

FILE NO. 020535

ORDINANCE NO. **96-02**

[Unrepresented Employees]

**Ordinance Fixing Compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002.**

Note: *Additions are single-underline italics Times New Roman;*  
*deletions are strikethrough italics Times New Roman.*  
Board amendment additions are double underlined.  
~~Board amendment deletions are strikethrough normal.~~

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

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

Unless specifically noted, the following provisions are applicable to all employees covered by this Ordinance, which includes Miscellaneous Unrepresented employees and Management Unrepresented employees. For informational purposes, see Attachment A for a list of jobcodes designated as Miscellaneous Unrepresented and Management Unrepresented.

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5

6 SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

7 A. All terms and conditions of employment not covered under this Ordinance shall continue  
 8 to be subject to the City's direction and control. Unless specifically addressed herein,  
 9 those terms and conditions of employment which are currently set forth in the Charter,  
 10 Administrative Code, Civil Service Rules, policies and procedures, shall apply to  
 11 employees covered by this ordinance.

12 B. Nothing in this Ordinance shall have application to changes of Civil Service rules and  
 13 matters subject to the exclusive jurisdiction of the Civil Service Commission pursuant to  
 14 Charter Section A8.409-3, unless specifically approved by the Civil Service Commission,  
 15 except as such changes may affect compensation.

16 SECTION 2. WAGE RATES

17

18 The wage rates for the employees covered by this Ordinance for fiscal year 2002-2003 shall be  
 19 increased as follows:

<u>Effective July 1, 2002</u>	<u>Effective January 4, 2003</u>
<u>2 1/2%</u>	<u>2 1/2 %</u>

20

21

22 Effective July 1, 2002, there shall be a one time wage adjustment of 5% to 1283 Director,  
 23 Employee Relations Division.

24 All base wage increases shall be rounded to the nearest salary grade.

25

1           SECTION 3. PROJECT MANAGERS

2           For fiscal year 2002-2003, the wage differential that existed in 1992-93 shall be re-established  
3 between the Project Manager jobcodes and their related professional engineering jobcodes as follows:

4           5502 Project Manager I       and 5206 Associate Civil Engineer

5           5504 Project Manager II       and 5208 Civil Engineer

6           5506 Project Manager III       and 5210 Senior Civil Engineer

7           5508 Project Manager IV       and 5212 Principal Engineer

8           SECTION 4. INTERNAL ADJUSTMENT PROCESS

9           Upon request of an Appointing Officer, the Director of the Human Resources Department may  
10 approve internal salary adjustments, subject to approval of the Board of Supervisors, during the term  
11 of the Ordinance based upon the following:

12           1.       Standards

13           The following shall be the standards for internal adjustments for the wage rates for a  
14 particular jobcode:

15           a)       The salary for the jobcode is below the prevailing wage level in the relevant  
16 labor market as demonstrated by verifiable salary data; and/or

17           b)       There is an ongoing and demonstrable recruitment and/or retention problem;  
18 and/or

19           c)       Traditional salary relationships, which continue to be justified, have been  
20 substantially altered; and/or

21           d)       The duties, responsibilities and/or minimum requirements for a jobcode have  
22 been altered significantly.

23           2.       Internal Adjustment Cap

1 Internal adjustment costs shall not exceed an annualized cost of .3% of the total payroll  
2 cost for the employees covered by this Ordinance.

3 SECTION 5. ACTING ASSIGNMENT PAY

4 The Appointing Officer/designee assigns duties to employees covered by this Ordinance.  
5 Employees assigned by the Appointing Officer/designee to perform the full range of essential functions  
6 of a position in a higher jobcode shall receive compensation at a higher salary if all of the following  
7 conditions are met:

8 (1) The assignment shall be in writing with copies to the Department of Human Resources and  
9 Controller.

10 (2) The assignment shall conform to all Civil Service Commission Rules, policies and  
11 procedures.

12 (3) The position to which the employee is assigned must be a budgeted position.

13 (4) The employee is assigned to perform the duties of a higher jobcode for longer than eleven  
14 (11) consecutive working days; after which acting assignment pay shall be retroactive to the  
15 first day of the assignment.

16 a. If each of the above criteria are met and upon written approval by the Department  
17 Head, an employee shall be paid one full salary step adjustment (approximately 5%)  
18 but which does not exceed the maximum step of the salary grade of the jobcode to  
19 which temporarily assigned. Premiums based on percent of salary shall be paid at a  
20 rate which includes acting assignment pay.

21 b. Requests for classification or reclassification review shall not be governed by this  
22 provision.

1                    SECTION 6. SUPERVISORY DIFFERENTIAL ADJUSTMENT

2                    The Appointing Officer may adjust the compensation of a supervisory employee whose  
3 compensation grade is set herein subject to the following conditions:

