

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: John Carroll, Assistant Clerk, GAO Committee, Board of Supervisors

DATE: May 19, 2021

SUBJECT: LEGISLATION INTRODUCED - Cost Analysis, Memoranda of Understanding – May 2021

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Breed on May 11, 2021:

These matters are pending committee action; I'm forwarding them to you for a cost analysis.

Please forward your analysis to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

File No. 210533 [Compensation for Unrepresented Employees]

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2021.

c: Todd Rydstrom, Office of the Controller
Michelle Allersma, Office of the Controller
Carol Lu, Office of the Controller

1 [Compensation for Unrepresented Employees]

2

3 **Ordinance fixing compensation for persons employed by the City and County of San**
4 **Francisco whose compensation is subject to the provisions of Charter, Section A8.409,**
5 **in job codes not represented by an employee organization, and establishing working**
6 **schedules and other terms and conditions of employment and methods of payment**
7 **effective July 1, 2021.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Pursuant to Charter Section A8.409-1, the Mayor hereby proposes and the Board of
17 Supervisors approves the wages, hours, and other terms and conditions of employment set
18 forth herein to be applicable to all unrepresented job codes or positions of City employment.

19 Unless specifically noted, the following provisions are applicable to all employees
20 covered by this Ordinance, which includes Miscellaneous Unrepresented employees
21 (unit 001) and Management Unrepresented employees (unit 002). As used in this Ordinance,
22 the term Appointing Officer shall include the Appointing Officer's designee, unless otherwise
23 specified. For informational purposes, a list of job codes designated as Miscellaneous
24 Unrepresented and Management Unrepresented is on file with the Clerk of the Board of
25 Supervisors in Board File No. 210533.

1 SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

2 A. All terms and conditions of employment not covered under this Ordinance shall
3 continue to be subject to the City's direction and control. Unless specifically addressed
4 herein, those terms and conditions of employment that are set forth in the Charter,
5 Administrative Code, Civil Service Rules, and City policies and procedures, shall apply to
6 employees covered by this Ordinance.

7 B. Nothing in this Ordinance shall have application to changes of Civil Service rules
8 and matters subject to the exclusive jurisdiction of the Civil Service Commission under
9 Charter Section A8.409-3, unless specifically approved by the Civil Service Commission,
10 except as such changes may affect compensation.

11
12 SECTION 2. WAGE RATES

13 A. The wage rates for job codes covered by this Ordinance for fiscal year 2021-
14 2022 shall be increased as follows:

15 Effective July 1, 2021: 3.00%

16 Effective January 8, 2022: 0.50%

17 B. The 1283 – Director, Employee Relations Division Classification's Pay Plan shall
18 be the same range of pay as the 0954 – Deputy Director IV Classification.

19 The 1282 – Manager, Employee Relations Division Classification's Pay Plan
20 shall be the same range of pay as the 0932 – Manager IV Classification.

21 The 1281 – Senior Employee Relations Representative Classification's Pay Plan
22 shall be the same range of pay as the 1824 – Principal Administrative Analyst Classification.

23 There shall be three additional five percent (5%) steps (Steps 6, 7 & 8) at the top of the range
24 for this classification. The Employee Relations Director may place employees in Step 6, 7 or
25

1 8, contingent upon the Employee Relations Director designating the employee as the principal
2 representative for a major employee group.

3 The Pay Plan for classifications 1280 – Employee Relations Representative and
4 9530 – Labor Relations Representative, SFMTA, shall be the same range of pay as the 1244
5 – Senior Personnel Analyst Classification. There shall also be three additional five percent
6 (5%) steps (Steps 1, 2 & 3) at the bottom of the range. The Employee Relations Director for
7 classification 1280, or Director of Transportation or designee for classification 9530, may
8 place employees in Steps 6, 7 or 8, contingent upon designating the employee as the lead
9 responsibility for an employee group.

10 The 1293 – Human Resources Director Classification’s Pay Plan shall be the
11 same range of pay as the 0964 – Department Head IV Classification.

12 C. The 1682 – Controller Classification’s Pay Plan shall be the same range of pay
13 as the 0965 – Department Head V Classification.

14 D. The AB44 – Confidential Chief Attorney II Classification’s Pay Plan shall be five
15 percent (5%) above the top step of Classification 8193 Chief Attorney I.

16 E. The Port Commission shall determine the salary for the 9399 Port Director
17 Classification, pursuant to Charter Appendix B3.581(h).

18 F. Classifications in the list below that received no wage increase during fiscal year
19 2020-2021 shall receive a portion of those deferred wages including (1) 0.5% wage increase
20 on July 1, 2021 (deferred from close of business June 30, 2021) and (2) 1.00% wage increase
21 on the close of business June 30, 2022 (portion of deferred 3.0% wage increase from
22 December 26, 2020):

23 0885 Mayoral Staff V

24 0886 Mayoral Staff VI

25 0887 Mayoral Staff VII

- 1 0888 Mayoral Staff VIII
- 2 0889 Mayoral Staff IX
- 3 0890 Mayoral Staff X
- 4 0891 Mayoral Staff XI
- 5 0892 Mayoral Staff XII
- 6 0901 Mayoral Staff XIII
- 7 0902 Mayoral Staff XIV
- 8 0903 Mayoral Staff XV
- 9 0904 Mayoral Staff XVI
- 10 0905 Mayoral Staff XVII

11 G. All base wage calculations shall be rounded to the nearest whole dollar, bi-
12 weekly salary.

13 H. Retirement Restoration. For employees covered by paragraph (F) above who
14 received no wage increase in fiscal year 2021-2021 and who retire between July 1, 2021 and
15 June 30, 2022, the City will provide restoration back pay for the deferred 3.00% wage
16 increase on paid regularly scheduled hours for the 12-month period that preceded the date of
17 retirement, back to December 26, 2020. Restoration payments constitute pensionable
18 compensation, to the maximum extent permissible under the Charter. As an example, by way
19 of illustration only, if an employee retires effective October 1, 2021, the City would provide
20 back pay to the employee for the period December 26, 2020 through September 30, 2021, in
21 the amount of 3% on paid regularly scheduled hours, including paid leave hours.

