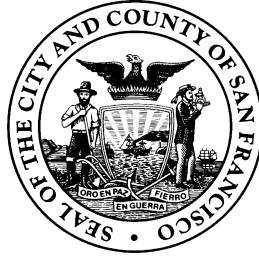


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: John Carroll, Assistant Clerk, GAO Committee, Board of Supervisors

DATE: May 19, 2020

SUBJECT: LEGISLATION INTRODUCED - Cost Analysis, Memoranda of Understanding – May 2020

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Breed on May 12, 2020:

These matters are pending committee action; I'm forwarding them to you for a cost analysis.

Please forward your analysis to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

### **File No. 200480 [Compensation for Unrepresented Employees]**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2020.

### **File No. 200481 [Memorandum of Understanding - Teamsters, Local 856 (Multi-Unit)]**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to provide an appropriate differential over subordinate classifications and one-time payment to employees in classification 2496 Imaging Supervisor.

**File No. 200482 [Memorandum of Understanding - Supervising Probation Officers]**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Supervising Probation Officers to include a firearms instructor premium and provide a one-time payment to employees eligible for the premium.

**File No. 200483 [Memorandum of Understanding - Service Employees International Union, Local 1021 (Miscellaneous)]**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021 (Miscellaneous) to update the night shift differential provisions to include additional classifications and provide a one-time payment to employees in specified classifications.

c: Todd Rydstrom, Office of the Controller  
Michelle Allersma, Office of the Controller  
Carol Lu, Office of the Controller

1 [Compensation for Unrepresented Employees]

2

3 **Ordinance fixing compensation for persons employed by the City and County of San**  
4 **Francisco whose compensation is subject to the provisions of Charter, Section**  
5 **A8.409, in job codes not represented by an employee organization, and establishing**  
6 **working schedules and other terms and conditions of employment and methods of**  
7 **payment effective July 1, 2020.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

12

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

14

15 Pursuant to Charter Section A8.409-1, the Mayor hereby proposes and the Board of  
16 Supervisors approves the wages, hours, and other terms and conditions of employment set  
17 forth herein to be applicable to all unrepresented job codes or positions of City employment.

18 Unless specifically noted, the following provisions are applicable to all employees  
19 covered by this Ordinance, which includes Miscellaneous Unrepresented employees (unit  
20 001) and Management Unrepresented employees (unit 002). As used in this Ordinance, the  
21 term Appointing Officer shall include the Appointing Officer's designee, unless otherwise  
22 specified. For informational purposes, a list of job codes designated as Miscellaneous  
23 Unrepresented and Management Unrepresented is on file with the Clerk of the Board of  
24 Supervisors in Board File No. 200480.

25

1 SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

2 A. All terms and conditions of employment not covered under this Ordinance shall  
3 continue to be subject to the City's direction and control. Unless specifically addressed  
4 herein, those terms and conditions of employment that are set forth in the Charter,  
5 Administrative Code, Civil Service Rules, and City policies and procedures, shall apply to  
6 employees covered by this Ordinance.

7 B. Nothing in this Ordinance shall have application to changes of Civil Service  
8 rules and matters subject to the exclusive jurisdiction of the Civil Service Commission under  
9 Charter Section A8.409-3, unless specifically approved by the Civil Service Commission,  
10 except as such changes may affect compensation.

11  
12 SECTION 2. WAGE RATES

13 A. The wage rates for job codes covered by this Ordinance for fiscal year 2020-  
14 2021 shall be increased as follows:

15 Effective December 26, 2020: 3.00%

16 Effective COB June 30, 2021: 0.50%

17 B. The 1283 – Director, Employee Relations Division Classification's Pay Plan  
18 shall be the same range of pay as the 0954 – Deputy Director IV Classification.

19 The 1282 – Manager, Employee Relations Division Classification's Pay Plan  
20 shall be the same range of pay as the 0932 – Manager IV Classification.

21 The 1281 – Senior Employee Relations Representative Classification's Pay  
22 Plan shall be the same range of pay as the 1824 – Principal Administrative Analyst  
23 Classification. There shall be three additional five percent (5%) steps (Steps 6, 7 & 8) at the  
24 top of the range for this classification. The Employee Relations Director may place  
25

1 employees in Step 6, 7 or 8, contingent upon the Employee Relations Director's designating  
2 the employee as the City's principal representative for a major employee group.

3 The 1280 – Employee Relations Representative Classification's Pay Plan shall  
4 be the same range of pay as the 1244 – Senior Personnel Analyst Classification. There  
5 shall also be three additional five percent (5%) steps (Steps 1, 2 & 3) at the bottom of the  
6 range. The Employee Relations Director may place employees in Step 6, 7 or 8, contingent  
7 upon the Employee Relations Director's designating the employee as having lead  
8 responsibilities in employee-employer relations matters.

9 The 1293 – Human Resources Director Classification's Pay Plan shall be the  
10 same range of pay as the 0964 – Department Head IV Classification.

11 C. The 1682 – Controller Classification's Pay Plan shall be the same range of pay  
12 as the 0965 – Department Head V Classification.

13 D. The Port Commission shall determine the salary for the 9399 Port Director  
14 Classification, pursuant to Charter Appendix B3.581(h).