- 4
- 5                    (1) The supervisor, as part of the regular responsibilities of his/her jobcode, supervises,  
6 directs, is accountable for and is in responsible charge of the work of a subordinate or  
7 subordinates.
- 8                    (2) The supervisor must actually supervise the technical content of subordinate work and  
9 possess education and/or experience appropriate to the technical assignment.
- 10                   (3) The organization is a permanent one approved by the Appointing Officer, Board or  
11 Commission, where applicable, and is a matter of record based upon review and  
12 investigation by the Department of Human Resources.
- 13                   (4) The jobcodes of both the supervisor and the subordinate are appropriate to the  
14 organization and have a normal, logical relationship to each other in terms of their  
15 respective duties and levels of responsibility and accountability in the organization.
- 16                   (5) The compensation grade of the supervisor is less than one full step (approximately 5%)  
17 over the compensation grade, exclusive of extra pay, of the employee supervised. In  
18 determining the compensation grade of a jobcode being paid a flat rate, the flat rate will be  
19 converted to a bi-weekly rate and the compensation grade the top step of which is closest to  
20 the flat rate so converted shall be deemed to be the compensation grade of the flat rate  
21 jobcode.
- 22                   (6) The adjustment of the compensation grade of the supervisor shall not exceed 5% over the  
23 compensation, exclusive of extra pay, of the employee supervised. If the application of this  
24 section adjusts the compensation grade of an employee in excess of his/her immediate  
25 supervisor, whose jobcode is also covered by this Ordinance the pay of such immediate

1 supervisor shall be adjusted to an amount \$1.00 bi-weekly in excess of the base rate of  
2 his/her highest paid subordinate, provided that the other applicable conditions of this  
3 section are also met.

4 (7) In no event will the Appointing Officer approve a supervisory salary adjustment in excess  
5 of two (2) full steps (approximately 10%) over the supervisor's current basic compensation.  
6 If in the following fiscal year a salary inequity continues to exist, the Appointing Officer  
7 may again review the circumstances and may grant an additional salary adjustment not to  
8 exceed two (2) full steps (approximately 10%).

9 (8) The compensation adjustment is retroactive to the date the employee became eligible, but  
10 not earlier than the beginning of the current fiscal year.

11 (9) The Human Resources Department shall review any changes in the conditions or  
12 circumstances that were and are relevant to the request for salary adjustment under this  
13 section.

14 SECTION 7. SEVERANCE PAY (FOR MANAGEMENT UNREPRESENTED EMPLOYEES):

15  
16 (1) When an exempt employee covered by this Ordinance is involuntarily removed or released  
17 from employment, the Appointing Officer will endeavor to inform the employee at least  
18 thirty (30) calendar days before his/her final day of work. Where the Appointing Officer  
19 fails or declines to inform the employee a full thirty (30) days in advance, the exempt  
20 employee shall receive pay in lieu of the number of days less than thirty (30) upon which  
21 s/he was informed.

22  
23 (2) In addition to paragraph (1.), when an exempt employee covered by this Ordinance is  
24 involuntarily removed or released from employment with ten (10) or more years of City  
25



1 Service, the employee shall also receive one month's severance pay in exchange for a  
2 release signed by the employee of any and all claims arising under this Ordinance that  
3 the employee may have against the City including any officer or employee thereof. This  
4 release shall also include a waiver of any rights the employee may have to return to City  
5 employment e.g., holdover roster. This release does not effect claims or rights an  
6 employee may have independent of this Ordinance such as those rights arising under  
7 state or federal law.

8  
9 (3) In the event an exempt employee covered by this Ordinance is involuntarily returned to a  
10 permanent job code, that employee may elect to separate from City Service and shall  
11 receive one month's severance pay in exchange for a release signed by the employee of  
12 any and all claims arising under this Ordinance that the employee may have against the  
13 City including any officer or employee thereof. This release shall also include a waiver  
14 of any rights the employee may have to return to City employment e.g., holdover roster.  
15 This release does not effect claims or rights an employee may have independent of this  
16 Agreement such as those rights arising under state or federal law.

17  
18 SECTION 8. BILINGUAL PAY

19  
20 Unrepresented employees who are assigned by their Department to a position designated by  
21 their Department as a "Bilingual Position", subject to approval by the Human Resources Department,  
22 shall receive an additional \$35.00 in each pay period when bilingual duties are performed five (5)  
23 hours or more in each week. A designated "Bilingual Position" is one in which the employee is  
24 required to translate to and from a foreign language, or sign language as used by the deaf.

1           SECTION 9. PREMIUM PAY

2           All premiums and additional forms of compensation described in this ordinance shall be paid  
3 only for actual hours worked.

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

7           SECTION 10. APPOINTMENT AND ADVANCEMENT

8           Appointing Officers may appoint employees to any step, at any time, in the salary grade which  
9 does not exceed the maximum of the salary grade. If there are no steps within the salary grade, the  
10 Appointing Officer may appoint employees to any place within the grade at any time, providing that the  
11 placement does not exceed the salary grade maximum.

12           SECTION 11. METHODS OF CALCULATION

13           (1) Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis shall be paid  
14 the bi-weekly salary for his/her position for work performed during the bi-weekly  
15 payroll period. There shall be no compensation for time not worked unless such time off  
16 is authorized time off with pay.

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

1                   SECTION 12. WORK SCHEDULES

2                   (1) REGULAR WORK SCHEDULES

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

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

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

21                   (2) NIGHT DUTY

22                   Employees, exclusive of employees in jobcodes which are exempt from the Fair  
23                   Labor Standards Act, who, as part of their regularly scheduled work shift, are required  
24                   to work night duty as defined in the Fair Labor Standards Act, shall be paid a minimum of  
25                   two (2) hours of pay for each night duty shift worked, and for hours actually worked beyond two (2) hours, computed to the nearest one-quarter hour.