22

23 SECTION 3. INTERNAL ADJUSTMENT PROCESS

24 Upon request of an Appointing Officer, the Human Resources Director, with the
25 concurrence of the Controller, may approve internal salary adjustments for members of the

1 Management Unit (002), except for the Mayoral Staff classifications (0881-0905), based upon
2 the following:

3 A. Standards

4 The following shall be the standards for internal adjustments for the wage rates for a
5 particular job code:

- 6 1. The salary for the job code is below the prevailing wage level in the relevant
7 labor market as demonstrated by verifiable salary data; and/or
- 8 2. There is an ongoing and demonstrable recruitment and/or retention problem for
9 the job code; and/or
- 10 3. Traditional salary relationships, which continue to be justified, have been
11 substantially altered; and/or
- 12 4. The duties, responsibilities, and/or minimum requirements for a job code have
13 been altered significantly; and/or
- 14 5. Adjustment is necessary to maintain comparability with similarly-situated
15 employees in represented bargaining units.

16 B. Internal Adjustment Cap

17 Internal adjustment costs shall not exceed those offered to members of the City's
18 bargaining unit #32.

19

20 SECTION 4. ACTING ASSIGNMENT PAY

21 A. Employees assigned by the Appointing Officer to perform the full range of
22 essential functions of a position in a higher job code shall receive compensation at a higher
23 salary if all of the following conditions are met:

- 24 1. The assignment is in writing with copies to the Department of Human Resources
25 and Controller.

1 2. The assignment conforms to all Civil Service Commission Rules, policies and
2 procedures.

3 3. The position to which the employee is assigned is a budgeted position.

4 4. The employee is assigned to perform the duties of a higher job code for longer
5 than ten (10) consecutive working days, after which acting assignment pay shall be retroactive
6 to the first day of the assignment.

7 B. If each of the above criteria are met, and upon written approval by the
8 Appointing Officer an employee shall be paid one full salary step adjustment (approximately
9 5%) as acting assignment pay, provided that pay does not exceed the maximum step of the
10 salary grade of the job code to which the employee was temporarily assigned. Premiums
11 based on percent of salary shall be paid at a rate that includes acting assignment pay.

12 C. This provision does not govern requests for classification or reclassification
13 review.

14

15 SECTION 5. SUPERVISORY DIFFERENTIAL ADJUSTMENT

16 The Appointing Officer may adjust the compensation of a supervisory employee whose
17 compensation grade is set by this Ordinance subject to the following conditions:

18 A. The supervisor, as part of the regular responsibilities of his/her job code,
19 supervises, directs, is accountable for, and is in charge of the work of a subordinate or
20 subordinates.

21 B. The supervisor must actually supervise the technical content of subordinate
22 work and possess education and/or experience appropriate to the technical assignment.

23 C. The organization is a permanent one approved by the Appointing Officer, Board,
24 or Commission, where applicable, and is a matter of record based upon review and
25 investigation by the Department of Human Resources.

1 D. The job codes of both the supervisor and the subordinate are appropriate to the
2 organization and have a normal, logical relationship to each other in terms of their respective
3 duties and levels of responsibility and accountability in the organization.

4 E. The compensation grade of the supervisor is less than one full step
5 (approximately 5%) over the compensation grade, exclusive of extra pay, of the employee
6 supervised. In determining the compensation grade of a job code paid a flat rate, the City will
7 convert the flat rate to a bi-weekly rate; for the compensation rate of the flat rate job code, the
8 City shall use the compensation grade the top step of which is closest to the converted flat
9 rate.

10 F. The adjustment of the compensation grade of the supervisor shall not exceed
11 5% over the compensation, exclusive of extra pay, of the employee supervised. If the
12 application of this section adjusts the compensation grade of an employee in excess of the
13 employee's immediate supervisor, whose job code is also covered by this Ordinance, the pay
14 of such immediate supervisor shall be adjusted to an amount \$1.00 bi-weekly in excess of the
15 base rate of the supervisor's highest paid subordinate, provided that the other applicable
16 conditions of this section are also met.

17 G. In no event will the Appointing Officer approve a supervisory salary adjustment
18 in excess of two (2) full steps (approximately 10%) over the supervisor's current base
19 compensation, exclusive of extra compensation. If in the following fiscal year a salary inequity
20 continues to exist, the Appointing Officer may again review the circumstances and may grant
21 an additional salary adjustment not to exceed two (2) full steps (approximately 10%).

22 H. The compensation adjustment is retroactive to the date the employee became
23 eligible, but not earlier than the beginning of the current fiscal year.

1 I. The Human Resources Department may review any changes in the conditions
2 or circumstances that were and are relevant to the request for salary adjustment under this
3 section.

4
5 SECTION 6. SEVERANCE PAY

6 A. Except as provided in Subsection (B) below, exempt employees in Management
7 Unit (002) shall have the same thirty (30) day notice of release or pay in lieu of notice and
8 severance pay benefits as available to members of the City's bargaining unit #32, subject to
9 the same terms and conditions on which notice/pay in lieu of notice and severance pay is
10 available to member of the City's bargaining unit #32.

11 B. Employees in class AB44 Confidential Chief Attorney II shall have the same
12 thirty (30) day notice of release or pay in lieu of notice and severance pay benefits as
13 available to members of the City's bargaining unit #31, subject to the same terms and
14 conditions on which notice/pay in lieu of notice and severance pay is available to member of
15 the City's bargaining unit #31.