15 E. All base wage calculations shall be rounded to the nearest whole dollar, bi-  
16 weekly salary.

17  
18 SECTION 3. INTERNAL ADJUSTMENT PROCESS

19 Upon request of an Appointing Officer, the Human Resources Director, with the  
20 concurrence of the Controller, may approve internal salary adjustments for members of the  
21 Management Unit (002), except for the Mayoral Staff classifications (0881-0905), based  
22 upon the following:

23 A. Standards

24 The following shall be the standards for internal adjustments for the wage rates for a  
25 particular job code:

1           1.     The salary for the job code is below the prevailing wage level in the relevant  
2 labor market as demonstrated by verifiable salary data; and/or

3           2.     There is an ongoing and demonstrable recruitment and/or retention problem for  
4 the job code; and/or

5           3.     Traditional salary relationships, which continue to be justified, have been  
6 substantially altered; and/or

7           4.     The duties, responsibilities, and/or minimum requirements for a job code have  
8 been altered significantly; and/or

9           5.     Adjustment is necessary to maintain comparability with similarly-situated  
10 employees in represented bargaining units.

11           B.     Internal Adjustment Cap

12           Internal adjustment costs shall not exceed an annualized cost of 1.15% of the total  
13 payroll cost for the employees covered by this Ordinance, 0.25% of which is available for  
14 base wage adjustments, and 0.90% of which is available for one-time adjustments.

15  
16           SECTION 4. ACTING ASSIGNMENT PAY

17           A.     Employees assigned by the Appointing Officer to perform the full range of  
18 essential functions of a position in a higher job code shall receive compensation at a higher  
19 salary if all of the following conditions are met:

20           1.     The assignment is in writing with copies to the Department of Human  
21 Resources and Controller.

22           2.     The assignment conforms to all Civil Service Commission Rules, policies and  
23 procedures.

24           3.     The position to which the employee is assigned is a budgeted position.  
25

1           4.     The employee is assigned to perform the duties of a higher job code for longer  
2 than ten (10) consecutive working days, after which acting assignment pay shall be  
3 retroactive to the first day of the assignment.

4           B.     If each of the above criteria are met, and upon written approval by the  
5 Appointing Officer an employee shall be paid one full salary step adjustment (approximately  
6 5%) as acting assignment pay, provided that pay does not exceed the maximum step of the  
7 salary grade of the job code to which the employee was temporarily assigned. Premiums  
8 based on percent of salary shall be paid at a rate that includes acting assignment pay.

9           C.     This provision does not govern requests for classification or reclassification  
10 review.

11  
12           SECTION 5. SUPERVISORY DIFFERENTIAL ADJUSTMENT

13           The Appointing Officer may adjust the compensation of a supervisory employee  
14 whose compensation grade is set by this Ordinance subject to the following conditions:

15           A.     The supervisor, as part of the regular responsibilities of his/her job code,  
16 supervises, directs, is accountable for, and is in charge of the work of a subordinate or  
17 subordinates.

18           B.     The supervisor must actually supervise the technical content of subordinate  
19 work and possess education and/or experience appropriate to the technical assignment.

20           C.     The organization is a permanent one approved by the Appointing Officer,  
21 Board, or Commission, where applicable, and is a matter of record based upon review and  
22 investigation by the Department of Human Resources.

23           D.     The job codes of both the supervisor and the subordinate are appropriate to  
24 the organization and have a normal, logical relationship to each other in terms of their  
25 respective duties and levels of responsibility and accountability in the organization.

1           E.     The compensation grade of the supervisor is less than one full step  
2 (approximately 5%) over the compensation grade, exclusive of extra pay, of the employee  
3 supervised. In determining the compensation grade of a job code paid a flat rate, the City  
4 will convert the flat rate to a bi-weekly rate; for the compensation rate of the flat rate job  
5 code, the City shall use the compensation grade the top step of which is closest to the  
6 converted flat rate.

7           F.     The adjustment of the compensation grade of the supervisor shall not exceed  
8 5% over the compensation, exclusive of extra pay, of the employee supervised. If the  
9 application of this section adjusts the compensation grade of an employee in excess of the  
10 employee's immediate supervisor, whose job code is also covered by this Ordinance, the  
11 pay of such immediate supervisor shall be adjusted to an amount \$1.00 bi-weekly in excess  
12 of the base rate of the supervisor's highest paid subordinate, provided that the other  
13 applicable conditions of this section are also met.

14           G.     In no event will the Appointing Officer approve a supervisory salary adjustment  
15 in excess of two (2) full steps (approximately 10%) over the supervisor's current base  
16 compensation, exclusive of extra compensation. If in the following fiscal year a salary  
17 inequity continues to exist, the Appointing Officer may again review the circumstances and  
18 may grant an additional salary adjustment not to exceed two (2) full steps (approximately  
19 10%).

20           H.     The compensation adjustment is retroactive to the date the employee became  
21 eligible, but not earlier than the beginning of the current fiscal year.

22           I.     The Human Resources Department may review any changes in the conditions  
23 or circumstances that were and are relevant to the request for salary adjustment under this  
24 section.



1 SECTION 6. SEVERANCE PAY (FOR MANAGEMENT UNREPRESENTED  
2 EMPLOYEES ONLY)

3 A. When an exempt employee in the Management Unit (002) covered by this  
4 Ordinance is involuntarily removed or released from employment, the Appointing Officer will  
5 endeavor to inform the employee at least thirty (30) calendar days before the employee's  
6 final day of work. Where the Appointing Officer fails or declines to inform the employee a full  
7 thirty (30) days in advance, the employee shall receive pay in lieu of the number of days less  
8 than thirty (30) upon which the employee was informed of the intent to release.

9 B. Except as otherwise provided in Section 6, when an exempt employee in the  
10 Management Unit (002) covered by this Ordinance is involuntarily removed or released from  
11 employment, the employee shall also receive one week's severance pay for each full year of  
12 continuous service, up to a maximum of 26 weeks, in exchange for a release signed by the  
13 employee of any and all claims arising out of the employee's employment, including but not  
14 limited to termination of that employment and claims arising under this Ordinance, that the  
15 employee may have against the City, including any City officer or employee. This release  
16 shall be in a form acceptable to the City Attorney and shall include a waiver of any rights the  
17 employee may have to return to City employment (e.g., holdover roster), a waiver of Section  
18 1542 of the California Civil Code, and a waiver of claims under the Age Discrimination in  
19 Employment Act. The release shall exclude the right to grieve the proper amount of notice or  
20 severance pay due under this section.