1 to work any hours between (five) 5:00 p.m. and (seven) 7:00 a.m. shall receive a  
2 premium of 6¼% per hour in addition to their straight time hourly base rate of pay for  
3 any and all hours worked between (five) 5:00 p.m. and (seven) 7:00 a.m. Excluded from  
4 this provision are those employees who participate in an authorized flex-time program  
5 where the work shift includes hours to be worked between the hours of (five) 5:00 p.m.  
6 and (seven) 7:00 a.m. Day shift employees assigned to work during the night duty  
7 premium hours are not eligible for night duty premium. Payment of this premium shall  
8 be made for actual hours worked.

9 (3) ALTERNATE WORK SCHEDULES

10 The Appointing Officer may enter into cost equivalent alternate work schedules for  
11 some or all employees. Such alternate work schedules may include, but are not limited  
12 to, core hours flex-time; full-time work weeks of less than five (5) days; or a  
13 combination of features mutually agreeable to the parties. Such changes in the work  
14 schedule shall not alter the basis for, nor entitlement to, receiving the same rights and  
15 privileges as those provided to employees on five (5) day, forty (40) hour a week  
16 schedules.

17 (4) VOLUNTARY REDUCED WORK WEEK

18 Employees subject to the approval by the Appointing Officer may voluntarily elect to  
19 work a reduced work week for a specified period of time. Such reduced work week shall  
20 not be less than twenty (20) hours per week. Pay, vacation, holidays and sick pay shall  
21 be reduced in accordance with such reduced work week.  
22

1                   SECTION 13. STANDBY PAY AND PAGER PAY

2                   Employees who, as part of the duties of their positions are required by the Appointing Officer to  
3 standby when normally off duty to be instantly available to be called in for immediate emergency  
4 service for the performance of their regular duties, shall be paid twenty-five (25) percent of their  
5 regular straight time rate of pay for the period of such standby service, except that employees shall be  
6 paid ten (10) percent of their regular straight time rate of pay for the period of such standby service  
7 when outfitted by the department with an electronic paging device. When such employees are called to  
8 perform their regular duties in emergencies during the period of such standby service, they shall be  
9 paid while engaged in such emergency service the usual rate of pay for such service.

10                   The provisions authorizing standby pay do not apply to jobcodes designated by a "Z" symbol.

11                   SECTION 14. CALL BACK

12                   Employees (except those at remote locations where City supplied housing has been offered, or  
13 who are otherwise being compensated) who are called back to their work locations following the  
14 completion of his/her work day and departure from his/her place of employment, shall be granted a  
15 minimum of four (4) hours pay at the applicable rate or shall be paid for all hours actually worked at  
16 the applicable rate, whichever is greater. This section shall not apply to employees who are called  
17 back to duty when on stand-by status.

18                   Notwithstanding the general provisions of this section, call back pay shall not be allowed in  
19 jobcodes designated by a "Z" symbol.

1                   SECTION 15. OVERTIME COMPENSATION

2  
3                   (1) Subject to sub-paragraphs 2-4 below, the Appointing Officer may require employees to  
4                   work longer than the regular work day or the regular work week. Any time worked by  
5                   an employee with proper authorization, exclusive of part-time employees, in excess of  
6                   forty (40) hours actually worked during a regular work week shall be designated as  
7                   overtime and shall be compensated at one-and-one-half times the base hourly rate. For  
8                   the purposes of calculating overtime compensation, an employee's base hourly rate may  
9                   include certain premiums for those hours actually worked at the premium rate.

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

16  
17                  (3) Employees in non "Z" designated jobcodes who are required to work overtime shall be  
18                  paid at a rate of one and one-half times their regular base rate. An employee may elect  
19                  to accrue Compensatory Time Off (CTO) in lieu of overtime, provided that the  
20                  Appointing Officer approves of such election. In no instance may an employee accrue  
21                  more than two hundred forty (240) hours of CTO.

22                  (4) Employees in jobcodes designated by a "Z" symbol shall not be paid for overtime  
23                  worked but may earn (CTO) at the rate of one hour for each hour worked in excess of 40  
24                  hour/week. The maximum amount of CTO that may be accrued may be established by  
25                  each Appointing Officer. In lieu of accruing CTO during the fiscal year, unrepresented

1 department heads and employees in AB44 Confidential Chief Attorney II shall have the  
2 same administrative time off benefit applicable to employees in jobcodes assigned to the  
3 EM Unit.

4 SECTION 16. FAIR LABOR STANDARDS ACT

5  
6 To the extent that this Ordinance fails to afford employees the overtime or compensatory time  
7 off benefits to which they are entitled under the Fair Labor Standards Act, this Ordinance authorizes  
8 and directs all City Departments to ensure that their employees receive, at a minimum, such Fair Labor  
9 Standards Act Benefits.

10 SECTION 17. HOLIDAYS

11 Except when normal operations require, or in an emergency, employees shall not be required to  
12 work on the following days hereby declared to be holidays for such employees:

13 January 1 (New Year's Day)

14 the third Monday in January (Martin Luther King, Jr.'s Birthday)

15 the third Monday in February (President's Day)

16 the last Monday in May (Memorial Day)

17 July 4 (Independence Day)

18 the first Monday in September (Labor Day)

19 the second Monday in October (Columbus Day)

20 November 11 (Veteran's Day)

21 Thanksgiving Day

22 the day after Thanksgiving

23 December 25 (Christmas Day)  
24  
25

1 Provided further, if January 1, July 4, November 11 or December 25 falls on a Sunday, the  
2 Monday following is a holiday.