16
17 SECTION 7. PREMIUM PAY

18 All premiums and additional forms of compensation described in this Ordinance shall
19 be paid only for actual hours worked.

20 There shall be no pyramiding of premiums for purposes of compensation calculations.
21 Each premium shall be calculated on the base wage rate exclusive of any and all premiums,
22 benefits and other forms of additional compensation.

1 SECTION 8. APPOINTMENT AND ADVANCEMENT THROUGH SALARY STEPS

2 Appointing Officers may appoint employees to any step, at any time, in the salary
3 grade up to but not exceeding the maximum of the salary grade. If there are no steps within
4 the salary grade, the Appointing Officer may appoint employees to any place within the grade
5 at any time, providing that the placement does not exceed the salary grade maximum.

6 Employees who enter below the salary grade maximum may advance one step
7 following completion of one year required service. Further increments may accrue following
8 completion of the required service at this step and at each successive step.

9 An employee's scheduled step increase may be denied if the employee's performance
10 has been unsatisfactory to the City. The denial of a step increase is subject to the grievance
11 procedure; provided, however, that nothing in this section is intended to or shall make
12 performance evaluations subject to the grievance procedure.

13
14 SECTION 9. METHODS OF CALCULATION

15 A. Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis
16 shall be paid the bi-weekly salary for the position for work performed during the bi-weekly
17 payroll period. There shall be no compensation for time not worked unless such time off is
18 authorized time off with pay.

19 B. Per Diem or Hourly. An employee whose compensation is fixed on a per diem
20 or hourly basis shall be paid the daily or hourly rate for work performed during the bi-weekly
21 payroll period on a bi-weekly pay grade. There shall be no compensation for time not worked
22 unless such time off is authorized time off with pay.

1 SECTION 10. WORK SCHEDULES

2 A. REGULAR WORK SCHEDULES

3 1. Regular Work Day. Unless otherwise provided in this Ordinance, a regular
4 workday is a tour of duty of eight (8) hours of work completed within not more than twenty-four
5 (24) hours.

6 2. Regular Work Week. The Appointing Officer shall determine the work schedule
7 for employees. A regular work week is a tour of duty of five (5) worked days within a seven
8 (7) day period. However, employees who are moving from one shift or one work schedule to
9 another may be required to work in excess of five (5) working days in conjunction with
10 changes in their work shifts or schedules.

11 3. Employees shall receive no compensation when properly notified (2-hour notice)
12 that work applicable to the job code is not available because of inclement weather conditions,
13 shortage of supplies, traffic conditions, or other unusual circumstances. Employees who are
14 not properly notified and report to work and are informed no work applicable to the job code is
15 available shall be paid for a minimum of two (2) hours. Employees who have been
16 designated by their department as emergency personnel must report to work as scheduled
17 unless otherwise notified by the Appointing Officer. Employees who begin their shifts and are
18 subsequently relieved of duty due to the above reasons shall be paid a minimum of two (2)
19 hours, and for hours actually worked beyond two (2) hours, computed to the nearest one-
20 quarter hour.

21 B. ALTERNATE WORK SCHEDULES

22 The Appointing Officer may enter into cost equivalent alternate work schedules for
23 some or all employees covered by this Ordinance. Such alternate work schedules may
24 include, but are not limited to, core hours flex-time; full-time work weeks of less than five (5)
25 days; or a combination of features mutually agreeable to the parties. Such changes in the

1 work schedule shall not alter the basis for, nor entitlement to, receiving the same rights and
2 privileges as those provided to employees on five (5) day, forty (40) hour a week schedules.

3 C. VOLUNTARY REDUCED WORK WEEK

4 Subject to approval by the Appointing Officer, employees covered by this Ordinance
5 may voluntarily elect to work a reduced work week for a specified period of time. Such
6 reduced work week shall not be less than twenty (20) hours per week. Pay, vacation,
7 holidays and sick pay shall be reduced proportionately in accordance with any such reduced
8 work week.

9
10 SECTION 11. STANDBY PAY AND PAGER PAY

11 Employees who, as part of the duties of their positions are required by the Appointing
12 Officer to standby when normally off duty to be instantly available to be called in for immediate
13 emergency service for the performance of their regular duties, shall be paid ten percent (10%)
14 of their regular straight time rate of pay for the period of such standby service. When such
15 employees are called to perform their regular duties in emergencies during the period of such
16 standby service, they shall be paid while engaged in such emergency service the usual rate of
17 pay for such service.

18 The provisions authorizing standby pay do not apply to job codes designated by a "Z"
19 symbol.

20
21 SECTION 12. CALL BACK

22 Except for employees at remote locations where City supplied housing has been
23 offered, or who are otherwise being compensated, employees who are called back to work
24 locations following the completion of the work day and departure from their place of
25 employment shall be granted a minimum of four (4) hours pay at the applicable rate or shall

1 be paid for all hours actually worked at the applicable rate, whichever is greater. This section
2 shall not apply to employees who are called back to duty when on stand-by status.

3 Notwithstanding the general provisions of this section, call back pay shall not be
4 allowed in job codes designated by a "Z" symbol.

5
6 SECTION 13. OVERTIME COMPENSATION

7 A. Subject to sub-paragraphs (B) through (D) below, the Appointing Officer may
8 require employees to work longer than the regular work day or the regular work week. Any
9 time worked by an employee with proper authorization, exclusive of part-time employees, in
10 excess of forty (40) hours actually worked during a regular work week shall be designated as
11 overtime and shall be compensated at one-and-one-half times the base hourly rate.