21 C. In the event an exempt employee in the Management Unit (002) covered by  
22 this Ordinance is involuntarily returned to a permanent job code, that employee may elect to  
23 separate fully from City service and in such case shall receive one week's severance pay for  
24 each full year of continuous service, up to a maximum of 26 weeks, in exchange for a  
25 release signed by the employee of any and all claims arising out of employee's employment,

1 including but not limited to termination of that employment and claims arising under this  
2 Ordinance, that the employee may have against the City including any officer or employee  
3 thereof. If the employee declines to elect severance within ten (10) working days of  
4 receiving an offer of severance, then the City will afford the employee all applicable due  
5 process and appeal rights, and no severance pay will be available to the employee. This  
6 release shall be in a form acceptable to the City Attorney and shall include a waiver of any  
7 rights the employee may have to return to City employment (e.g., holdover roster), a waiver  
8 of Section 1542 of the California Civil Code, and a waiver of claims under the Age  
9 Discrimination in Employment Act. The release shall exclude the right to grieve the proper  
10 amount of notice or severance pay due under this section.

11 D. Additionally, any employee accepting severance pay under this provision shall  
12 be ineligible for appointment to City service under Charter Section A8.511 (“Proposition F”  
13 appointment) in the department from which the employee was released for a period of two  
14 (2) years from the date of release.

15 E. Payment of severance is dependent upon approval by the Appointing Officer,  
16 Controller, and the Human Resources Director. Approval will be based on a good faith  
17 consideration of whether the employee’s removal or release was involuntary, was initiated by  
18 the Appointing Officer, and was in the best interests of the City; and whether the termination  
19 of employment was based on conduct involving misappropriation of public funds or property,  
20 misuse or destruction of public property, mistreatment of persons, or acts which would  
21 constitute a felony or misdemeanor. Additionally, an employee eligible for severance  
22 pursuant to Sections 6(B) or 6(C) above may receive severance pursuant to either, but not  
23 both.

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SECTION 7. PREMIUM PAY

All premiums and additional forms of compensation described in this Ordinance shall be paid only for actual hours worked.

There shall be no pyramiding of premiums for purposes of compensation calculations. Each premium shall be calculated on the base wage rate exclusive of any and all premiums, benefits and other forms of additional compensation.

SECTION 8. APPOINTMENT AND ADVANCEMENT THROUGH SALARY STEPS

Appointing Officers may appoint employees to any step, at any time, in the salary grade up to but not exceeding the maximum of the salary grade. If there are no steps within the salary grade, the Appointing Officer may appoint employees to any place within the grade at any time, providing that the placement does not exceed the salary grade maximum.

Employees who enter below the salary grade maximum may advance one step following completion of one year required service. Further increments may accrue following completion of the required service at this step and at each successive step.

An employee's scheduled step increase may be denied if the employee's performance has been unsatisfactory to the City. The denial of a step increase is subject to the grievance procedure; provided, however, that nothing in this section is intended to or shall make performance evaluations subject to the grievance procedure.

SECTION 9. METHODS OF CALCULATION

A. Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis shall be paid the bi-weekly salary for the position for work performed during the bi-weekly

1 payroll period. There shall be no compensation for time not worked unless such time off is  
2 authorized time off with pay.

3 B. Per Diem or Hourly. An employee whose compensation is fixed on a per diem  
4 or hourly basis shall be paid the daily or hourly rate for work performed during the bi-weekly  
5 payroll period on a bi-weekly pay grade. There shall be no compensation for time not  
6 worked unless such time off is authorized time off with pay.

7

## 8 SECTION 11. WORK SCHEDULES

### 9 A. REGULAR WORK SCHEDULES

10 1. Regular Work Day. Unless otherwise provided in this Ordinance, a regular  
11 workday is a tour of duty of eight (8) hours of work completed within not more than twenty-  
12 four (24) hours.

13 2. Regular Work Week. The Appointing Officer shall determine the work  
14 schedule for employees. A regular work week is a tour of duty of five (5) worked days within  
15 a seven (7) day period. However, employees who are moving from one shift or one work  
16 schedule to another may be required to work in excess of five (5) working days in  
17 conjunction with changes in their work shifts or schedules.

18 3. Employees shall receive no compensation when properly notified (2-hour  
19 notice) that work applicable to the job code is not available because of inclement weather  
20 conditions, shortage of supplies, traffic conditions, or other unusual circumstances.  
21 Employees who are not properly notified and report to work and are informed no work  
22 applicable to the job code is available shall be paid for a minimum of two (2) hours.  
23 Employees who have been designated by their department as emergency personnel must  
24 report to work as scheduled unless otherwise notified by the Appointing Officer. Employees  
25 who begin their shifts and are subsequently relieved of duty due to the above reasons shall

1 be paid a minimum of two (2) hours, and for hours actually worked beyond two (2) hours,  
2 computed to the nearest one-quarter hour.

3 B. ALTERNATE WORK SCHEDULES

4 The Appointing Officer may enter into cost equivalent alternate work schedules for  
5 some or all employees covered by this Ordinance. Such alternate work schedules may  
6 include, but are not limited to, core hours flex-time; full-time work weeks of less than five (5)  
7 days; or a combination of features mutually agreeable to the parties. Such changes in the  
8 work schedule shall not alter the basis for, nor entitlement to, receiving the same rights and  
9 privileges as those provided to employees on five (5) day, forty (40) hour a week schedules.