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

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

7 Employees are entitled to four (4) additional floating days off to be taken on days selected by  
8 the employee subject to prior scheduling approval of the Appointing Officer. Employees (both full-time  
9 and part-time) must complete six (6) months continuous service to establish initial eligibility for the  
10 floating days off. Employees hired on an as-needed, intermittent or seasonal basis shall not receive the  
11 additional floating days off. Floating days off may not be carried forward from one fiscal year to the  
12 next. No compensation of any kind shall be earned or granted for floating days off not taken.  
13 Employees who have established initial eligibility for floating days off and subsequently separate from  
14 City employment, may at the sole discretion of the appointing authority, be granted those floating  
15 day(s) off to which the separating employee was eligible and had not yet taken off.

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



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

3 SECTION 18. HOLIDAY COMPENSATION FOR TIME WORKED  
4

5 Employees required by their respective Appointing Officer to work on any of the above-  
6 specified or to substitute holidays excepting Fridays observed as holidays in lieu of holidays falling on  
7 Saturday, shall be paid extra compensation of one (1) additional day's pay at time and one-half (1-1/2)  
8 the usual rate in the amount of twelve (12) hours pay for eight (8) hours worked or a proportionate  
9 amount if less than eight (8) hours worked; provided, however, that at an employee's request and with  
10 the approval of the Appointing Officer, an employee may be granted compensatory time off in lieu of  
11 paid overtime.

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

15 SECTION 19. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER THAN  
16 MONDAY THROUGH FRIDAY  
17

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

21 (2) Employees whose holidays are changed because of shift rotations shall be allowed another  
22 day off if a legal holiday falls on one of their days off.

23 (3) Employees required to work on a holiday which falls on a Saturday or Sunday shall receive  
24 holiday compensation for work on that day. Holiday compensation shall not then be  
25

1 additionally paid for work on the Friday preceding a Saturday holiday, nor on the Monday  
2 following a Sunday holiday.

3 (4) Sections (2) and (3) above shall apply to part-time employees on a pro-rata basis.

4 If the provisions of this section deprive an employee of the same number of holidays that an  
5 employee receives who works Monday through Friday, s/he shall be granted additional  
6 days off to equal such number of holidays. The designation of such days off shall be by  
7 mutual agreement of the employee and the appropriate employer representative. Such days  
8 off must be taken within the fiscal year. In no event shall the provisions of this section  
9 result in such employee receiving more or less holidays than an employee on a Monday  
10 through Friday work schedule.

11 SECTION 20. HOLIDAY PAY FOR EMPLOYEES LAID OFF

12  
13 An employee who is laid off at the close of business the day before a holiday who has worked  
14 not less than five (5) previous consecutive workdays shall be paid for the holiday at their normal rate of  
15 compensation.

16 SECTION 21. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

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

22 SECTION 22. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

23  
24 Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly pay  
25 period shall be entitled to holiday pay on a proportionate basis.

1 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a bi-  
2 weekly pay period, therefore, part-time employees, as defined in the immediately preceding paragraph,  
3 shall receive a holiday based upon the ratio of 1/10 of the total hours regularly worked in a bi-weekly  
4 pay period. Holiday time off shall be determined by calculating 1/10 of the hours worked by the part-  
5 time employee in the bi-weekly pay period immediately preceding the pay period in which the holiday  
6 falls. The computation of holiday time off shall be rounded to the nearest hour.

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

10  
11 SECTION 23. IN-LIEU HOLIDAYS

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

14 (2) In-lieu holidays will be assigned by the Appointing Officer or designee if not scheduled in  
15 accordance with the procedures described herein.

16 (3) An in-lieu holiday can be carried over into the next fiscal year only with the written  
17 approval of the Appointing Officer.

18 SECTION 24. PROBATIONARY PERIODS

19 Probationary periods shall be defined and administered by the Civil Service Commission. All  
20 permanent appointees shall serve a minimum of a six (6) month probationary period except that the  
21 Human Resources Director may designate specific jobcodes which shall require up to a one (1) year  
22 probationary period.

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

3           SECTION 25. HEALTH AND WELFARE AND DENTAL COVERAGE

4  
5           1. EMPLOYEE HEALTH CARE COVERAGE

6           The City's contribution to employee health care coverage will be set in accordance with the  
7 requirements of Charter Sections A8.423 and A8.428.

8  
9           2. DEPENDENT HEALTH CARE COVERAGE

10          (A) The City's contribution for dependent health care coverage for Miscellaneous  
11 Unrepresented employees shall be \$225.00 per covered employee per month. In the event  
12 that the cost of dependent care increases, the City will adjust its pick-up level up to 75% of  
13 the cost of Kaiser's dependent health care medical costs charged to the employee for the  
14 employee plus two or more dependents category.

15           For "medically single" employees, i.e., benefited employees not receiving the  
16 contribution paid by the City for dependent health care benefits, the City shall contribute all  
17 of the premium for the employee's own health care benefit coverage.

18          (B) The City's contribution for dependent health care coverage for Management  
19 Unrepresented employees to the Flexible Benefits Plan shall be the greater amount of  
20 \$225.00 per covered employee per month or 75% per covered employee per month of the  
21 dependent rate charged to employees for Kaiser coverage at the dependent plus two or more  
22 level. The specific benefits offered are subject to change.

