

[Administrative Code - Regulating Overtime Available for City Employees]

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2 **Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit**
3 **the overtime worked in any fiscal year by any employee to 20% of regularly scheduled**
4 **hours and requiring monthly written reports regarding critical staffing shortages and to**
5 **specify and modify written reports to be submitted regarding overtime information.**
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7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through italics Times New Roman*.
9 Board amendment additions are double-underlined;
10 Board amendment deletions are ~~strike-through normal~~.

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

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

14 **Sec. 18.13-1. - MAXIMUM PERMISSIBLE OVERTIME**

15 (a) Employees may only work overtime if authorized by an appointing officer or
16 designee, and employees may not assign themselves to work overtime. Appointing officers or
17 designees shall only assign overtime when work cannot be completed within normal work
18 schedules. Except as provided for below, absent prior approval of the Director of Human
19 Resources (or, if appropriate, the Director of the Municipal Transportation Agency), no
20 appointing officer shall suffer or permit any employee to: (i) work overtime hours that exceed,
21 in any fiscal year, ~~thirty~~ twenty percent (~~30~~ 20%) of the number of hours that the employee is
22 regularly scheduled to work on a straight-time basis in that fiscal year (i.e., ~~624~~ 416 hours for a
23 full-time 2080 hour per year employee); or, (ii) work more than eighty (80) hours in a regular
24 work week, except that this subsection (a)(ii) does not apply to uniformed Fire Department
25 employees who do not work a standard 40 hour work week. For the purpose of calculating the
maximum number of overtime hours an employee is permitted to work under this Section,

1 hours attributed to vacation and other paid leaves shall be deemed included in the hours the
2 employee is regularly 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 Transportation
5 Agency) based upon a critical staffing shortage. If an exemption is granted, the Director of
6 Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), shall
7 provide to the Controller a written explanation of the details justifying the exemption.

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

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

16 (e) At such time as the Controller submits to the Board of Supervisors six and nine
17 month standard financial reports and, if performed, three month reports, the Controller shall
18 include budgeted overtime versus actual overtime projections in such reports. These reports
19 shall also describe the extent to which each department has complied with the requirements
20 of this section. The Controller, in consultation with the and Director of Human Resources,
21 ~~with the assistance of department heads,~~ shall also submit an annual overtime submit a
22 biannual report to the Board of Supervisors by February 15th and May 15th of each year. The
23 report shall include: The annual overtime report shall include budgeted and actual overtime
24 by department, the number of exemptions granted by the Directors of the Human Resources
25 Department and the Municipal Transportation Agency and an aggregate analysis of the

1 justifications for these exemptions, the identification of critical staffing shortages, improved
2 management practices, and other recommendations to reduce overtime spending.

3 ~~(1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for~~
4 ~~the immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted~~
5 ~~salaries for the immediately preceding fiscal year.~~

6 ~~(2) Actual salary expenditures for the immediately preceding fiscal year, actual~~
7 ~~overtime expenditures for the immediately preceding fiscal year, and actual overtime as a~~
8 ~~percentage of actual salary expenditures for the immediately preceding fiscal year;~~

9 ~~(3) Actual year to date salary, expenditures for the current fiscal year, actual year to~~
10 ~~date overtime expenditures for the current fiscal year, and actual year to date overtime~~
11 ~~expenditures as a percentage of actual year to date salary expenditures for the current fiscal~~
12 ~~year;~~

13 ~~(4) Projected salary expenditures for the current fiscal year, projected overtime~~
14 ~~expenditures for the current fiscal year, and projected overtime expenditures as a percentage~~
15 ~~of projected salary expenditures for the current fiscal year; and~~

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

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

1 (g) If the ~~biannual~~ reports described in subsection (e) ~~identifies~~ identify any
2 departments out of compliance with this section, then a hearing on each such department's
3 noncompliance will be calendared as an agenda item of the Budget and Finance Committee
4 or another fiscal committee of the Board of Supervisors as determined by the President of the
5 Board of Supervisors, at which hearing each Appointing Officer or designee for such
6 department will report his or her department's plan for coming into compliance with this
7 section.

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

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

16 By: _____
17 ELIZABETH SALVESON
18 Deputy City Attorney