10 C. VOLUNTARY REDUCED WORK WEEK

11 Subject to approval by the Appointing Officer, employees covered by this Ordinance  
12 may voluntarily elect to work a reduced work week for a specified period of time. Such  
13 reduced work week shall not be less than twenty (20) hours per week. Pay, vacation,  
14 holidays and sick pay shall be reduced proportionately in accordance with any such reduced  
15 work week.

16  
17 SECTION 12. STANDBY PAY AND PAGER PAY

18 Employees who, as part of the duties of their positions are required by the Appointing  
19 Officer to standby when normally off duty to be instantly available to be called in for  
20 immediate emergency service for the performance of their regular duties, shall be paid ten  
21 percent (10%) of their regular straight time rate of pay for the period of such standby service.  
22 When such employees are called to perform their regular duties in emergencies during the  
23 period of such standby service, they shall be paid while engaged in such emergency service  
24 the usual rate of pay for such service.

1           The provisions authorizing standby pay do not apply to job codes designated by a “Z”  
2 symbol.

3  
4           SECTION 13. CALL BACK

5           Except for employees at remote locations where City supplied housing has been  
6 offered, or who are otherwise being compensated, employees who are called back to work  
7 locations following the completion of the work day and departure from their place of  
8 employment shall be granted a minimum of four (4) hours pay at the applicable rate or shall  
9 be paid for all hours actually worked at the applicable rate, whichever is greater. This  
10 section shall not apply to employees who are called back to duty when on stand-by status.

11           Notwithstanding the general provisions of this section, call back pay shall not be  
12 allowed in job codes designated by a "Z" symbol.

13  
14           SECTION 14. OVERTIME COMPENSATION

15           A.     Subject to sub-paragraphs (B) through (D) below, the Appointing Officer may  
16 require employees to work longer than the regular work day or the regular work week. Any  
17 time worked by an employee with proper authorization, exclusive of part-time employees, in  
18 excess of forty (40) hours actually worked during a regular work week shall be designated as  
19 overtime and shall be compensated at one-and-one-half times the base hourly rate.

20           B.     Employees working in job codes who are designated as having a regular work  
21 week of less than forty (40) hours shall not be entitled to overtime compensation for work  
22 performed in excess of their specified regular hours until they exceed forty (40) hours of  
23 hours actually worked per week. Overtime shall be calculated and paid on the basis of the  
24 total number of straight time hours actually worked in a week. Overtime compensation so  
25 earned shall be computed subject to all the provisions and conditions set forth herein.

1 C. Only legal holidays, listed in Section 16 (“Holidays”), shall count as hours  
2 worked for the purposes of computing overtime.

3 D. Employees in non-"Z" designated job codes who are required to work overtime  
4 shall be paid at a rate of one and one-half times their regular base rate. An employee may  
5 elect to accrue Compensatory Time Off (“CTO”) in lieu of overtime, provided that the  
6 Appointing Officer approves that election. In no instance may an employee accrue more  
7 than one hundred sixty (160) hours of CTO. Non-“Z” classified employees who are  
8 appointed to a position in another department shall have their entire CTO balance paid out at  
9 the rate of the underlying classifications prior to appointment. Non-“Z” classified employees  
10 who are appointed to positions in a higher, non-“Z” designated classifications or who are  
11 appointed to positions in a “Z” designated classifications shall have their entire CTO balance  
12 paid out at the rate of the lower classifications prior to promotion.

13 E. Employees in job codes designated by a "Z" symbol shall not be paid for  
14 overtime worked but may earn CTO at the rate of one hour for each hour worked in excess  
15 of 40 hour/week. The maximum amount of CTO that may be accrued is one hundred sixty  
16 (160) hours with exception of class 1282 Manager Employee Relations for which the  
17 maximum amount of CTO that may be accrued is one hundred (100) hours in a fiscal year.  
18 In lieu of accruing CTO during the fiscal year, unrepresented department heads, the 1283  
19 Director of Employee Relations and employees in AB44 Confidential Chief Attorney II shall  
20 have the same Management Leave benefit applicable to employees in job codes assigned to  
21 the EM Group.

22  
23 SECTION 15. FAIR LABOR STANDARDS ACT

24 To the extent that this Ordinance fails to afford employees the overtime or  
25 compensatory time off benefits to which they are entitled under the Fair Labor Standards Act

1 ("FLSA"), this Ordinance authorizes and directs all City departments to ensure that their  
2 employees receive, at a minimum, such FLSA benefits.

3  
4 SECTION 16. HOLIDAYS

5 Except when normal operations require, or in an emergency, employees covered by  
6 this Ordinance shall not be required to work on the following days hereby declared to be  
7 holidays for such employees:

8 January 1 (New Year's Day)

9 the third Monday in January (Martin Luther King, Jr.'s Birthday)

10 the third Monday in February (President's Day)

11 the last Monday in May (Memorial Day)

12 July 4 (Independence Day)

13 the first Monday in September (Labor Day)

14 the second Monday in October (Indigenous Peoples Day and Italian American  
15 Heritage Day)

16 November 11 (Veteran's Day)

17 Thanksgiving Day

18 the day after Thanksgiving

19 December 25 (Christmas Day)

20 Provided however, that, if January 1, July 4, November 11 or December 25 falls on a  
21 Sunday, the Monday following is a holiday.

22 In addition, included shall be any day declared to be a holiday by proclamation of the  
23 Mayor after such day has heretofore been declared a holiday by the Governor of the State of  
24 California or the President of the United States.