23          3. DENTAL HEALTH CARE COVERAGE

24          The City will provide dental contributions at the present level during the term of this ordinance.  
25

1                   SECTION 26. RETIREMENT CONTRIBUTION

2                   The City shall pick up the full amount of the employees' contribution to retirement.

3                   The parties acknowledge that the San Francisco Charter establishes the levels, terms and  
4 conditions of retirement benefits for members of the San Francisco Employees Retirement System  
5 (SFERS). The fact that the Ordinance does not specify that a certain item of compensation is excluded  
6 from retirement benefits should not be construed to mean that the item is included by the Retirement  
7 Board when calculating retirement benefits.

8                   SECTION 27. PRE-RETIREMENT PLANNING SEMINAR

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

12                   Employees must provide at least two (2) weeks advance notice of their desire to attend a  
13 retirement planning seminar to the appropriate supervisor. An employee shall be released from work  
14 to attend the seminar unless staffing requirements or other Department exigencies require the  
15 employee's attendance at work on the day or days such seminar is scheduled. Release time shall not be  
16 unreasonably withheld.

17                   All such seminars must be located within the Bay Area.

18                   This section shall not be subject to the grievance procedure.

19                   SECTION 28. WORKER'S COMPENSATION AND RETURN TO WORK

20                   The City will make a good faith effort to return employees who have sustained an occupational  
21 injury or illness to temporary modified duty within the employee's medical restriction. Duties of the  
22 modified assignment may differ from the employee's regular job duties and/or from job duties regularly  
23 assigned to employees in the injured employee's jobcode. Where appropriate modified duty is not  
24  
25

1 available within the employee's jobcode, on the employee's regular shift, and in the employee's  
2 department, the employee may be temporarily assigned pursuant to this section to work in another  
3 jobcode, on a different shift, and/or in another department, subject to the approval of the Appointing  
4 Officer or designee. The decision to provide modified duty and/or the impact of such decisions shall not  
5 be subject to grievance or arbitration. Modified duty assignments may not exceed three (3) months. An  
6 employee assigned to a modified duty assignment shall receive their regular base rate of pay and shall  
7 not be eligible for any other additional compensation (premiums) and or out of jobcode assignment pay  
8 as may be provided under this Ordinance.

9 An employee who is absent because of an occupational disability and who is receiving  
10 Temporary Disability, Vocational Rehabilitation Maintenance Allowance, State Disability Insurance,  
11 may request that the amount of disability indemnity payment be supplemented with salary to be charged  
12 against the employee's accumulated unused sick leave with pay credit balance at the time of disability,  
13 compensatory time off, or vacation, so as to equal the normal salary the employee would have earned  
14 for the regular work schedule. Use of compensatory time requires the employee's Appointing Officer's  
15 approval.

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

22  
23 Employee supplementation of workers compensation payment to equal the full salary the  
24 employee would have earned for the regular work schedule in effect at the commencement of the  
25 workers compensation leave shall be drawn only from an employee's paid leave credits including

1 vacation, sick leave balance, or other paid leave as available. An employee returning from disability  
2 leave will accrue sick leave at the regular rate and not an accelerated rate.

3 Salary may be paid on regular time-rolls and charged against the employee's sick leave with  
4 pay, vacation, or compensatory time credit balance during any period prior to the determination of  
5 eligibility for disability indemnity payment without requiring a signed option by the employee.

6 Sick leave with pay, vacation, or compensatory time credits shall be used to supplement  
7 disability indemnity pay at the minimum rate of one (1) hour units.

8 This provision clarifies and supersedes any conflicting provisions of the Civil Service Commission  
9 Rules which are within the Charter authority of the Board of Supervisors.

10  
11 SECTION 29. STATE DISABILITY INSURANCE (SDI) COVERAGE

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

16  
17 SECTION 30. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION STATUTES

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

21 SECTION 31. TUITION REIMBURSEMENT

22 The City will allocate \$10,000 for the Tuition Reimbursement Program for employees covered by this  
23 Ordinance. Employees shall not be reimbursed for more than \$700.00. Classes which will enhance an  
24 employee's work skills shall be considered as qualifying for tuition reimbursement. Tuition  
25

1 reimbursement must be approved by the employee's Appointing Officer and be in accordance with  
2 procedures determined by the Human Resources Director.

3 SECTION 32. SPECIAL EDUCATIONAL LEAVE FOR SUPERVISING CLINICAL  
4 PSYCHOLOGISTS

5 Each regular full time or part time 2576 Supervising Clinical Psychologist (excluding as needed  
6 employees) shall be allowed the required number of hours of educational leave with pay for re-  
7 licensure to attend formally organized courses, institutes, workshops or classes to fulfill re-licensure  
8 requirements, as authorized and approved by the Appointing Officer or designee.

9  
10 SECTION 33. RENEWAL FEES FOR CERTIFICATIONS, LICENSES OR REGISTRATIONS

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

14  
15 SECTION 34. BAR DUES

16 Full-time permanent exempt employees who, as a condition of employment, are required to be a  
17 member of the California State Bar shall be reimbursed for his/her annual mandatory minimum  
18 California State Bar dues.

19  
20 SECTION 35. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

21 Unrepresented employees shall be on paid status when assigned to attend required educational  
22 programs scheduled during normal working hours.



