

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Six
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Forty-Sixth Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**
5 **coronavirus COVID-19 pandemic by delegating to the Human Resources Director and**
6 **the Director of Transportation the authority until June 30, 2022, to waive or modify**
7 **provisions of Memoranda of Understanding with labor organizations representing**
8 **sworn employees of the Fire Department and Sheriff’s Department and transit**
9 **operators related to compensation, including overtime and premium pay, and to waive**
10 **Charter or Administrative Code provisions limiting the cash out of accrued vacation**
11 **balances where necessary or appropriate to ensure staffing to carry out essential**
12 **government services and respond to the pandemic.**

13
14 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
15 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

16 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
17 Existence of a Local Emergency to the Board of Supervisors (the “Proclamation”), and on
18 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
19 taken by the Mayor to meet the emergency; the Proclamation and the Board’s concurring
20 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

21 WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency
22 under Section 101080 of the California Health and Safety Code, and the Board of Supervisors
23 concurred in that declaration on March 10, 2020; and

24 WHEREAS, On November 4, 2021, the Mayor issued the Fortieth Supplement to the
25 Proclamation, authorizing the Human Resources Director to provide compensation incentives

1 to existing employees in the Fire Department to encourage them to work in lieu of taking paid
2 time off and to work overtime shifts and authorizing the Director of Transportation to provide
3 similar incentives to transit operators; the Fortieth Supplemental Proclamation is on file with
4 the Clerk of the Board of Supervisors in Board File No. 211184; the Mayor took this action to
5 address staffing shortages and to ensure the continuity of services due to unusually high
6 resignations and retirements over 2020 and 2021 due to the COVID-19 pandemic and the City
7 employee vaccination mandate and due to the separation of some employees for failing to
8 comply with the employee vaccination mandate; and

9 WHEREAS, On December 30, 2021, in the Forty-Second Supplemental Proclamation,
10 the Mayor extended the authorization as to the Fire Department, and also authorized the
11 incentives for employees of the Sheriff's Department due to severe staffing shortages in that
12 department due to impacts of the COVID-19 pandemic and emergency; the Forty-Second
13 Supplemental Proclamation is on file with the Clerk of the Board of Supervisors in Board File
14 No. 220023; staffing shortages in the Fire Department, Sheriff's Department, and the
15 Municipal Transportation Agency persist for the reasons identified in the Fortieth and Forty-
16 Second Supplemental Proclamations; and

17 WHEREAS, To ensure the continuity of City services in the Fire Department and
18 Sheriff's Department, it is in the public interest to extend the authority of the Human
19 Resources Director to provide certain compensation incentives to existing employees to
20 encourage them to work in lieu of taking time off, and to also provide the Director of
21 Transportation authority to offer incentives to transit operators to ensure continuity of City
22 public transportation services; and

23 WHEREAS, On March 31, 2022, the Mayor took additional steps to meet the
24 emergency by issuing the Forty-Sixth Supplement to the Proclamation, ordering two actions to
25

1 meet the emergency; the Forty-Sixth Supplement is on file with the Clerk of the Board of
2 Supervisors in Board File No. 220359; and

3 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
4 provide for the concurrence by members of the Board of Supervisors in such emergency
5 declaration and in action taken by the Mayor to meet the emergency; now, therefore, be it

6 MOVED, That the Board of Supervisors concurs with the following actions taken by the
7 Mayor to meet the local emergency included in the Mayor's Forty-Sixth Supplement to the
8 Proclamation, dated March 31, 2022, as such actions are described in full in the Forty-Sixth
9 Supplement and summarized as follows:

10 Action 1: Delegating to the Human Resources Director until June 30, 2022,
11 the authority to waive or modify provisions of Memoranda of Understanding with labor
12 organizations representing sworn employees of the Fire Department and Sheriff's Department
13 related to compensation, including overtime and premium pay, and to waive Charter or
14 Administrative Code provisions limiting the cash out of accrued vacation balances, upon a
15 written determination that such waivers are necessary or appropriate to ensure appropriate
16 staffing at the department to carry out essential government services and respond to the
17 pandemic.

18 Action 2: Delegating to the Director of Transportation until June 30, 2022,
19 the authority to waive or modify provisions of the Memorandum of Understanding with the
20 labor organization representing transit operators related to compensation, including overtime
21 and premium pay, and to waive Charter or Administrative Code provisions limiting the cash
22 out of accrued vacation balances, upon a written determination that such waivers are
23 necessary or appropriate to ensure appropriate transit operator staffing to carry out essential
24 government services and respond to the pandemic.

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