1           For those employees assigned to a work week of Monday through Friday, and in the  
2 event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday;  
3 provided, however, that except where the Governor declares that such preceding Friday  
4 shall be a legal holiday, each department head shall make provision for the staffing of public  
5 offices under the department head's jurisdiction on such preceding Friday so that those  
6 public offices may serve the public as provided in the Administrative Code Section 16.4.  
7 Those employees who work on a Friday that is observed as a holiday in lieu of a holiday  
8 falling on Saturday shall be allowed a day off in lieu thereof as scheduled by the Appointing  
9 Officer in the current fiscal year. The City shall provide one week's advance notice to  
10 employees scheduled to work on the observed holiday, except in cases of unforeseen  
11 operational needs.

12           The City shall accommodate religious belief or observance of employees as required  
13 by law.

14           Employees are entitled to five (5) floating holidays totaling forty (40) hours (pro-rated  
15 for eligible part-time employees), in each fiscal year to be taken on days selected by the  
16 employee subject to prior scheduling approval of the Appointing Officer. Employees hired on  
17 an as-needed, intermittent or seasonal basis shall not receive floating holidays. Floating  
18 holidays may be taken in hourly increments up to and including the number of hours  
19 contained in the employee's regular shift. Floating holidays may be carried forward from one  
20 fiscal year to the next. The number of floating holidays carried forward to a succeeding fiscal  
21 year may not exceed the total number of floating holidays received in the previous fiscal  
22 year. No compensation of any kind shall be earned or granted for floating holidays not  
23 taken. Employees who have established initial eligibility for floating holidays and  
24 subsequently separate from City employment, may, at the sole discretion of the Appointing  
25 Officer, be granted to take off those floating holiday(s) to which the separating employee was

1 eligible and had not yet taken off. The number of floating holidays carried forward to a  
2 succeeding fiscal year shall not exceed the total number of floating holidays received in the  
3 previous fiscal year.

4 Floating holidays are to be scheduled per mutual agreement, based on operational  
5 needs of the department.

6

7 SECTION 17. HOLIDAY COMPENSATION FOR TIME WORKED

8 Employees required by their respective Appointing Officer to work on any of the  
9 holidays specified in Section 16 or to substitute holidays excepting Fridays observed as  
10 holidays in lieu of holidays falling on Saturday, shall be paid extra compensation of one (1)  
11 additional day's pay at time and one-half (1-1/2) the usual rate in the amount of twelve (12)  
12 hours pay for eight (8) hours worked or a proportionate amount if less than eight (8) hours  
13 worked; provided, however, that at an employee's request and with the approval of the  
14 Appointing Officer, an employee may be granted CTO in lieu of paid overtime.

15 Employees occupying positions that are exempt from the FLSA (Executive,  
16 Administrative and Professional) shall not receive extra compensation for holiday work but  
17 may be granted time off at the discretion of the Appointing Officer.

18

19 SECTION 18. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER  
20 THAN MONDAY THROUGH FRIDAY

21 A. Employees assigned to seven (7) day-operation departments or employees  
22 working a five (5) day work week other than Monday through Friday shall be allowed another  
23 day off if a holiday falls on one of their regularly scheduled days off.

24 B. Employees whose holidays are changed because of shift rotations shall be  
25 allowed another day off if a legal holiday falls on one of their days off.

1 C. Employees required to work on a holiday that falls on a Saturday or Sunday  
2 shall receive holiday compensation for work on that day. Holiday compensation shall not  
3 then be additionally paid for work on the Friday preceding a Saturday holiday, nor on the  
4 Monday following a Sunday holiday.

5 D. Sections (B) and (C) above shall apply to part-time employees on a pro-rata  
6 basis. If the provisions of this section deprive an employee of the same number of legal  
7 holidays that an employee receives who works Monday through Friday, the employee shall  
8 be granted additional days off to equal such number of holidays. The designation of such  
9 days off shall be by mutual agreement of the employee and the appropriate employer  
10 representative. Such days off must be taken within the fiscal year. In no event shall the  
11 provisions of this section result in the employee receiving more or less holidays than an  
12 employee on a Monday through Friday work schedule.

13  
14 SECTION 19. HOLIDAY PAY FOR EMPLOYEES LAID OFF

15 An employee who is laid off at the close of business the day before a holiday who has  
16 worked not less than five (5) previous consecutive workdays shall be paid for the holiday at  
17 the employee's normal rate of compensation.

18  
19 SECTION 20. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

20 Persons employed for holiday work only, or persons employed on a part-time work  
21 schedule that is less than twenty (20) hours in a bi-weekly pay period, or persons employed  
22 on an intermittent part-time work schedule (not regularly scheduled), or persons employed  
23 on as-needed, seasonal or project basis for less than six (6) months continuous service, or  
24 persons on leave without pay status both immediately preceding and immediately following  
25 the legal holiday shall not receive holiday pay.

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SECTION 21. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly pay period shall be entitled to holiday pay on a proportionate basis.

Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a bi-weekly pay period, therefore, part-time employees, as defined in the immediately preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours regularly worked in a bi-weekly pay period. The computation of holiday time off shall be rounded to the nearest hour.

The proportionate amount of holiday time off shall be taken in the same fiscal year in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employee and the appropriate employer representative.

SECTION 22. IN-LIEU HOLIDAYS

A. Requests for in-lieu holidays shall be made to the appropriate management representative within thirty (30) days after the holiday is earned and must be taken within the fiscal year.

B. In-lieu holidays will be assigned by the Appointing Officer if not scheduled in accordance with the procedures described herein.

C. An in-lieu holiday can be carried over into the next fiscal year only with the written approval of the Appointing Officer.

SECTION 23. PROBATIONARY PERIODS

1 Probationary periods shall be defined and administered by the Civil Service  
2 Commission. All permanent civil service appointees shall serve a minimum of 2,080 hours  
3 probationary period.