1           SECTION 36. LIFE INSURANCE

2           The City shall provide life insurance in the amount of \$50,000 for Management Unrepresented  
3 Employees.

4           SECTION 37. SAFETY EQUIPMENT & PROTECTIVE CLOTHING

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

8           SECTION 38. LONG TERM DISABILITY

9           The City, at its own cost, shall provide to Miscellaneous Unrepresented Employees a Long  
10 Term Disability (LTD) benefit that provides, after a one hundred and eighty (180) day elimination  
11 period, sixty percent salary (60%) (subject to integration) up to age sixty-five (65). Employees who are  
12 receiving or who are eligible to receive LTD shall be eligible to participate in the City's Catastrophic  
13 Illness Program only to the extent allowed for in the ordinance governing such program.

14           SECTION 39. PARENTAL RELEASE TIME

15           Upon proper advance notification, covered employees may be granted up to forty (40) hours  
16 Parental Leave for fiscal year 2002 -2003 - four (4) hours of which will be paid leave to participate in  
17 the activities of a school or licensed child day care facility of any of the employee's children. Parental  
18 leave shall not exceed eight (8) hours in any calendar month of the year.

19           In order to qualify for Parental leave, the employee must give reasonable notice to his/her  
20 immediate supervisor prior to taking the time off. The employee must provide written verification from  
21 the school or licensed child day care facility that he/she participated in school/child care related  
22 activities on a specific date and at a particular time, if requested by management.  
23  
24  
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1           The employee may utilize either existing vacation, compensatory time off, or personal (unpaid)  
2 leave to account for absences after the two (2) paid hours per semester have been used. If both of the  
3 child's parents are employed by the City at the same worksite, the entitlement to a planned absence  
4 applies only to the parent who first gives notice.

5 Denial of Parental Leave under this section is not subject to the grievance process.

6           SECTION 40. MILEAGE REIMBURSEMENT

7  
8           Covered employees shall be reimbursed at the Controller's certified rate per mile when  
9 required to use their personal vehicle for City business.

10           SECTION 41. PILOT WELLNESS PROGRAM

11  
12           The City hereby establishes a pilot "wellness incentive program" to promote workforce  
13 attendance.

14           Effective July 1, 2002, any full-time employee leaving the employment of the City upon service  
15 or disability retirement may receive payment of a portion of accrued sick leave credits at the time of  
16 separation.

17           The amount of this payment shall be equal to two-and-one-half percent (2.5%) of accrued sick  
18 leave credits at the time of separation times the number of whole years of continuous employment times  
19 an employee's salary rate, exclusive of premiums or supplements, at the time of separation. Vested sick  
20 leave credits, as set forth under Civil Service Commission Rules, shall not be included in this  
21 computation.

22           Example of Calculation:

23           Employee A retires with 20 years of service.  
24  
25

1 Employee A has a sick leave balance of 500 hours.

2 Employee A has a base salary rate of \$25.00 per hour at the time of separation.

3 Wellness Incentive = 2.5% for each year of service x 20 years of service = 50%.

4 50% x 500 hours = 250 hours.

5 250 hours x \$25.00 (base salary at time of separation) = \$6,250.00

6 The number of hours for which an employee may receive cash payments shall not  
7 exceed one thousand forty (1040) hours, including any vested sick leave.

8 A wellness incentive bonus payment shall not be considered as part of an employee's  
9 compensation for the purpose of computing retirement benefits.

11 SECTION 42. MUNICIPAL TRANSPORTATION AGENCY (MTA) INCENTIVE PROGRAMS

12 Covered MTA (Municipal Transportation Agency) service critical jobcodes and 'A' positions  
13 shall be eligible to participate in the MTA Performance Incentive Program and the Attendance  
14 Incentive Program.

16 SECTION 43. GRIEVANCE PROCEDURE

17 Definition:

18 A Grievance shall be defined as any dispute which involves the interpretation or application of  
19 this Ordinance. The grievance must state the circumstances on which the grievant claims to be  
20 aggrieved, the section(s) of the Ordinance which the grievant believes violated and the remedy or  
21 solution being sought by the grievant.

22 General Provisions:

23 In no event shall a grievance include a claim for money relief for more than a thirty (30)  
24 working day period prior to the initiation of the grievance.

1 If the supervisor or Appointing Officer fails to respond within the required time limits, the  
2 grievant may then present the grievance in writing to the next higher step. If the grievant fails to  
3 present the grievance to the next higher step within the required time limits, then the grievance will be  
4 considered to be resolved.

5 The time limits set forth in this grievance procedure may be extended by mutual agreement between the  
6 parties.

7 Any deadline date under this section that falls on a Saturday, Sunday or Holiday shall be  
8 continued to the next business day.

9 Procedure:

10  
11 Step I Immediate Supervisor

12 An employee having a grievance must first discuss it with the employee's immediate supervisor.  
13 The employee's immediate supervisor is the individual who immediately assigns, reviews or directs the  
14 work of an employee.

15 If a solution to the grievance, satisfactory to the employee and immediate supervisor is not  
16 accomplished by the informal discussion, the employee may pursue the matter further.

17 The employee shall submit a written statement of the grievance to the immediate supervisor within  
18 fifteen (15) calendar days of the facts or event giving rise to the grievance or within fifteen (15)  
19 calendar days from such time as the employee should have known of the occurrence thereof.

20 The immediate supervisor will make every effort to arrive at a prompt resolution by  
21 investigating the issue. He/she shall respond within five (5) calendar days.

