

1 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and  
2 consolidate reporting requirements.]

3 **Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the**  
4 **San Francisco Administrative Code.**

5 NOTE: Additions are *single-underline italics Times New Roman*;  
6 deletions are ~~*strike-through italics Times New Roman*~~.  
7 Board amendment additions are double-underlined;  
8 Board amendment deletions are ~~strike-through normal~~.

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

10 Section 1. The San Francisco Administrative Code is hereby amended by amending  
11 and adding to Sec. 18.13-1 to read as follows:

12 **SEC. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME**

13 (a) Employees may only work overtime if authorized by an appointing officer or  
14 designee, and employees may not assign themselves to work overtime. Appointing  
15 officers or designees shall only assign overtime when work cannot be completed within  
16 normal work schedules. Except as provided for below, absent prior approval of the  
17 Director of Human Resources (or, if appropriate, the Director of the Municipal  
18 Transportation Agency), no appointing officer shall suffer or permit any employee to:  
19 (i) work overtime hours that exceed, in any fiscal year, thirty percent (30%) of the  
20 number of hours that the employee is regularly scheduled to work on a straight-time  
21 basis in that fiscal year (i.e., 624 hours for a full-time 2080 hour per year employee); or,  
22 (ii.) work more than eighty (80) hours in a regular work week, except that this subsection  
23 (a)(ii) does not apply to uniformed Fire Department employees who do not work a standard 40  
24 hour work week. For the purpose of calculating the maximum number of overtime hours  
25 an employee is permitted to work under this Section, hours attributed to vacation and

1 other paid leaves shall be deemed included in the hours the employee is regularly  
2 scheduled to work on a straight-time basis in a fiscal year.

3 (b) An appointing officer may request an exemption from subsection (a) from the  
4 Director of Human Resources (or, if appropriate, the Director of the Municipal  
5 Transportation Agency) based upon a critical staffing shortage.

6 (c) The provisions of Subsection (a) shall not apply to overtime worked by any  
7 employee where the City and County of San Francisco incurs no direct or indirect  
8 additional costs and where the employee acquires no right to compensatory time off.  
9 For the purposes of this Section, "direct or indirect additional costs" includes any  
10 additional salary, wages, compensatory time or any other benefit provided at that time  
11 or deferred until a later date.

12 (d) An appointing officer may assign overtime hours exempt from subsection (a)  
13 above in the event of disasters, and like emergency situations where such overtime  
14 assignments are necessary to protect public safety.

15 (e) The Controller and Director of Human Resources, with the assistance of  
16 department heads, shall submit a biannual report to the Board of Supervisor by February  
17 15<sup>th</sup> and May 15<sup>th</sup> ~~on January 5<sup>th</sup> and May 1<sup>st</sup>~~ of each year. The report shall include:

18 (1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for  
19 the immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted  
20 salaries for the immediately preceding fiscal year;

21 (2) Actual salary expenditures for the immediately preceding fiscal year, actual  
22 overtime expenditures for the immediately preceding fiscal year, and actual overtime as a  
23 percentage of actual salary expenditures for the immediately preceding fiscal year;

24 (3) Actual year to date salary, expenditures for the current fiscal year, actual year-to-  
25 date overtime expenditures for the current fiscal year, and actual year-to-date overtime

1 expenditures as a percentage of actual year-to-date salary expenditures for the current fiscal  
2 year;

3 (4) Projected salary expenditures for the current fiscal year, projected overtime  
4 expenditures for the current fiscal year, and projected overtime expenditures as a percentage of  
5 projected salary expenditures for the current fiscal year; and

6 (5) ~~documenting~~The extent to which each department has complied with the  
7 requirements of this section.

8 (f) ~~In addition, the~~ The Controller shall submit a monthly report to the Board of  
9 Supervisors and the Mayor's Budget Director listing the five City departments using the  
10 most overtime in the preceding month. A hearing on this report shall be calendared as  
11 a standing agenda item of the Budget and Finance Committee or another fiscal  
12 committee of the Board of Supervisors as determined by the President of the Board of  
13 Supervisors.

14 (g) If the biannual report described in subsection (e) identifies any departments out of  
15 compliance with this section, then a hearing on each such department's noncompliance will be  
16 calendared as an agenda item of the Budget and Finance Committee or another fiscal  
17 committee of the Board of Supervisors as determined by the President of the Board of  
18 Supervisors, at which hearing each Appointing Officer or designee for such department will  
19 report his or her department's plan for coming into compliance with this section.

20 (h) This ordinance is not intended to supersede overtime distribution rules  
21 contained in approved memoranda of understanding with the City's exclusive  
22 representatives except as necessary to ensure compliance with subsection (a) above  
23 to the extent allowable by state or local law.

24 (i) The intent of the Board of Supervisors, in adopting this Section, is to establish  
25 administrative procedures and policies for the guidance of its appointing officers. It is not

1 assuming, nor is it imposing on the City and County of San Francisco or on its officers or  
2 employees, an obligation for breach of which it is liable in money damages to any person who  
3 claims that such breach caused injury.

4 Section 2. The San Francisco Administrative Code is hereby amended by deleting  
5 Sec. 18.13-5 as follows:

6 ~~SEC. 18.13-5. OVERTIME REPORTING.~~

7 ~~(a) The Controller, with the assistance of department heads, shall submit a biannual~~  
8 ~~report by February 1st and May 1st of each year to the Budget Analyst, with copies to the Board~~  
9 ~~of Supervisors. The report shall include:~~

10 ~~(1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for~~  
11 ~~the immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted~~  
12 ~~salaries for the immediately preceding fiscal year;~~

13 ~~(2) Actual salary expenditures for the immediately preceding fiscal year, actual overtime~~  
14 ~~expenditures for the immediately preceding fiscal year, and actual overtime expenditures as a~~  
15 ~~percentage of actual salary expenditures for the immediately preceding fiscal year;~~

16 ~~(3) Actual year-to-date salary expenditures for the current fiscal year, actual year-to-~~  
17 ~~date overtime expenditures for the current fiscal year, and actual year-to-date overtime~~  
18 ~~expenditures as a percentage of actual year-to-date salary expenditures for the current fiscal~~  
19 ~~year;~~

20 ~~(4) Projected salary expenditures for the current fiscal year, projected overtime~~  
21 ~~expenditures for the current fiscal year, and projected overtime expenditures as a percentage of~~  
22 ~~projected salary expenditures for the current fiscal year; and~~

23 ~~(5) Such other information as the Budget Analyst may require.~~

24 ~~(b) The Budget Analyst shall report back to the Board of Supervisors and to the Finance~~  
25 ~~Committee (or such other committee of the Board as is responsible for budgetary matters) by~~

1 ~~March 1st and June 1st, respectively, with its assessment of said report and the status of City~~  
2 ~~overtime expenditures as a whole. The Budget Analyst's report shall also discuss as appropriate~~  
3 ~~the accuracy and completeness of the information provided by the Controller.~~

4 ~~(c) The intent of the Board of Supervisors, in adopting this Section, is to establish~~  
5 ~~administrative procedures for the guidance of its appointing officers. It is not assuming,~~  
6 ~~nor is it imposing on the City and County of San Francisco or on its officers or employees, an~~  
7 ~~obligation for breach of which it is liable in money damages to any person who claims that such~~  
8 ~~breach caused injury.~~

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10 APPROVED AS TO FORM:  
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