12 B. Employees working in job codes who are designated as having a regular work
13 week of less than forty (40) hours shall not be entitled to overtime compensation for work
14 performed in excess of their specified regular hours until they exceed forty (40) hours of hours
15 actually worked per week. Overtime shall be calculated and paid on the basis of the total
16 number of straight time hours actually worked in a week. Overtime compensation so earned
17 shall be computed subject to all the provisions and conditions set forth herein.

18 C. Only legal holidays, listed in Section 15 ("Holidays"), shall count as hours
19 worked for the purposes of computing overtime.

20 D. Employees in non-"Z" designated job codes who are required to work overtime
21 shall be paid at a rate of one and one-half times their regular base rate. An employee may
22 elect to accrue Compensatory Time Off ("CTO") in lieu of overtime, provided that the
23 Appointing Officer approves that election. In no instance may an employee accrue more than
24 one hundred sixty (160) hours of CTO. Non-"Z" classified employees who are appointed to a
25 position in another department shall have their entire CTO balance paid out at the rate of the

1 underlying classifications prior to appointment. Non-“Z” classified employees who are
2 appointed to positions in a higher, non-“Z” designated classifications or who are appointed to
3 positions in a “Z” designated classifications shall have their entire CTO balance paid out at the
4 rate of the lower classifications prior to promotion.

5 E. Employees in job codes designated by a "Z" symbol shall not be paid for
6 overtime worked but may earn CTO at the rate of one hour for each hour worked in excess of
7 40 hour/week. The maximum amount of CTO that may be accrued is one hundred sixty (160)
8 hours with exception of class 1282 Manager Employee Relations for which the maximum
9 amount of CTO that may be accrued is one hundred (100) hours in a fiscal year. In lieu of
10 accruing CTO during the fiscal year, unrepresented department heads, the 1283 Director of
11 Employee Relations and employees in AB44 Confidential Chief Attorney II shall have the
12 same Management Leave benefit applicable to employees in job codes assigned to the EM
13 Group.

14
15 SECTION 14. FAIR LABOR STANDARDS ACT

16 To the extent that this Ordinance fails to afford employees the overtime or
17 compensatory time off benefits to which they are entitled under the Fair Labor Standards Act
18 (“FLSA”), this Ordinance authorizes and directs all City departments to ensure that their
19 employees receive, at a minimum, such FLSA benefits.

20
21 SECTION 15. HOLIDAYS

22 Except when normal operations require, or in an emergency, employees covered by
23 this Ordinance shall not be required to work on the following days hereby declared to be
24 holidays for such employees:

25 January 1 (New Year's Day)

- 1 the third Monday in January (Martin Luther King, Jr.'s Birthday)
- 2 the third Monday in February (President's Day)
- 3 the last Monday in May (Memorial Day)
- 4 July 4 (Independence Day)
- 5 the first Monday in September (Labor Day)
- 6 the second Monday in October (Indigenous Peoples Day and Italian American Heritage
- 7 Day)
- 8 November 11 (Veteran's Day)
- 9 Thanksgiving Day
- 10 the day after Thanksgiving
- 11 December 25 (Christmas Day)

12 Provided however, that, if January 1, July 4, November 11 or December 25 falls on a
13 Sunday, the Monday following is a holiday.

14 In addition, included shall be any day declared to be a holiday by proclamation of the
15 Mayor after such day has heretofore been declared a holiday by the Governor of the State of
16 California or the President of the United States.

17 For those employees assigned to a work week of Monday through Friday, and in the
18 event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday;
19 provided, however, that except where the Governor declares that such preceding Friday shall
20 be a legal holiday, each department head shall make provision for the staffing of public offices
21 under the department head's jurisdiction on such preceding Friday so that those public offices
22 may serve the public as provided in the Administrative Code Section 16.4. Those employees
23 who work on a Friday that is observed as a holiday in lieu of a holiday falling on Saturday shall
24 be allowed a day off in lieu thereof as scheduled by the Appointing Officer in the current fiscal
25

1 year. The City shall provide one week's advance notice to employees scheduled to work on
2 the observed holiday, except in cases of unforeseen operational needs.

3 The City shall accommodate religious belief or observance of employees as required
4 by law.

5 Employees are entitled to five (5) floating holidays totaling forty (40) hours (pro-rated
6 for eligible part-time employees), in each fiscal year to be taken on days selected by the
7 employee subject to prior scheduling approval of the Appointing Officer. Employees hired on
8 an as-needed, intermittent or seasonal basis shall not receive floating holidays. Floating
9 holidays may be taken in hourly increments up to and including the number of hours
10 contained in the employee's regular shift. Floating holidays may be carried forward from one
11 fiscal year to the next. The number of floating holidays carried forward to a succeeding fiscal
12 year may not exceed the total number of floating holidays received in the previous fiscal year.
13 No compensation of any kind shall be earned or granted for floating holidays not taken.
14 Employees who have established initial eligibility for floating holidays and subsequently
15 separate from City employment, may, at the sole discretion of the Appointing Officer, be
16 granted to take off those floating holiday(s) to which the separating employee was eligible and
17 had not yet taken off. The number of floating holidays carried forward to a succeeding fiscal
18 year shall not exceed the total number of floating holidays received in the previous fiscal year.

19 Floating holidays are to be scheduled per mutual agreement, based on operational
20 needs of the department.

21

22 SECTION 16. HOLIDAY COMPENSATION FOR TIME WORKED

23 Employees required by their respective Appointing Officer to work on any of the
24 holidays specified in Section 15 or to substitute holidays excepting Fridays observed as
25 holidays in lieu of holidays falling on Saturday, shall be paid extra compensation of one (1)

1 additional day's pay at time and one-half (1-1/2) the usual rate in the amount of twelve (12)
2 hours pay for eight (8) hours worked or a proportionate amount if less than eight (8) hours
3 worked; provided, however, that at an employee's request and with the approval of the
4 Appointing Officer, an employee may be granted CTO in lieu of paid overtime.