22 Step II Department Head/Designee

23 If the employee is not satisfied with the decision rendered, the employee shall submit the  
24 grievance in writing to the department head or designee within fifteen (15) calendar days of receiving  
25 notification of that decision. The grievance shall include a specific description of the basis for the

1 claim, the Ordinance section(s) believed violated and the resolution desired. The parties shall meet  
2 within fifteen (15) calendar days, unless a mutually agreed upon alternative is established. The  
3 Department Head/designee shall, within fifteen (15) calendar days of receipt of the written grievance,  
4 or within ten (10) calendar days of the date the meeting is held, whichever comes later, respond in  
5 writing to the grievance, specifying his/her reason(s) for concurring with or denying the grievance.

6 Step III Director, Employee Relations Division

7 If the employee is not satisfied with the decision of the Department Head/designee, the employee  
8 shall submit the grievance to the Employee Relations Director within fifteen (15) calendar days after  
9 receipt of the Department's decision.

10 The Director shall have thirty (30) calendar days after receipt of the written grievance in which  
11 to review and seek resolution of the grievance and to render a decision concurring with or denying the  
12 grievance. The Director's decision shall be final and binding.

13 SECTION 44. SAVINGS CLAUSE

14 Should any part hereof or any provision herein be declared invalid by any decree of court of  
15 competent jurisdiction, such invalidation of such part or portion of this Ordinance shall not invalidate  
16 the remaining portions hereof and the remaining portions hereof shall remain in full force and effect  
17 for the duration of this ordinance.

18 Recodifications may have rendered the references to specific Civil Service Rules and Charter  
19 sections contained herein incorrect. Such terms will be read as if they accurately referenced the same  
20 sections in their newly codified form as of July 1, 2002.  
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1 This Ordinance shall be effective July 1, 2002.

2  
3 APPROVED AS TO FORM:

4 DENNIS J. HERRERA, CITY ATTORNEY

5  
6 By 

7 Linda M. Ross, Chief Labor Attorney

ATTACHMENT A

001 = Miscellaneous Unrepresented Jobcodes

002 = Management Unrepresented Jobcodes

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<u>1130</u>	<u>Youth Comm Advisor, Bd of Sprv</u>	<u>001</u>
<u>1229</u>	<u>Special Examiner</u>	<u>001</u>
<u>1437</u>	<u>Shelter Office Asst Supv</u>	<u>001</u>
<u>1766</u>	<u>Media Production Tech</u>	<u>001</u>
<u>1767</u>	<u>1767 Media Programming Spec</u>	<u>001</u>
<u>1769</u>	<u>Media Production Supv</u>	<u>001</u>
<u>1942</u>	<u>Asst Materials Coordinator</u>	<u>001</u>
<u>2325</u>	<u>Nurse Midwife</u>	<u>001</u>
<u>2561</u>	<u>Optometrist</u>	<u>001</u>
<u>2576</u>	<u>Sprv Clinical Psychologist</u>	<u>001</u>
<u>2782</u>	<u>Laundry Superintendent</u>	<u>001</u>
<u>3238</u>	<u>Dance Instructor</u>	<u>001</u>
<u>3246</u>	<u>Pianist</u>	<u>001</u>
<u>3248</u>	<u>Technical Inst.Assist.-Pianist</u>	<u>001</u>
<u>3376</u>	<u>Animal Care Asst Supv</u>	<u>001</u>
<u>3378</u>	<u>Field Svcs Asst Supv</u>	<u>001</u>
<u>3438</u>	<u>Tree Topper Supervisor 2</u>	<u>001</u>
<u>3650</u>	<u>Medical Records Librarian</u>	<u>001</u>
<u>5502</u>	<u>Project Manager 1</u>	<u>001</u>
<u>5504</u>	<u>Project Manager 2</u>	<u>001</u>
<u>5506</u>	<u>Project Manager 3</u>	<u>001</u>
<u>5640</u>	<u>Environmental Spec</u>	<u>001</u>
<u>5642</u>	<u>Sr. Environmental Spec</u>	<u>001</u>
<u>8168</u>	<u>Parking Hearing Supervisor</u>	<u>001</u>
<u>8222</u>	<u>Housing Authority Police Ofc</u>	<u>001</u>
<u>8247</u>	<u>Emergency Planning Coordinator</u>	<u>001</u>
<u>8263</u>	<u>Crime Lab Mgr</u>	<u>001</u>
<u>8282</u>	<u>Sr Environ Control Off</u>	<u>001</u>
<u>8446</u>	<u>Court Alternative Specialist 1</u>	<u>001</u>
<u>9914</u>	<u>Public Service Aide-Admin</u>	<u>001</u>
<u>9916</u>	<u>Public Svc Aide-Public Works</u>	<u>001</u>
<u>9920</u>	<u>Publ Svc Aide-Asst to Prof</u>	<u>001</u>
<u>9922</u>	<u>PS Aide to Prof</u>	<u>001</u>
<u>AB27</u>	<u>Setry, Comm on the Environment</u>	<u>001</u>
<u>AC24</u>	<u>Secretary to Port Commission</u>	<u>001</u>
<u>AC28</u>	<u>Chief Forensic Pathologist</u>	<u>001</u>
<u>AC34</u>	<u>Project Analyst</u>	<u>001</u>
<u>AC35</u>	<u>Bd/Comm Secretary 3</u>	<u>001</u>
<u>1156</u>	<u>Director of Environment</u>	<u>002</u>
<u>1283</u>	<u>Dir Emp Relations Div</u>	<u>002</u>
<u>1293</u>	<u>Human Resources Director</u>	<u>002</u>

