

1 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]

2

3 **Ordinance amending the San Francisco Administrative Code by adding Section 16.1740 to allow the City**  
4 **and County of San Francisco to use time-limited paid administrative leave for its employees under**  
5 **certain circumstances.**

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

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

10 The San Francisco Administrative Code is hereby amended by adding Section 16.1740 to read as  
11 follows:

12 **SEC. 16.1740. PAID ADMINISTRATIVE LEAVE.**

13 (a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco  
14 are authorized, but not required, to place any City employee in their department on paid administrative leave under the  
15 following circumstances:

16 (1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing  
17 Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect  
18 the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the  
19 investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time  
20 beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed,  
21 subject to a maximum of thirty (30) calendar days;

22 (2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of  
23 a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization,  
24 or local, state or federal law, for the period of time between the date the City directs the employee to submit to such testing  
25

1 until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject  
2 to a maximum of thirty (30) calendar days;

3 (3) When the City medically removes an employee pursuant to standards set forth by the California  
4 Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

5 (4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil  
6 Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs  
7 the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is  
8 notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination.  
9 Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the  
10 examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing  
11 Officer shall place the employee on compulsory sick leave pursuant to the Civil Service Rules starting on the business day  
12 following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall  
13 restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the  
14 employee has no accrued sick leave, any lost compensation for the same period.

15 (b) While an employee is on paid administrative leave the employee shall receive the compensation he or she  
16 would have earned if the employee had worked during the same period, without the inclusion of overtime earnings or  
17 special pay.

18 (c) The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any  
19 time during the period of paid administrative leave.

20 (d) Subject to the prior written approval of the Director of the Department of Human Resources, the Appointing  
21 Officer may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty  
22 (30) calendar days. For Service Critical Employees employed by the Municipal Transportation Agency, the Director of the  
23 Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this Section for no more  
24 than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for  
25 more than sixty (60) calendar days relating to the same incident.

1                   (e) The City's ability to place employees on paid administrative leave under this section is in addition to, not in  
2 lieu of, its right to place employees on unpaid administrative leave under Charter Section A8.341, or any similar successor  
3 Charter Section. The City may elect to place an employee on paid or unpaid administrative leave as permitted under this  
4 Section or under Charter Section A8.341. Further, the City may place an employee on paid administrative leave either  
5 before or after the employee is placed on unpaid administrative leave.

6                   (f) Nothing herein shall limit or prohibit compliance with the regulations of the California Occupational Safety  
7 and Health Administration in Title 8 of the California Code of Regulations.

8  
9 APPROVED AS TO FORM:  
10 DENNIS J. HERRERA, City Attorney

11 By: \_\_\_\_\_  
12 JILL FIGG DAYAL  
13 Deputy City Attorney