

[Setting minimum 52-hour work week for firefighters.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the current Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language regarding holiday schedules and compensation; and by adding Section A8.590-9 to provide that the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 8, 2010, a proposal to amend the Charter of the City and County by amending Section A8.452 and adding Section A8.590-9 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*;
 deletions are ~~*strike through italics Times New Roman*~~.

SEC. A8.452. FIRE DEPARTMENT

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that the normal work week determined on an annual

basis for such officers and members assigned to fire fighting companies and units, shall ~~not~~ ~~exceed 48.7~~ be at least 52 hours. The 52-hour minimum work week requirement shall apply to any amendment to or extension of the Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Fire Fighters Union Local 798, effective July 1, 2007 through June 30, 2011, and shall apply to each and every MOU thereafter between the City and County of San Francisco and the exclusive bargaining representative or representatives of officers and members assigned to fire fighting companies and units. All tours of duty established for officers and members assigned to the fire fighting companies and fire fighting units excepting the arson investigation unit, shall start at eight o'clock A.M. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, disaster, or sudden and unexpected emergency of a temporary nature requiring the services of more than the available on-duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation ~~of 48.7 hours in any normal work week nor on working more than~~ 24 consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the chief of department, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in the Charter, said officer or member shall, as requested by the officer or member, be entitled to be compensated at the rate of time and one-half his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off at the rate of time and one-half.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating

to the Retirement System, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

~~Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensation are fixed on a monthly basis in the schedule of compensation adopted by the Board of Supervisors, pursuant to the provisions of Section 8.401 of the Charter, as additional days off with pay. Officers or members shall be compensated for said days on the basis of time and one-half as herein computed or shall be granted equivalent time off duty with pay at the rate of time and one-half, as requested by the officer or member.~~

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation or equivalent time off as provided for in this section, shall be calculated by dividing the annual rates of pay for each fiscal year by two-thirds (2/3) number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

A8.590-9. FIREFIGHTER WORK WEEK

Notwithstanding any other provision of this Charter, including but not limited to Charter Sections A8.590-1 through A8.590-8, the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Charter Section A8.452, and shall not be subject to the impasse resolution procedures in Charter Section A8.590-5.

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

By: _____
Katharine Hobin Porter
Deputy City Attorney