

FILE NO. 990195

ORDINANCE NO. 40-99

AMENDMENT OF THE WHOLE

1 [Court Reporter Benefits]
2 IMPLEMENTING ECONOMIC BENEFITS FOR CERTAIN CLASSIFICATIONS OF PERSONS
3 EMPLOYED BY THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN
4 FRANCISCO.

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

6 I. This ordinance, which has been approved by a majority of the judges of the
7 Superior Court pursuant to Government Code section 69900, establishes certain pay
8 premiums and employee benefits effective July 1, 1998, for the following classifications of
9 Superior Court employees, including as well employees of the predecessor Municipal court:
10 0350 Court Reporter and 0710 Court Reporter.

11 II. For purposes of this ordinance, the term "covered employees" shall mean those
12 classifications enumerated in paragraph I above. The term "Court" shall mean the Superior
13 Court of California, County of San Francisco. The term "City" shall mean the City and County
14 of San Francisco.

15 III. The General Fund of the City & County of San Francisco shall not be used to
16 fund any of the benefits referred to in this ordinance. The City shall not be liable for any costs
17 incurred in providing the wages and other benefits set forth in this ordinance. The City's
18 obligations under this ordinance shall be limited to administering health and retirement
19 benefits and payroll processing. This paragraph shall not apply to the payment of wages and
20 benefits for any position authorized by this ordinance that is specifically authorized and funded
21 by the City budget.

22 IV. The City's obligations described herein are not intended to create a dual employer
23 relationship.
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1 **V. Compensation and Additional Economic Benefits for All Covered**
2 **Employees in the Above Classes.**

3 A. WORK SCHEDULES

4 A normal work schedule is a tour of duty of forty (40) hours per week, usually worked in
5 eight (8) hour increments within a nine (9) hour period, during five consecutive days. An
6 alternative work schedule may be established by mutual agreement. A part-time work
7 schedule is a tour of duty less than forty (40) hours per week. Salaries for part-time services
8 shall be calculated upon the compensation for normal schedules proportionate to the hours
9 actually worked.

10 B. HOLIDAYS

11 1. Floating Holidays

12 In addition to those days authorized by Section 135 of the Code of Civil Procedure as
13 Court holidays, covered eligible employees shall receive the number of floating holidays
14 reflected in this section. In recognition of a change from a fiscal year benefit to a calendar
15 year benefit, covered employees shall receive 3 floating holidays effective July 1, 1998, to be
16 taken on days selected by the employee subject to the approval and sole discretion of the
17 Court, prior to December 31, 1998. In addition, covered employees shall receive four (4)
18 floating holidays effective January 1, 1999. Additional days will not be granted on July 1,
19 1999, and henceforth, floating holidays for these classes will be granted and used on a
20 calendar year basis. In order to be eligible for this benefit, employees must have completed
21 six (6) months of continuous service before receiving the floating holidays.

22 2. Part-time Employees Eligible for Holidays

23 a. Part-time employees who regularly work a minimum of twenty (20) hours in a bi-
24 weekly pay period shall be entitled to holiday pay on a proportionate basis to the full-time work
25 week of forty (40) hours.

1 b. Therefore, part-time employees, as defined in the immediately preceding
2 paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours regularly
3 worked in a bi-weekly pay period. Holiday time off shall be determined by calculating 1/10 of
4 the hours worked by the part-time employee in the bi-weekly pay period immediately
5 preceding the pay period in which the holiday falls. The computation of holiday time off shall
6 be rounded to the nearest hour.

7 c. The proportionate amount of holiday time shall be taken in the same fiscal year
8 in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the
9 employee and the Chief Executive Officer or his designee.

10 3. Holiday Compensation for Time Worked

11 Employees who are covered by this ordinance who are required or allowed by the
12 Court to work on a State holiday, excepting Fridays observed as holidays in lieu of holidays
13 falling on a Saturday, shall be granted time off equivalent to the time worked on the holiday.
14 Time off in lieu shall be scheduled at the discretion of the Court.

15 4. Holiday Pay for Employees Laid Off

16 An employee covered by this section who is laid off at the close of business the day
17 before a holiday who has worked not less than five previous consecutive work days shall be
18 paid for the holiday.

19 5. Employees Not Eligible for Holiday Compensation

20 Persons employed for holiday work only, or persons employed on a part-time work
21 schedule which is less than twenty (20) hours in a biweekly pay period, or persons employed
22 on an intermittent part-time work schedule (not regularly scheduled), or persons on leave
23 without pay status both immediately preceding and immediately following a the legal holiday
24 shall not receive holiday pay.