1	<u>1849</u>	<u>Prog Mgr, Bus &amp; Econ Develop</u>	<u>002</u>
	<u>2142</u>	<u>Reimbursement Mgr, CHN</u>	<u>002</u>
	<u>2953</u>	<u>Chief Deputy Director, DHS</u>	<u>002</u>
2	<u>2978</u>	<u>Contract Compliance Officer 2</u>	<u>002</u>
	<u>3234</u>	<u>Marina Manager</u>	<u>002</u>
3	<u>5508</u>	<u>Project Manager 4</u>	<u>002</u>
	<u>8137</u>	<u>Chf Victim/Witness Invstgtor</u>	<u>002</u>
4	<u>8232</u>	<u>Dir of Museum Security Svcs</u>	<u>002</u>
	<u>9251</u>	<u>Public Relations Mgr</u>	<u>002</u>
5	<u>A006</u>	<u>Parking Bureau Chief</u>	<u>002</u>
	<u>AB44</u>	<u>Cfdntal Chf Atty 2, (Cvl&amp;Crmnl)</u>	<u>002</u>
6	<u>AC27</u>	<u>Dir. of Airfield Development</u>	<u>002</u>
	<u>AC30</u>	<u>Dir of Museum Security Svcs</u>	<u>002</u>
7	<u>AC33</u>	<u>Ethics Comm Executive Director</u>	<u>002</u>
	<u>AC36</u>	<u>Deputy Director Admin Svcs</u>	<u>002</u>
8	<u>AC37</u>	<u>Principal Area Manager</u>	<u>002</u>
	<u>AC38</u>	<u>Assistant Superintendent, Rec</u>	<u>002</u>
9	<u>AC39</u>	<u>Manager, Marina Operations</u>	<u>002</u>

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ATTACHMENT B  
CITY BUDGET RELIEF PROVISION

WHEREAS, the Charter requires that the Mayor submit a balanced budget to the Board of Supervisors each fiscal year;

WHEREAS, the fiscal impacts of September 11<sup>th</sup>, 2001 and a slowing economy have resulted in significant revenue shortfalls for San Francisco;

WHEREAS, the Mayor and the President of the Board of Supervisors desire to minimize reductions in City services to the people of San Francisco;

WHEREAS, the Mayor and the President of the Board of Supervisors desire to minimize layoffs of City employees;

WHEREAS, the Mayor and the President of the Board of Supervisors have requested assistance from City employees to balance the 2002-2003 budget;

WHEREAS, City employees and their unions have committed to join the Mayor and the President of the Board of Supervisors to minimize reductions in City services to the people of San Francisco;

WHEREAS, this provision shall be submitted to the Board of Supervisors with other ordinances amending the memoranda of understanding between the City and its unions; and

WHEREAS, all other terms of the Ordinance Fixing Salaries for Unrepresented Employees shall remain in full force and effect except and unless otherwise amended;

THEREFORE, effect July 1, 2002:

(a) the City will reduce its "pick-up" of the required employee contribution to the retirement system by 2.75% of the employees' compensation, as defined in Charter section A8.500 et seq. or in Government Code section 20000 et seq. for those employees enrolled in PERS. At the close of business on June 30, 2003, covered employees parties will return to the status quo ante (i.e., full "pick-up").

(b) in addition to wage increases scheduled herein for fiscal year 2002-2003, covered employees shall receive a base wage increase of 1% at the close of business on June 30, 2003;

(c) During fiscal year 2002-2003, the City shall not layoff employees covered by this ordinance. This provision shall expire at the close of business on June 30, 2003.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 020535

**Date Passed:**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002.

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May 6, 2002 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

May 13, 2002 Board of Supervisors — CONTINUED ON FINAL PASSAGE

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,  
Sandoval, Yee  
Absent: 1 - Newsom

May 20, 2002 Board of Supervisors — CONTINUED ON FINAL PASSAGE

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

May 28, 2002 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE  
BEARING SAME TITLE

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

May 28, 2002 Board of Supervisors — CONTINUED AS AMENDED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

June 3, 2002 Board of Supervisors — PASSED, ON FIRST READING

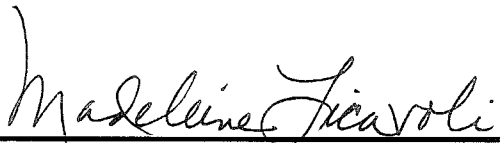
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

June 10, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,  
Peskin, Yee  
Absent: 2 - Hall, Sandoval

File No. 020535

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 10, 2002 by the Board of Supervisors of the City and County of San Francisco.

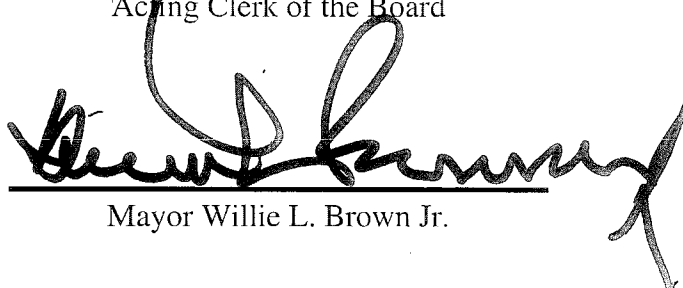


Madeleine Licavoli  
Acting Clerk of the Board

JUN 25 2002

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Date Approved



Mayor Willie L. Brown Jr.