5 Employees occupying positions that are exempt from the FLSA (Executive,
6 Administrative and Professional) shall not receive extra compensation for holiday work but
7 may be granted time off at the discretion of the Appointing Officer.

8

9 SECTION 17. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER
10 THAN MONDAY THROUGH FRIDAY

11 A. Employees assigned to seven (7) day-operation departments or employees
12 working a five (5) day work week other than Monday through Friday shall be allowed another
13 day off if a holiday falls on one of their regularly scheduled days off.

14 B. Employees whose holidays are changed because of shift rotations shall be
15 allowed another day off if a legal holiday falls on one of their days off.

16 C. Employees required to work on a holiday that falls on a Saturday or Sunday
17 shall receive holiday compensation for work on that day. Holiday compensation shall not then
18 be additionally paid for work on the Friday preceding a Saturday holiday, nor on the Monday
19 following a Sunday holiday.

20 D. Sections (B) and (C) above shall apply to part-time employees on a pro-rata
21 basis. If the provisions of this section deprive an employee of the same number of legal
22 holidays that an employee receives who works Monday through Friday, the employee shall be
23 granted additional days off to equal such number of holidays. The designation of such days off
24 shall be by mutual agreement of the employee and the appropriate employer representative.
25 Such days off must be taken within the fiscal year. In no event shall the provisions of this

1 section result in the employee receiving more or less holidays than an employee on a Monday
2 through Friday work schedule.

3
4 SECTION 18. HOLIDAY PAY FOR EMPLOYEES LAID OFF

5 An employee who is laid off at the close of business the day before a holiday who has
6 worked not less than five (5) previous consecutive workdays shall be paid for the holiday at
7 the employee's normal rate of compensation.

8
9 SECTION 19. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

10 Persons employed for holiday work only, or persons employed on a part-time work
11 schedule that is less than twenty (20) hours in a bi-weekly pay period, or persons employed
12 on an intermittent part-time work schedule (not regularly scheduled), or persons employed on
13 as-needed, seasonal or project basis for less than six (6) months continuous service, or
14 persons on leave without pay status both immediately preceding and immediately following
15 the legal holiday shall not receive holiday pay.

16
17 SECTION 20. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

18 Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly
19 pay period shall be entitled to holiday pay on a proportionate basis.

20 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in
21 a bi-weekly pay period, therefore, part-time employees, as defined in the immediately
22 preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours
23 regularly worked in a bi-weekly pay period. The computation of holiday time off shall be
24 rounded to the nearest hour.

1 The proportionate amount of holiday time off shall be taken in the same fiscal year in
2 which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the
3 employee and the appropriate employer representative.

4
5 SECTION 21. IN-LIEU HOLIDAYS

6 A. Requests for in-lieu holidays shall be made to the appropriate management
7 representative within thirty (30) days after the holiday is earned and must be taken within the
8 fiscal year.

9 B. In-lieu holidays will be assigned by the Appointing Officer if not scheduled in
10 accordance with the procedures described herein.

11 C. An in-lieu holiday can be carried over into the next fiscal year only with the
12 written approval of the Appointing Officer.

13
14 SECTION 22. PROBATIONARY PERIODS

15 Probationary periods shall be defined and administered by the Civil Service
16 Commission. All permanent civil service appointees shall serve a minimum of 2,080 hours
17 probationary period.

18 A probationary period may be extended by mutual written agreement between the
19 employee and the Appointing Officer.

20
21 SECTION 23. HEALTH AND WELFARE

22 The City's contributions to employee health, dental, and other insurance benefits will be
23 equivalent to those offered to members of the City's bargaining unit #32.

24 In addition, employees who are Health Services System members are eligible for one
25 (1) annual VDT examination and prescribed eyewear.

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SECTION 24. RETIREMENT CONTRIBUTION

Employees in classifications covered by this Ordinance shall pay retirement contributions as set forth in the San Francisco Charter.

The parties acknowledge that the San Francisco Charter establishes the levels, terms and conditions of retirement benefits for members of the San Francisco City and County Employees Retirement System (“SFERS”). The fact that the Ordinance does not specify that a certain item of compensation is excluded from retirement benefits does not and should not be construed to mean that SFERS includes the compensation when calculating retirement benefits.

SECTION 25. PRE-RETIREMENT PLANNING SEMINAR

Subject to development, availability, and scheduling by SFERS, employees shall be allowed not more than one (1) day to attend a pre-retirement planning seminar sponsored by SFERS.

Employees must provide at least two (2) weeks advance notice of their desire to attend a retirement planning seminar to the appropriate supervisor. An employee who has timely requested release time shall be released from work to attend the seminar unless staffing requirements or other department exigencies require the employee’s attendance at work on the day or days such seminar is scheduled. Release time shall not be unreasonably withheld.

All such seminars must be located within the Bay Area.

This section shall not be subject to the grievance procedure.

SECTION 26. WORKER’S COMPENSATION AND RETURN TO WORK

The City will make a good faith effort to return employees who have sustained an

1 occupational injury or illness to temporary modified duty within the employee's medical
2 restriction. Duties of the modified assignment may differ from the employee's regular job
3 duties or from job duties regularly assigned to employees in the injured employee's job code.
4 Where appropriate modified duty is not available within the employee's job code, on the
5 employee's regular shift, and in the employee's department, the employee may be temporarily
6 assigned pursuant to this section to work in another job code, on a different shift, and/or in
7 another department, subject to the approval of the Appointing Officer. The decision to provide
8 modified duty and/or the impact of such decisions shall not be subject to grievance or
9 arbitration. Modified duty assignments may not exceed three (3) months. An employee
10 assigned to a modified duty assignment shall the regular base rate of pay and shall not be
11 eligible for any other additional compensation (premiums) or out of class assignment pay as
12 may be provided under this Ordinance.