25 C. RECOVERY OF OVERPAYMENTS

1 The schedule of recovery of any overpayment shall be made by mutual agreement
2 between the City on behalf of the Court and the employee, which agreement shall be provided
3 to the City in writing. In the absence of a mutual agreement, the Court will instruct the City to
4 deduct no more than 20% of the total amount in any one bi-weekly paycheck.

5 D. HEALTH AND DENTAL CARE BENEFITS

6 1. The level of the City's contribution on behalf of the Court to health benefits will
7 be set annually in accordance with the requirements of Charter Appendix Sections A8.423
8 and A8.428. The current level of health and dental benefits shall be maintained for the
9 duration of FY 1998-99.

10 2. The City on behalf of the Court shall continue to fund the level of dental
11 coverage for each member and family dependents provided in FY 1997-98.

12 3. Dependent Health Care Benefits: Effective July 1, 1998 and continuing for the
13 duration of FY 1998-99, the City on behalf of the Court shall pay \$225.00 per month toward
14 dependent health care benefits for covered employees. For "medically single" employees,
15 i.e., benefited employees not receiving this contribution paid by the City on behalf of the Court
16 for dependent health care benefits, the City on behalf of the Court shall contribute all of the
17 premium for the employee's own health care benefit coverage.

18 4. The aforesaid contributions shall not be considered as a part of an employee's
19 compensation for the purpose of computing earnings or retirements benefits, nor shall such
20 contributions be taken into account in determining the level of any other benefit which is a
21 function of or percentage of salary. The Court reserves the right to take said contributions
22 into account for the purpose of salary comparisons with other employers.

23 E. RETIREMENT CONTRIBUTION

24 1. For the period of July 1, 1998, through June 30, 1999, the City on behalf of the
25 Court shall contribute to the appropriate pension plan a total of:

1 8% of pension covered gross salary for old plan SFERS full rate members;

2 7.5% of pension covered gross salary for new plan SFERS full rate members;

3 2. The aforesaid contributions shall not be considered as a part of an employee's
4 compensation for the purpose of computing earnings or retirement benefits, nor shall such
5 contributions be taken into account in determining the level of any other benefit which is a
6 function of or percentage of salary. The Court reserves the right to take said contributions into
7 account for the purpose of salary comparisons with other employees.

8 F. STATE DISABILITY INSURANCE (SDI)

9 1. Upon a vote by 50% plus one or more of the members of a covered
10 classification that the members desire to be enrolled in the State Disability Insurance
11 Program, the Court, and if required by state law, the Board of Supervisors on behalf of the
12 Court shall take any and all necessary action to enroll such employees therein. The cost of
13 SDI will be paid by the employee through payroll deduction at a rate established by the State
14 of California Employment Development Department.

15 2. At the employee's option, the employee's accrued sick leave, vacation and
16 holidays shall be integrated with SDI payments to provide a maximum to the employee of their
17 net income.

18 G. LONG TERM DISABILITY

19 1. The City on behalf of the Court shall provide to employees with six months
20 continuous service a Long Term Disability (LTD) plan that provides, after a one hundred
21 eighty (180) day elimination period, sixty percent (60%) salary (subject to integration) up to
22 age sixty-five. Employees who receive payments under the LTD plan shall not be eligible to
23 continue receiving payments under the City's Catastrophic Illness Program.

1 2. At the employee's option, the employee's accrued sick leave, vacation and
2 holidays shall be integrated with SDI payments to provide a maximum to the employee of their
3 net income.

4 H. REAL TIME REPORTING COMPENSATION

5 Any covered employee who has received either the "real time" certification from the
6 National Court Reporters Association or from the Deposition Reporters Association and who
7 is certified by his/her judge to be regularly required to provide, and does provide, "real time"
8 reporting as a matter of course shall be paid a pay premium of 2.75% of their bi-weekly gross
9 pay. This certification will remain in effect until either the judge or the reporter leaves their
10 assignment, or is reassigned to another court. At such a time, re-certification by the judge will
11 be required to maintain the premium.

12 I. ADDITIONAL COMPENSATION FOR BILINGUAL OR SIGN LANGUAGE

13 Employees who are assigned in the discretion of the Court to a designated bilingual or
14 sign language position shall be granted additional compensation of fifty dollars (\$50) bi-
15 weekly.

16 J. VOLUNTEER/PARENTAL RELEASE TIME.

17 All covered employees shall be granted a total of two (2) hours per semester of paid
18 release time to attend parent teacher conferences.

