

[Administrative Code – Regulating Overtime Available For City Employees]

Ordinance amending Section 18.13.1 of the San Francisco Administrative Code to 1) limit the overtime worked in any fiscal year by any employee to 2025% of regularly scheduled hours and ~~requiring monthly written reports regarding critical staffing shortages and;~~ 2) to specify and modify written reports to be submitted regarding overtime information.

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

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 18.13.1, to read as follows:

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

(a) Employees may only work overtime if authorized by an appointing officer or designee, and employees may not assign themselves to work overtime. Appointing officers or designees shall only assign overtime when work cannot be completed within normal work schedules. Except as provided for below, absent prior approval of the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), no appointing officer shall suffer or permit any employee to: (i) work overtime hours that exceed, in any fiscal year, ~~thirty~~ twenty-five percent (~~30~~ 20-25%) of the number of hours that the employee is regularly scheduled to work on a straight-time basis in that fiscal year (i.e., ~~624~~ 416-520 hours for a full-time 2080 hour per year employee); or, (ii) work more than ~~eighty~~ seventy-two (72) hours in a regular work week, except that this subsection (a)(ii) does not apply to uniformed Fire Department employees who do not work a standard 40 hour work

1 week. For the purpose of calculating the maximum number of overtime hours an employee is  
2 permitted to work under this Section, hours attributed to vacation and other paid leaves shall  
3 be deemed included in the hours the employee is regularly scheduled to work on a straight-  
4 time basis in a fiscal year.

5 (b) An appointing officer may request an exemption from subsection (a) from the  
6 Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation  
7 Agency) based upon a critical staffing shortage according to criteria developed by the Director  
8 fo Human Resources and the Director of Transportation in consultation with the Controller's  
9 Office. Such criteria shall promote efficiency and advance public service. If an exemption is  
10 granted, the Director of Human Resources (or, if appropriate, the Director of the Municipal  
11 Transportation Agency), shall provide to the Controller a written explanation of the details  
12 justifying the exemption. Such an exemption shall be specific as to position(s) and/or job  
13 classification(s) based on operational needs, and, for example, may provide that exempted  
14 employee(s) may work hours in excess of those described in subsection (a)(i) if doing so  
15 would avoid mandatory overtime.

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

21 (d) At such time that the Controller deems appropriate, the City will evaluate an  
22 alternative payroll configuration to track overtime which is specifically and directly funded by  
23 private non-governmental sources and develop criteria to exempt such overtime from the  
24 requirements of subsection (a)(i) above.

1           ~~(de)~~ An appointing officer may assign overtime hours exempt from subsection (a)  
2 above in the event of disasters, and like emergency situations where such overtime  
3 assignments are necessary to protect public safety.

4           ~~(ef)~~ At such time as the Controller submits to the Board of Supervisors six and nine  
5 month standard financial reports and, if performed, three month reports, the Controller shall  
6 include budgeted overtime versus actual overtime projections in such reports. These reports  
7 shall also describe the extent to which each department has complied with the requirements  
8 of this section. The Controller, in consultation with the and Director of Human Resources and  
9 the Director of Transportation, with the assistance of department heads, shall also submit an  
10 annual overtime submit a biannual report to the Board of Supervisors by February 15th and  
11 May 15th of each year. ~~The report shall include:~~ The annual overtime report shall include  
12 budgeted and actual overtime by department, the number of exemptions granted by the  
13 Directors of the Human Resources Department and the Municipal Transportation Agency and  
14 an aggregate analysis of the justifications for these exemptions, the identification of critical  
15 staffing shortages, improved management practices, and other recommendations to reduce  
16 overtime spending.

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

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

23           ~~(3)~~ Actual year to date salary, expenditures for the current fiscal year, actual year to  
24 date overtime expenditures for the current fiscal year, and actual year to date overtime  
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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~~  
5 ~~of projected salary expenditures for the current fiscal year; and~~

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

8 (fg) ~~The Controller shall submit a monthly report the Board of Supervisors and the~~  
9 ~~Mayor's Budget Director listing the five City departments using the most overtime in the~~  
10 ~~preceding month, listing exemptions granted based upon a critical staffing shortage, and~~  
11 ~~including the written explanations described in subsection (b). A hearing on the this reports~~  
12 ~~described in subsection (f) shall be calendared as a standing agenda item of the Budget and~~  
13 ~~Finance Committee or another fiscal committee of the Board of Supervisors as determined by~~  
14 ~~the President of the Board of Supervisors.~~


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

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

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Section 2. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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

By:   
ELIZABETH SALVESON  
Chief Labor Attorney



**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 110503

**Date Passed:** September 20, 2011

Ordinance amending the San Francisco Administrative Code Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 25% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

July 13, 2011 Budget and Finance Committee - CONTINUED

July 20, 2011 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

July 20, 2011 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 26, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Noes: 1 - Avalos


September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Noes: 1 - Avalos

File No. 110503

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor Edwin Lee

9/27/11  
Date Approved