13 An employee who is absent because of an industrial disability and who is receiving
14 Temporary Disability, Vocational Rehabilitation Maintenance Allowance, or State Disability
15 Insurance, may request to supplement the amount of disability indemnity payment with salary
16 to be charged against the employee's accumulated unused sick leave with pay credit balance,
17 CTO, vacation, or other paid leave as available, so as to equal the normal salary the
18 employee would have earned for the regular work schedule. Use of CTO for this purpose
19 requires approval from the employee's Appointing Officer.

20 An employee who wishes not to supplement, or who wishes to supplement with CTO or
21 vacation, must submit a written request to the Appointing Officer within seven (7) calendar
22 days following the first date of absence. Disability indemnity payments will be automatically
23 supplemented with sick pay credits (if the employee has sick pay credits and is eligible to use
24 them) to provide up to the employee's normal salary unless the employee makes an
25 alternative election as provided in this section.

1 Employee supplementation of worker's compensation payments to equal the full salary
2 the employee would have earned for the regular work schedule in effect when the worker's
3 compensation leave began shall be drawn only from an employee's paid leave credits
4 including vacation, sick leave, or other paid leave as available. An employee returning from
5 disability leave will accrue sick leave at the regular rate and not an accelerated rate.

6 Salary may be paid on regular time-rolls and charged against the employee's sick
7 leave with pay, vacation, or CTO credit balance during any period before the determination of
8 eligibility for disability indemnity payment without requiring a signed option by the employee.
9 Sick leave with pay, vacation, or CTO credits shall be used to supplement disability indemnity
10 pay at the minimum rate of one (1) hour units.

11 This section clarifies and supersedes any conflicting provisions of the Civil Service
12 Commission Rules that are within the Charter authority of the Board of Supervisors.

13 14 SECTION 27. STATE DISABILITY INSURANCE COVERAGE

15 Upon a statement by a majority of employees in a job code, or by the sole incumbent in
16 a single "A" position or by the majority of employees in a multi "A" position, requesting that
17 they be enrolled in the State Disability Program, the City shall take all necessary action to
18 enroll affected employees therein.

19 20 SECTION 28. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION 21 STATUTES

22 This Ordinance shall be interpreted, administered, and applied in a manner that
23 complies with the provisions of federal, state, and local disability and anti-discrimination laws.
24 The City shall have the right to take whatever action it deems appropriate to ensure
25 compliance with such laws.

1 A complaint of discrimination may, at the option of the employee, be processed through
2 the grievance procedure of this Ordinance, or through the applicable Civil Service rules, the
3 City Administrative Code, and federal and state law. If the employee elects to pursue
4 remedies for discrimination complaints outside the grievance procedure of this Ordinance, that
5 election shall constitute a waiver of the right to pursue that complaint through the grievance
6 process under this Ordinance. To the extent permissible by law, if there is an election to
7 pursue the complaint through the grievance process under this Ordinance, that election shall
8 constitute a waiver of the right to pursue the complaint in other forums and the employee shall
9 be required to execute a written acknowledgement of the waiver in a form approved by the
10 City Attorney.

11
12 SECTION 29. TUITION REIMBURSEMENT

13 The City will allocate \$30,000 for the Tuition Reimbursement Program for employees
14 covered by this Ordinance. Employees covered by this Ordinance may be reimbursed up to a
15 maximum of \$2,500 for tuition, registration fees, books and other materials for internal or
16 external training programs that will enhance the employee's work skills, professional
17 conferences, professional association memberships and desired licenses relevant to the
18 employee's current classification. Tuition reimbursement must be approved by the employee's
19 Appointing Officer and be in accordance with procedures determined by the Human
20 Resources Director.

21 Subject to approval by the Appointing Officer and to the extent funds are available,
22 employees may utilize up to \$1,000 of the funds available to them under this section to pay for
23 the cost of reasonable and necessary travel and lodging for approved training. Travel
24 reimbursement rates shall be as specified in the Controller's current travel policy.
25

1 In addition, subject to the approval of the Appointing Officer, an employee may also be
2 reimbursed up to \$1,000 of the maximum funds available to them for the purchase of
3 handheld electronic devices (e.g. smartphones, tablets), laptop computers, professional
4 software, and books and subscriptions for use in the performance of their City duties. Tuition
5 reimbursement must be approved by the employee's Appointing Officer and be in accordance
6 with procedures determined by the Human Resources Director.

7
8 SECTION 30. RENEWAL FEES FOR CERTIFICATIONS, LICENSES OR
9 REGISTRATIONS

10 When a certificate, license or registration is required by the Civil Service Commission
11 as a minimum qualification for City employment in a position covered by this Ordinance, the
12 City will reimburse the employee for the amount of the mandatory fee for the renewal of such
13 certificate, license or registration.

14
15 SECTION 31. BAR DUES

16 Full-time permanent exempt employees covered by this Ordinance who, as a condition
17 of employment, are required to be a member of the California State Bar shall be reimbursed
18 for annual mandatory minimum California State Bar dues, plus one subcommittee.

19
20 SECTION 32. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

21 Employees covered by this Ordinance shall be on paid status when assigned to attend
22 required educational programs scheduled during normal working hours.

23
24 SECTION 33. LIFE INSURANCE

25 Upon becoming eligible to participate in the Health Service System under San

1 Francisco Administrative Code Section 16.700, the City shall provide life insurance in the
2 amount of \$50,000 for all employees covered by this Ordinance.

