee must complete a prescribed application form and return it to the  
20 Department of Public Health, together with supporting medical documentation. The Department of  
21 Public Health shall produce and maintain sufficient quantities of the prescribed application for  
22 employee access and distribution.

23           (2) The Department of Public Health or its designee shall examine the application  
24 and supporting documentation. The Department of Public Health or its designee may ask the employee  
25

1 to submit further documentation or the family member to submit to examination by a physician. Failure  
2 to comply with these requirements may be grounds for rejection of the application.

3 (3) In order for the employee to continue to participate in the program, an employee  
4 may from time to time be required to supply further documentation, or the family member may be  
5 required to submit to specified examination, as is necessary in the opinion of the Department of Public  
6 Health or its designee; provided, however, that such requests shall not be made for the purpose of  
7 harassment.

8 (4) If the Department of Public Health determines that an employee's family member  
9 is determined not to be catastrophically ill, the employee shall have a right to appeal the decision  
10 through an administrative appeal process to be established by the Health Commission, which shall  
11 include the right to a review by the Director of Health and, finally, a hearing before the Health  
12 Commission. The Department of Public Health shall provide the employee with written notice setting  
13 forth the reasons for denial and the procedure for filing an administrative appeal. The Health  
14 Commission shall promulgate and post the administrative appeal rules within 60 days from the  
15 effective date of this ordinance. The administrative appeal process in its entirety shall not exceed 60  
16 days. An employee whose application has been disapproved is not obligated to exhaust the  
17 administrative appeals process before reapplying. Instead, the employee may reapply after observing a  
18 30-day waiting period from the date of the initial denial.

19 **(f) Posting of Eligible Recipients.**

20 (1) The Department of Public Health shall assign an exclusive number to each  
21 employee deemed eligible to participate in the CIP-FM.

22 (2) The Department of Public Health shall maintain, reproduce and post a running  
23 list of CIP-FM employees, to be identified only by their special numbers, in order to let transferring  
24 employees designate a recipient.



1           (3)     *The list may include the amount of vacation credits already transferred or on*  
2 *reserve to each employee; and*

3           (4)     *In all cases, the Department of Public Health and its designees shall keep*  
4 *confidential the true identities of CIP-FM employees and their catastrophically ill family member.*

5           **(g)     *Eligibility to Transfer Vacation Credits to Individual CIP-FM Employees.***

6           *Any employee of the City and County of San Francisco who is eligible to accumulate*  
7 *and use vacation credits may transfer vacation credits to an individual CIP-FM employee, subject to*  
8 *the following conditions:*

9           (1)     *Transfers must be in units of eight hours;*

10          (2)     *All transfers are irrevocable;*

11          (3)     *The transferring employee may transfer hours to the CIP-FM only once per pay*  
12 *period;*

13          (4)     *The transferring employee may transfer a maximum of 80 hours per pay period;*

14          (5)     *The transferring employee may transfer a maximum of 480 hours per fiscal year*  
15 *to the CIP-FM program; and*

16          (6)     *Neither a transferring employee nor a recipient may be in violation of Subsection*  
17 *(k).*

18          **(h)     *Use of Transferred Vacation Credits By a CIP-FM Employee.***

19          (1)     *All hours transferred shall be credited as sick leave for the CIP-FM employee.*  
20 *As they are used, they shall be treated as use of the employee's own sick leave for all purposes,*  
21 *including for continued accrual of vacation credits, sick leave, and retirement service; service for pay*  
22 *increments; and eligibility for holiday pay.*

23          (2)     *At the beginning of each pay period, a CIP-FM employee must use all sick leave*  
24 *and vacation credits accrued during the previous pay period before using any transferred hours.*

1           (3)     *A CIP-FM employee may use transferred credits in a pay period to the extent*  
2 *that when combined with other compensation from the City and County and all other benefits from*  
3 *public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled*  
4 *hours for such pay period (excluding regularly scheduled overtime and premium pay). A CIP-FM*  
5 *employee may be required to provide financial records to prove compliance with this subsection.*  
6 *Failure to provide such records is grounds for exclusion from the CIP-FM and disciplinary action.*