4 A probationary period may be extended by mutual written agreement between the  
5 employee and the Appointing Officer.

6  
7 SECTION 24. HEALTH AND WELFARE

8 The City's contributions to employee health, dental, and other insurance benefits will  
9 be equivalent to those offered to members of the City's bargaining unit #32.

10 In addition, employees who are Health Services System members are eligible for one  
11 (1) annual VDT examination and prescribed eyewear.

12  
13 SECTION 25. RETIREMENT CONTRIBUTION

14 Employees in classifications covered by this Ordinance shall pay retirement  
15 contributions as set forth in the San Francisco Charter.

16 The parties acknowledge that the San Francisco Charter establishes the levels, terms  
17 and conditions of retirement benefits for members of the San Francisco City and County  
18 Employees Retirement System ("SFERS"). The fact that the Ordinance does not specify  
19 that a certain item of compensation is excluded from retirement benefits does not and should  
20 not be construed to mean that SFERS includes the compensation when calculating  
21 retirement benefits.

22  
23 SECTION 26. PRE-RETIREMENT PLANNING SEMINAR

1 Subject to development, availability, and scheduling by SFERS, employees shall be  
2 allowed not more than one (1) day to attend a pre-retirement planning seminar sponsored by  
3 SFERS.

4 Employees must provide at least two (2) weeks advance notice of their desire to  
5 attend a retirement planning seminar to the appropriate supervisor. An employee who has  
6 timely requested release time shall be released from work to attend the seminar unless  
7 staffing requirements or other department exigencies require the employee's attendance at  
8 work on the day or days such seminar is scheduled. Release time shall not be unreasonably  
9 withheld.

10 All such seminars must be located within the Bay Area.

11 This section shall not be subject to the grievance procedure.

## 12 13 SECTION 27. WORKER'S COMPENSATION AND RETURN TO WORK

14 The City will make a good faith effort to return employees who have sustained an  
15 occupational injury or illness to temporary modified duty within the employee's medical  
16 restriction. Duties of the modified assignment may differ from the employee's regular job  
17 duties or from job duties regularly assigned to employees in the injured employee's job code.  
18 Where appropriate modified duty is not available within the employee's job code, on the  
19 employee's regular shift, and in the employee's department, the employee may be  
20 temporarily assigned pursuant to this section to work in another job code, on a different shift,  
21 and/or in another department, subject to the approval of the Appointing Officer. The decision  
22 to provide modified duty and/or the impact of such decisions shall not be subject to  
23 grievance or arbitration. Modified duty assignments may not exceed three (3) months. An  
24 employee assigned to a modified duty assignment shall the regular base rate of pay and  
25

1 shall not be eligible for any other additional compensation (premiums) or out of class  
2 assignment pay as may be provided under this Ordinance.

3 An employee who is absent because of an industrial disability and who is receiving  
4 Temporary Disability, Vocational Rehabilitation Maintenance Allowance, or State Disability  
5 Insurance, may request to supplement the amount of disability indemnity payment with  
6 salary to be charged against the employee's accumulated unused sick leave with pay credit  
7 balance, CTO, vacation, or other paid leave as available, so as to equal the normal salary  
8 the employee would have earned for the regular work schedule. Use of CTO for this  
9 purpose requires approval from the employee's Appointing Officer.

10 An employee who wishes not to supplement, or who wishes to supplement with CTO  
11 or vacation, must submit a written request to the Appointing Officer within seven (7) calendar  
12 days following the first date of absence. Disability indemnity payments will be automatically  
13 supplemented with sick pay credits (if the employee has sick pay credits and is eligible to  
14 use them) to provide up to the employee's normal salary unless the employee makes an  
15 alternative election as provided in this section.

16 Employee supplementation of worker's compensation payments to equal the full  
17 salary the employee would have earned for the regular work schedule in effect when the  
18 worker's compensation leave began shall be drawn only from an employee's paid leave  
19 credits including vacation, sick leave, or other paid leave as available. An employee  
20 returning from disability leave will accrue sick leave at the regular rate and not an  
21 accelerated rate.

22 Salary may be paid on regular time-rolls and charged against the employee's sick  
23 leave with pay, vacation, or CTO credit balance during any period before the determination  
24 of eligibility for disability indemnity payment without requiring a signed option by the  
25

1 employee. Sick leave with pay, vacation, or CTO credits shall be used to supplement  
2 disability indemnity pay at the minimum rate of one (1) hour units.

3 This section clarifies and supersedes any conflicting provisions of the Civil Service  
4 Commission Rules that are within the Charter authority of the Board of Supervisors.

5

6 SECTION 28. STATE DISABILITY INSURANCE COVERAGE

7 Upon a statement by a majority of employees in a job code, or by the sole incumbent  
8 in a single "A" position or by the majority of employees in a multi "A" position, requesting that  
9 they be enrolled in the State Disability Program, the City shall take all necessary action to  
10 enroll affected employees therein.

11

12 SECTION 29. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION  
13 STATUTES

14 This Ordinance shall be interpreted, administered, and applied in a manner that  
15 complies with the provisions of federal, state, and local disability and anti-discrimination  
16 laws. The City shall have the right to take whatever action it deems appropriate to ensure  
17 compliance with such laws.

18 A complaint of discrimination may, at the option of the employee, be processed  
19 through the grievance procedure of this Ordinance, or through the applicable Civil Service  
20 rules, the City Administrative Code, and federal and state law. If the employee elects to  
21 pursue remedies for discrimination complaints outside the grievance procedure of this  
22 Ordinance, that election shall constitute a waiver of the right to pursue that complaint  
23 through the grievance process under this Ordinance. To the extent permissible by law, if  
24 there is an election to pursue the complaint through the grievance process under this  
25 Ordinance, that election shall constitute a waiver of the right to pursue the complaint in other



1 forums and the employee shall be required to execute a written acknowledgement of the  
2 waiver in a form approved by the City Attorney.