3
4 SECTION 34. SAFETY EQUIPMENT & PROTECTIVE CLOTHING

5 All employees covered by this Ordinance shall be provided with safety equipment and
6 protective clothing in accordance with Cal-OSHA requirements and as deemed appropriate by
7 and authorized by the Appointing Officer.

8
9 SECTION 35. PARENTAL LEAVE

10 Upon proper advance notification, employees covered by this Ordinance may be
11 granted up to forty (40) hours parental leave per fiscal year, four (4) hours of which will be
12 paid leave to participate in the activities of a school or licensed child day care facility of any of
13 the employee's children. An employee may take two (2) hours of paid leave between July 1 to
14 December 31, and another two (2) hours paid leave from January 1 to June 30. In addition,
15 parental leave shall not exceed eight (8) hours in any calendar month of the year.

16 In order to qualify for parental leave, the employees must give reasonable notice to
17 their immediate supervisors before taking the time off. The employee must provide written
18 verification from the school or licensed child day care facility confirming that the employee
19 participated in school/child care related activities on a specific date and at a particular time, if
20 requested by management. The employee may utilize either existing vacation, CTO, or
21 personal (unpaid) leave to account for absences qualifying for parental leave after the
22 employee has used the paid leave hours as provided above. If both of the child's parents are
23 employed by the City at the same worksite, the entitlement to a planned absence on parental
24 leave applies only to the parent who first gives notice.

25 Denial of parental leave under this section is not subject to the grievance process.

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SECTION 36. MILEAGE REIMBURSEMENT

Covered employees shall be reimbursed at the Controller's certified rate per mile when required to use their personal vehicle for City business.

SECTION 37. GRIEVANCE PROCEDURE

A. Definition:

A grievance shall be defined as any dispute that involves the interpretation or application of this Ordinance. The grievance must state the circumstances about which the grievant claims to be aggrieved, the section(s) of the Ordinance that the grievant believes were violated, and the remedy or solution sought by the grievant.

B. General Provisions:

In no event shall a grievance include a claim for money relief for more than a thirty (30) working day period before the grievant initiated the grievance.

If the supervisor or Appointing Officer fails to respond within the required time limits specified in paragraph C below, the grievant may then present the grievance in writing to the next higher step. If the grievant fails to present the grievance to the next higher step within the required time limits, then the grievance is considered withdrawn.

The parties may extend the time limits set forth in this grievance procedure by mutual written agreement.

Any deadline date under this section that falls on a Saturday, Sunday or a legal holiday listed in Section 15 shall be continued to the next business day.

C. Procedure:

Step I Immediate Supervisor

An employee having a grievance must first discuss it with the employee's immediate

1 supervisor. The employee's immediate supervisor is the individual who immediately assigns,
2 reviews or directs the work of an employee.

3 If a solution to the grievance, satisfactory to the employee and immediate supervisor, is
4 not accomplished by the informal discussion, the employee may pursue the matter further.
5 The employee shall submit a written statement of the grievance to the immediate supervisor
6 within fifteen (15) calendar days of the facts or event giving rise to the grievance or within
7 fifteen (15) calendar days from such time as the employee should have known of the
8 occurrence thereof. The discussion with the supervisor described in the preceding paragraph
9 does not extend the time to submit the written grievance.

10 The immediate supervisor will make every effort to arrive at a prompt resolution by
11 investigating the issue. The supervisor shall respond within ten (10) calendar days.

12 Step II Department Head or Designee

13 If the employee is not satisfied with the decision rendered at Step 1, the employee shall
14 submit the grievance in writing to the department head or designee within fifteen (15) calendar
15 days of receiving notification of the Step 1 decision or the due date for the Step 1 decision.
16 The grievance shall include a specific description of the basis for the claim, the Ordinance
17 section(s) believed violated and the resolution desired, and an explanation of why the Step I
18 response is insufficient. The parties shall meet within fifteen (15) calendar days, unless a
19 mutually agreed upon alternative is established. The Appointing Officer shall, within fifteen
20 (15) calendar days of receipt of the written grievance, or within ten (10) calendar days of the
21 date the meeting is held, whichever comes later, respond in writing to the grievance,
22 specifying the reason(s) for concurring with or denying the grievance.

23 Step III Director, Employee Relations Division

24 If the employee is not satisfied with the decision of the Appointing Officers, the
25 employee shall submit the grievance to the Employee Relations Director within fifteen (15)

1 calendar days after receipt of the Appointing Officer’s decision or the date that decision was
2 due. The employee shall state why the Step II response is insufficient.

3 The Employee Relations Director shall have thirty (30) calendar days after receipt of
4 the written grievance in which to review and seek resolution of the grievance and to render a
5 decision concurring with or denying the grievance. The Employee Relations Director’s
6 decision shall be final and binding.

7
8 SECTION 38. PAPERLESS PAY POLICY

9 A. The Citywide Paperless Pay Policy will apply to all employees covered by this
10 Ordinance.

11 B. Under the policy, all employees shall be able to access their pay advices
12 electronically, and print them in a confidential manner. Employees without computer access
13 shall be able to receive hard copies of their pay advices through their payroll offices upon
14 request.

15 C. Under the policy, all employees (regardless of start date) will have two options for
16 receiving pay: direct deposit or pre-loaded bank card.

17
18 SECTION 39. SUBSTANCE ABUSE PREVENTION POLICY

19 All employees covered by this Ordinance shall be subject to post-accident testing as
20 defined in the City’s Substance Abuse Prevention Policy (“SAPP”). All employees covered by
21 this Ordinance who perform safety-sensitive functions as defined by the SAPP shall be
22 subject to reasonable suspicion testing as defined in the SAPP. The City’s SAPP is posted on
23 the Department of Human Resources website.

1 SECTION 40. SAVINGS CLAUSE

2 If a court or administrative body of competent jurisdiction rules that any provision of this
3 Ordinance is invalid, that ruling shall not invalidate the remaining provisions, which shall
4 remain in full force and effect for the duration of this Ordinance.

