

File No. 110622

Committee Item No. 7
Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Rules

Date 7/21/11

Board of Supervisors Meeting

Date 9/6/11

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Completed by: Linda Wong

Date 7/18/11

Completed by: L. W.

Date 8/2/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Administrative Code – Allowing Paid Administrative Leave In Certain Circumstances]

2
3 Ordinance amending the San Francisco Administrative Code by adding Section 16.10
4 to allow the City and County of San Francisco to use time-limited paid administrative
5 leave for its employees under 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;
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 16.10 to
11 read as follows:

12 **SEC. 16.10. PAID ADMINISTRATIVE LEAVE.**

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

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

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

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2 between the date the City directs the employee to submit to such testing until the employee refuses such
3 testing or the testing is completed and the City is advised of the results of the testing, subject to a
4 maximum of thirty (30) calendar days;

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

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

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

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

25 (d) Subject to the prior written approval of the Director of the Department of Human
Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with

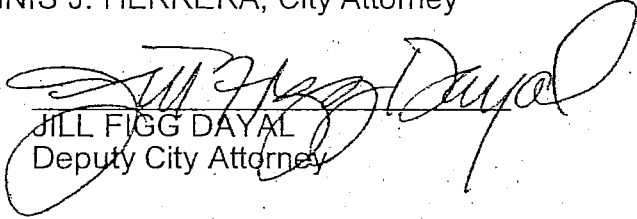
1 this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees
2 employed by the Municipal Transportation Agency, the Director of the Municipal Transportation
3 Agency may extend paid administrative leave one (1) time consistent with this Section for no more than
4 an additional thirty (30) calendar days. Under no circumstances may an employee be on paid
5 administrative leave for more than sixty (60) calendar days relating to the same incident.

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

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

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

17 By:

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19 JILL FIGG DAYAL
20 Deputy City Attorney
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LEGISLATIVE DIGEST

[Administrative Code – Allowing Paid Administrative Leave In Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances.

Existing Law

The San Francisco Charter Section A8.341 permits unpaid, administrative leave for employees of the City and County of San Francisco in certain limited circumstances. Currently, no law of the City and County of San Francisco authorizes paid administrative leave for its employees.

Amendments to Current Law

The proposed ordinance would do the following:

1. Permit, but not require, an appointing officer to place an employee of the City and County of San Francisco (City) on paid administrative leave in the following circumstances: (a) when the City has initiated an investigation relating to an employee's conduct and the employee should be placed on leave to protect the legitimate interests of the City; (b) when the City requires an employee to submit to drug and/or alcohol testing; (c) when the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration; and (d) when the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules. Paid administrative leave under (a), (b) and (d) is limited to a maximum of 30 days unless an extension is obtained.
2. Permit, but not require, the appointing officer to grant one extension of an additional 30 days with the prior written approval of the Director of the Department of Human Resources. In the case of service critical employees of the Municipal Transportation Agency, one 30 day extension may be granted by or the Director of the Municipal Transportation Agency.
3. Permit, but not require, an appointing officer to remove an employee from paid administrative leave for any reason.
4. Permit, but not require, an appointing officer to place an employee on either paid or unpaid administrative leave, or both.

Background Information

This ordinance was proposed by the Department of Human Resources, City and County of San Francisco.