3  
4 SECTION 30. TUITION REIMBURSEMENT

5 The City will allocate \$30,000 for the Tuition Reimbursement Program for employees  
6 covered by this Ordinance. Employees covered by this Ordinance may be reimbursed up to  
7 a maximum of \$2,500 for tuition, registration fees, books and other materials for internal or  
8 external training programs that will enhance the employee's work skills, professional  
9 conferences, professional association memberships and desired licenses relevant to the  
10 employee's current classification. Tuition reimbursement must be approved by the  
11 employee's Appointing Officer and be in accordance with procedures determined by the  
12 Human Resources Director.

13 Subject to approval by the Appointing Officer and to the extent funds are available,  
14 employees may utilize up to \$1,000 of the funds available to them under this section to pay  
15 for the cost of reasonable and necessary travel and lodging for approved training. Travel  
16 reimbursement rates shall be as specified in the Controller's current travel policy.

17 In addition, subject to the approval of the Appointing Officer, an employee may also  
18 be reimbursed up to \$1,000 of the maximum funds available to them for the purchase of  
19 handheld electronic devices (e.g. smartphones, tablets), laptop computers, professional  
20 software, and books and subscriptions for use in the performance of their City duties.  
21 Tuition reimbursement must be approved by the employee's Appointing Officer and be in  
22 accordance with procedures determined by the Human Resources Director.

1 SECTION 31. RENEWAL FEES FOR CERTIFICATIONS, LICENSES OR  
2 REGISTRATIONS

3 When a certificate, license or registration is required by the Civil Service Commission  
4 as a minimum qualification for City employment in a position covered by this Ordinance, the  
5 City will reimburse the employee for the amount of the mandatory fee for the renewal of such  
6 certificate, license or registration.

7  
8 SECTION 32. BAR DUES

9 Full-time permanent exempt employees covered by this Ordinance who, as a  
10 condition of employment, are required to be a member of the California State Bar shall be  
11 reimbursed for annual mandatory minimum California State Bar dues, plus one  
12 subcommittee.

13  
14 SECTION 33. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

15 Employees covered by this Ordinance shall be on paid status when assigned to  
16 attend required educational programs scheduled during normal working hours.

17  
18 SECTION 34. LIFE INSURANCE

19 Upon becoming eligible to participate in the Health Service System under San  
20 Francisco Administrative Code Section 16.700, the City shall provide life insurance in the  
21 amount of \$50,000 for all employees covered by this Ordinance.

1 SECTION 35. SAFETY EQUIPMENT & PROTECTIVE CLOTHING

2 All employees covered by this Ordinance shall be provided with safety equipment and  
3 protective clothing in accordance with Cal-OSHA requirements and as deemed appropriate  
4 by and authorized by the Appointing Officer.

5  
6 SECTION 36. PARENTAL LEAVE

7 Upon proper advance notification, employees covered by this Ordinance may be  
8 granted up to forty (40) hours parental leave per fiscal year, four (4) hours of which will be  
9 paid leave to participate in the activities of a school or licensed child day care facility of any  
10 of the employee’s children. An employee may take two (2) hours of paid leave between July  
11 1 to December 31, and another two (2) hours paid leave from January 1 to June 30. In  
12 addition, parental leave shall not exceed eight (8) hours in any calendar month of the year.

13 In order to qualify for parental leave, the employees must give reasonable notice to  
14 their immediate supervisors before taking the time off. The employee must provide written  
15 verification from the school or licensed child day care facility confirming that the employee  
16 participated in school/child care related activities on a specific date and at a particular time, if  
17 requested by management. The employee may utilize either existing vacation, CTO, or  
18 personal (unpaid) leave to account for absences qualifying for parental leave after the  
19 employee has used the paid leave hours as provided above. If both of the child’s parents  
20 are employed by the City at the same worksite, the entitlement to a planned absence on  
21 parental leave applies only to the parent who first gives notice.

22 Denial of parental leave under this section is not subject to the grievance process.  
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1 SECTION 37. MILEAGE REIMBURSEMENT

2 Covered employees shall be reimbursed at the Controller's certified rate per mile  
3 when required to use their personal vehicle for City business.

4  
5 SECTION 38. GRIEVANCE PROCEDURE

6 A. Definition:

7 A grievance shall be defined as any dispute that involves the interpretation or  
8 application of this Ordinance. The grievance must state the circumstances about which the  
9 grievant claims to be aggrieved, the section(s) of the Ordinance that the grievant believes  
10 were violated, and the remedy or solution sought by the grievant.

11 B. General Provisions:

12 In no event shall a grievance include a claim for money relief for more than a thirty  
13 (30) working day period before the grievant initiated the grievance.

14 If the supervisor or Appointing Officer fails to respond within the required time limits  
15 specified in paragraph C below, the grievant may then present the grievance in writing to the  
16 next higher step. If the grievant fails to present the grievance to the next higher step within  
17 the required time limits, then the grievance is considered withdrawn.

18 The parties may extend the time limits set forth in this grievance procedure by mutual  
19 written agreement.

20 Any deadline date under this section that falls on a Saturday, Sunday or a legal  
21 holiday listed in Section 16 shall be continued to the next business day.

1 C. Procedure:

2 Step I Immediate Supervisor

3 An employee having a grievance must first discuss it with the employee's immediate  
4 supervisor. The employee's immediate supervisor is the individual who immediately  
5 assigns, reviews or directs the work of an employee.