5
6 SECTION 41. EFFECTIVE AND OPERATIVE DATES. This Ordinance shall become
7 effective upon enactment, and shall become operative on July 1, 2021. Enactment occurs
8 when the Mayor signs the Ordinance, the Mayor returns the Ordinance unsigned or does not
9 sign the Ordinance within ten days of receiving it, or the Board of Supervisors overrides the
10 Mayor’s veto of the Ordinance.

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

13
14 By: /s/
15 JENNIFER S. STOUGHTON
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Compensation for Unrepresented Employees]

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2021.

Existing Law

Under Charter Section A8.409-1, the Mayor proposes for approval by the Board of Supervisors the wages, hours, and other terms and conditions of employment set forth herein to be applicable to all unrepresented job codes or positions of City employment.

Amendments to Current Law

The proposed ordinance presents the Mayor's proposed wages, hours and other terms and conditions of employment applicable to all unrepresented job codes or positions of City employment for Fiscal Year 2021-2022.

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FY 21-22 Unrepresented Ordinance Job Codes

Job Code	Descr
0881	Mayoral Staff I
0882	Mayoral Staff II
0883	Mayoral Staff III
0884	Mayoral Staff IV
0885	Mayoral Staff V
0886	Mayoral Staff VI
0887	Mayoral Staff VII
0888	Mayoral Staff VIII
0889	Mayoral Staff IX
0890	Mayoral Staff X
0891	Mayoral Staff XI
0892	Mayoral Staff XII
0901	Mayoral Staff XIII
0902	Mayoral Staff XIV
0903	Mayoral Staff XV
0904	Mayoral Staff XVI
0905	Mayoral Staff XVII
1280	Employee Relations Representat
1281	Senior Emp Relations Repres
1282	Manager,Employee Relations Div
1283	Dir Emp Relations Div
1293	Human Resources Director
1682	Controller
9399	Port Director
9530	Labor Relations Rep,SFMTA
9531	Sr.Labor Relations Rep,SFMTA
9979	Labor and Employment Advisor
AB44	Cfdntal Chf Atty 2,(Cvl&Crmnl)
AC35	Bd/Comm Secretary 3

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

May 11, 2021

TO: Angela Calvillo, Clerk of the Board
Board of Supervisors

FROM: Amalia Martinez, Acting Employee Relations Director
Department of Human Resources

RE: **Unrepresented Employees Ordinance**

Please find enclosed for the Unrepresented Employees Ordinance:

- 1 Original ORDINANCE
- 1 Signed ORDINANCE on redline
- 1 Legislative Digest
- List of Classifications

Summary of Changes

- The wage rates for job codes covered by this Ordinance for fiscal year 2021-2022 shall be increased as follows:

Effective July 1, 2021:	3.00%
Effective January 8, 2022:	0.50%
- The AB44 – Confidential Chief Attorney II Classification’s Pay Plan shall be five percent (5%) above the top step of Classification 8193 Chief Attorney I to provide the standard supervisory differential.
- Classifications in the list below that received no wage increase during fiscal year 2020-2021 shall receive a portion of those deferred wages including (1) 0.5% wage increase on July 1, 2021 (deferred from close of business June 30, 2021) and (2) 1.00% wage increase on the close of business June 30, 2022 (portion of deferred 3.0% wage increase from December 26, 2020), in line with restoration of deferred fiscal year 2020-2021 wages agreed to with the San Francisco Police Officer’s Association and the San Francisco Fire Fighters Local 798.

0885 Mayoral Staff V
0886 Mayoral Staff VI
0887 Mayoral Staff VII
0888 Mayoral Staff VIII

0889 Mayoral Staff IX
0890 Mayoral Staff X
0891 Mayoral Staff XI
0892 Mayoral Staff XII
0901 Mayoral Staff XIII
0902 Mayoral Staff XIV
0903 Mayoral Staff XV
0904 Mayoral Staff XVI
0905 Mayoral Staff XVII

- Retirement Restoration. For employees listed above who received no wage increase in fiscal year 2021-2021 and who retire between July 1, 2021 and June 30, 2022, the City will provide restoration back pay for the deferred 3.00% wage increase on paid regularly scheduled hours for the 12-month period that preceded the date of retirement, back to December 26, 2020. Restoration payments constitute pensionable compensation, to the maximum extent permissible under the Charter. As an example, by way of illustration only, if an employee retires effective October 1, 2021, the City would provide back pay to the employee for the period December 26, 2020 through September 30, 2021, in the amount of 3% on paid regularly scheduled hours, including paid leave hours.

Electronic copies have been sent via e-mail today. Please refer to the appropriate Committee at your earliest convenience.

We request a waiver of the 30-Day hold and the following hearing dates, so the Board can approve the Ordinance to be effective July 1, 2021:

- Hearing at Government Audit and Oversight committee – June 10, 2021 (committee report)
- BOS 1st reading – June 15, 2021
- BOS 2nd reading – June 22, 2021

Copies of the enclosures have been sent to the Controller, and by copy hereof, I request that costing information be submitted directly to the Board with copies to the Employee Relations Division.

Thank you.

Enclosures

cc: Ben Rosenfield, Controller
Carol Isen, Human Resources Director
Mawuli Tugbenyoh, Chief of Policy Department of Human Resources
Kelly Kirkpatrick, Mayor's Budget Director
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Members, Government, Audit and Oversight Committee
John Carroll, Assistant Clerk, Board of Supervisors

Angela Calvillo
May 11, 2021
Page 3 of 3

Brent Jalipa, Legislative Clerk, Board of Supervisors
Katharine Porter, Chief Labor Attorney, City Attorney's Office
File