7           ***(i)     Redistribution of Transferred Hours Upon Termination of Participation In CIP-FM.***

8           *If a CIP-FM employee dies, retires, resigns, or otherwise ends participation in the CIP-*  
9 *FM before having used all hours transferred pursuant to this provision, all unused hours in excess of*  
10 *64 shall be redistributed to other CIP-FM employees.*

11           ***(j)     Confidentiality.***

12           (1)     *All medical records submitted pursuant to this statute are to be kept confidential*  
13 *by the Department of Public Health or its designee.*

14           (2)     *Until the Department of Public Health has rendered its opinion pursuant to*  
15 *Subsection (d) that an employee's family member is catastrophically ill, the fact of an employee's*  
16 *application is to be kept confidential by the parties processing the application and not shared with the*  
17 *employee's department head.*

18           (3)     *The names of employees donating hours pursuant to this provision are to remain*  
19 *confidential.*

20           (4)     *Violation of the provisions of this subsection or any other relating to*  
21 *confidentiality protections shall be grounds for disciplinary action.*

22           ***(k)     No Selling or Coercion.***

23           (1)     *No individual shall directly or indirectly solicit the receipt of, or accept, any*  
24 *compensation in full or partial exchange, directly or indirectly, for vacation credits to be transferred*  
25 *pursuant to this Section.*

1           (2)    No individual shall solicit the receipt of, or accept, the transfer of any vacation  
2 credits pursuant to this Section in full or partial exchange, directly or indirectly, for any compensation.

3           (3)    No individual shall threaten or in any way attempt to coerce an employee with  
4 respect to transfer of vacation credits pursuant to this Section.

5           (4)    Violation of the provisions of this subsection shall be grounds for termination of  
6 participation in the CIP-FM and for disciplinary action.

7           **(l)    Notices.**

8           The Civil Service Commission shall develop notices with relevant information about the  
9 CIP-FM. These notices shall be distributed to all appointing officers who shall then post them in  
10 public places where other notices advising employees of rights and benefits are posted.

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1           (m)    **Limitation.**

2                    *In undertaking the adoption and enforcement of this ordinance, the City and County of*  
3 *San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor*  
4 *is it imposing on its officers and employees, an obligation for breach of which it is liable in money*  
5 *damages to any person who claims that such breach proximately caused injury.*

6  
7  
8 APPROVED AS TO FORM:

9 LOUISE H. RENNE, City Attorney

10  
11  
12 By:

  
FREDERICK P. SHEINFIELD  
Deputy City Attorney



# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 011741

**Date Passed:**

Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and replacing it with new Section 16.9-29A to authorize the transfer of vacation and sick leave credits to a pool of catastrophically ill employees and to individual catastrophically ill employees, and adding new Section 16.9-29B to authorize the transfer of vacation credits to individual employees with catastrophically ill family members.

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March 11, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee

Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

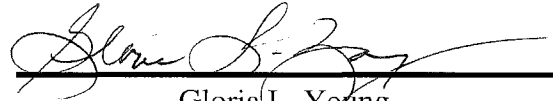
March 18, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Yee

Absent: 1 - Sandoval

File No. 011741

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on March 18, 2002  
by the Board of Supervisors of the City and  
County of San Francisco.

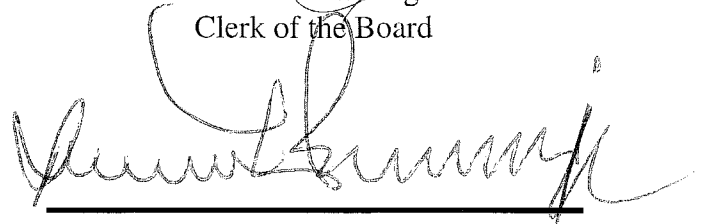


Gloria L. Young  
Clerk of the Board

MAR 29 2002

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Date Approved



Mayor Willie L. Brown Jr.