6 If a solution to the grievance, satisfactory to the employee and immediate supervisor,  
7 is not accomplished by the informal discussion, the employee may pursue the matter further.  
8 The employee shall submit a written statement of the grievance to the immediate supervisor  
9 within fifteen (15) calendar days of the facts or event giving rise to the grievance or within  
10 fifteen (15) calendar days from such time as the employee should have known of the  
11 occurrence thereof. The discussion with the supervisor described in the preceding  
12 paragraph does not extend the time to submit the written grievance.

13 The immediate supervisor will make every effort to arrive at a prompt resolution by  
14 investigating the issue. The supervisor shall respond within ten (10) calendar days.

15 Step II Department Head or Designee

16 If the employee is not satisfied with the decision rendered at Step 1, the employee  
17 shall submit the grievance in writing to the department head or designee within fifteen (15)  
18 calendar days of receiving notification of the Step 1 decision or the due date for the Step 1  
19 decision. The grievance shall include a specific description of the basis for the claim, the  
20 Ordinance section(s) believed violated and the resolution desired, and an explanation of why  
21 the Step I response is insufficient. The parties shall meet within fifteen (15) calendar days,  
22 unless a mutually agreed upon alternative is established. The Appointing Officer shall,  
23 within fifteen (15) calendar days of receipt of the written grievance, or within ten (10)  
24 calendar days of the date the meeting is held, whichever comes later, respond in writing to  
25 the grievance, specifying the reason(s) for concurring with or denying the grievance.

1           Step III Director, Employee Relations Division

2           If the employee is not satisfied with the decision of the Appointing Officers, the  
3 employee shall submit the grievance to the Employee Relations Director within fifteen (15)  
4 calendar days after receipt of the Appointing Officer’s decision or the date that decision was  
5 due. The employee shall state why the Step II response is insufficient.

6           The Employee Relations Director shall have thirty (30) calendar days after receipt of  
7 the written grievance in which to review and seek resolution of the grievance and to render a  
8 decision concurring with or denying the grievance. The Employee Relations Director’s  
9 decision shall be final and binding.

10  
11           SECTION 39. PAPERLESS PAY POLICY

12           A. The Citywide Paperless Pay Policy will apply to all employees covered by this  
13 Ordinance.

14           B. Under the policy, all employees shall be able to access their pay advices  
15 electronically, and print them in a confidential manner. Employees without computer access  
16 shall be able to receive hard copies of their pay advices through their payroll offices upon  
17 request.

18           C. Under the policy, all employees (regardless of start date) will have two options for  
19 receiving pay: direct deposit or pre-loaded bank card.

20  
21           SECTION 40. SUBSTANCE ABUSE PREVENTION POLICY

22           All employees covered by this Ordinance shall be subject to post-accident testing as  
23 defined in the City’s Substance Abuse Prevention Policy (“SAPP”). All employees covered  
24 by this Ordinance who perform safety-sensitive functions as defined by the SAPP shall be  
25

1 subject to reasonable suspicion testing as defined in the SAPP. The City's SAPP is posted  
2 on the Department of Human Resources website.

3  
4 SECTION 41. SAVINGS CLAUSE

5 If a court or administrative body of competent jurisdiction rules that any provision of  
6 this Ordinance is invalid, that ruling shall not invalidate the remaining provisions, which shall  
7 remain in full force and effect for the duration of this Ordinance.

8  
9 SECTION 42. EFFECTIVE AND OPERATIVE DATES. This Ordinance shall become  
10 effective upon enactment, and shall become operative on July 1, 2020. Enactment occurs  
11 when the Mayor signs the Ordinance, the Mayor returns the Ordinance unsigned or does not  
12 sign the Ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
13 Mayor's veto of the Ordinance.

14  
15 APPROVED AS TO FORM:  
16 DENNIS J. HERRERA, City Attorney

17 By: \_\_\_\_\_  
18 KATHARINE HOBIN PORTER  
19 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Compensation for Unrepresented Employees]

**Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2020.**

Existing Law

Under Charter Section A8.409-1, the Mayor proposes for approval by the Board of Supervisors the wages, hours, and other terms and conditions of employment set forth herein to be applicable to all unrepresented job codes or positions of City employment.

Amendments to Current Law

The proposed ordinance presents the Mayor's proposed wages, hours and other terms and conditions of employment applicable to all unrepresented job codes or positions of City employment for Fiscal Year 2020-2021.

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## Job Codes for Unrepresented Employees

Union Code	Job Code	Descr
002	0881	Mayoral Staff I
002	0882	Mayoral Staff II
002	0883	Mayoral Staff III
002	0884	Mayoral Staff IV
002	0885	Mayoral Staff V
002	0886	Mayoral Staff VI
002	0887	Mayoral Staff VII
002	0888	Mayoral Staff VIII
002	0889	Mayoral Staff IX
002	0890	Mayoral Staff X
002	0891	Mayoral Staff XI
002	0892	Mayoral Staff XII
002	0901	Mayoral Staff XIII
002	0902	Mayoral Staff XIV
002	0903	Mayoral Staff XV
002	0904	Mayoral Staff XVI
002	0905	Mayoral Staff XVII
001	1280	Employee Relations Representat
001	1281	Senior Emp Relations Repres
002	1282	Manager,Employee Relations Div
002	1283	Dir Emp Relations Div
002	1293	Human Resources Director
002	1682	Controller
002	9399	Port Director
001	9530	Labor Relations Rep,SFMTA
001	9531	Sr.Labor Relations Rep,SFMTA
002	9979	Labor and Employment Advisor
002	AB44	Cfdntal Chf Atty 2,(Cvl&Crmnl)
001	AC35	Bd/Comm Secretary 3