19 K. SENIORITY INCREMENTS

20 1. Entry at the First Step. Covered employees who enter a classification at the first
21 pay step shall advance to the second step within the classification upon completion of two
22 thousand eighty (2080) hours worked (exclusive of overtime) and to each successive step
23 upon completion of two thousand eighty (2080) hours worked (exclusive of overtime) of
24 required service within the classification, until the maximum salary rate is achieved.
25

1 2. Entry at Other than the First Step. Covered employees who enter a
2 classification at a rate of pay other than the first step shall advance one step upon completion
3 of two thousand eighty (2080) hours worked (exclusive of overtime) within the classification
4 and continue to advance to each successive step upon completion of two thousand eighty
5 (2080) hours worked (exclusive of overtime) within the classification, until the maximum salary
6 rate is achieved.

7 3. Date Increment Due. Increments shall accrue and become due and payable on
8 the next day following completion of required service as specified above.

9 L. LAY OFF ADJUSTMENT

10 An employee who is (1) "laid off," (2) immediately and continuously employed in
11 another classification with the Court, and (3) thereafter re-employed in his/her original position
12 without a break in service, shall, for the purposes of determining salary increments, receive
13 credit for time served while laid off from his/her original appointment.

14 M. REIMBURSEMENT OF MILEAGE AND RELATED EXPENSES

15 1. Mileage, Parking, Tolls. Covered employees required to use their own vehicle
16 for Court business shall be reimbursed for mileage as fixed by the Controller of the City and
17 County of San Francisco in accordance with IRS rules, and will be reimbursed for all
18 necessary parking and toll expenses.

19 2. Meals. Covered employees shall, subject to the procedures established by the
20 Controller of the City and County of San Francisco, be reimbursed for the reasonable and
21 actual costs of meals upon presentation of receipts in the following circumstances:

22 a. When an employee is required by the Court to attend a meeting at which
23 a meal is served and such meal is billed to the employee;

24 b. When an employee is traveling overnight out of the City on Court
25 business.

1 3. Damaged or Stolen Property. Reimbursement for property damaged, destroyed
2 or stolen in the line of duty shall be administered in accordance with guidelines established by
3 the Controller of the City and County of San Francisco. An employee who qualifies for
4 reimbursement of such damaged, destroyed or stolen property shall submit a claim to his/her
5 department head with all available documentation not later than thirty (30) calendar days after
6 the date of such alleged occurrence. An employee shall be entitled to the appropriate
7 reimbursement no later than one hundred-twenty (120) days following the submission of such
8 a claim. Reimbursement may be delayed if the employee does not submit the appropriate
9 documentation

10 N. FINGERPRINTING

11 The Court shall bear the full cost of fingerprinting whenever such is required of an
12 employee.

13 O. BENEFITS FOR TEMPORARY EMPLOYEES.

14 Employees who have worked 1040 hours in any consecutive twelve (12) month
15 period shall receive all benefits which are provided to permanent employees, including but not
16 limited to retirement, health and dental coverage, premiums, vacation pay, sick pay, holiday
17 pay and jury duty pay.

18 **IX. Retroactive Application**

19 Although the City and County and the Court have incurred no legal obligation
20 under the Charter, the Board of Supervisors does hereby ratify any actions otherwise
21 consistent with, and authorized by this ordinance that were taken before its effective date.

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X. CERTIFICATION: The following hereby certify that a majority of the body over which they each preside has approved the terms of the above ordinance.




ALFRED G. CHIANTELLI
Presiding Judge
Superior Court of California
County of San Francisco

N/A

TOM AMMIANO, President
Board of Supervisors
City & County of San Francisco

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney



DAVID A. GREENBURG
Deputy City Attorney



City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 990195

Date Passed:

Ordinance implementing the economic benefits for certain classifications of persons employed by the Superior Court of California, County of San Francisco.

March 1, 1999 Board of Supervisors — PASSED, ON FIRST READING

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

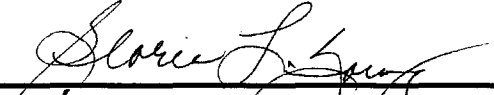
March 8, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Leno, Newsom, Yaki, Ammiano, Becerril, Bierman, Brown, Katz, Kaufman

Absent: 2 - Teng, Yee

File No. 990195

I hereby certify that the foregoing Ordinance was FINALLY PASSED on March 8, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAR 19 1999

Date Approved



Mayor Willie L. Brown Jr.