

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
Patrick Ford, Executive Director, Ethics Commission
Alison Romano, CEO/CIO, Employees' Retirement System

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: May 28, 2024

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 5, 2024

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

File No. 240551 (ver1)

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to allow registered nurses, who are or become members of the San Francisco Employees' Retirement System and have worked an average of 32 hours or more per week for at least one year, to purchase up to three years of service credit for time previously worked as per diem nurses; and to move public safety communications personnel (911 dispatchers, supervisors, and coordinators) from the miscellaneous retirement plans to the miscellaneous safety retirement plan, for compensation earned on and after January 1, 2025; at an election to be held on November 5, 2024.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Michael Canning, Ethics Commission
Andres Power, Mayor's Office
Darlene Amanino, SFERS

LEGISLATIVE DIGEST

(First Draft, 5/21/2024)

[Charter Amendment - Per Diem Nurse Retirement Credit and Public Safety Communications Personnel Retirement Plan]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to allow registered nurses, who are or become members of the San Francisco Employees' Retirement System and have worked an average of 32 hours or more per week for at least one year, to purchase up to three years of service credit for time previously worked as per diem nurses; and to move public safety communications personnel (911 dispatchers, supervisors, and coordinators) from the miscellaneous retirement plans to the miscellaneous safety retirement plan, for compensation earned on and after January 1, 2025.

Existing Law

Per Diem Nurse Retirement System Credit

Under Charter Sec. A8.506-4, per diem nurses have not been members of the San Francisco Employees' Retirement System (SFERS) as of January 1, 1988. Therefore, they do not receive pension credit for hours they work in that classification. Per diem nurses do receive pension credit for time worked before January 1, 1988, unless they exercised an irrevocable option to exclude compensation for per diem nursing as compensation for all Retirement System purposes.

Public Safety Communications Personnel

Currently, public safety communications personnel employed by the Department of Emergency Management – which includes 911 dispatchers, supervisors, and coordinators – are members of the miscellaneous retirement plans set forth in Charter Sections A8.509, A8.587, A8.600 and A8.603.

Amendments to Current Law

Per Diem Nurse Retirement System Credit

The proposed measure would amend the Charter so that registered nurses who are members of SFERS and have worked 32 regularly-scheduled hours or more in a job classification that qualifies them for SFERS membership for at least one calendar year may purchase up to three years retirement service credit for time previously worked solely as P103 per diem nurses. The employing department must certify that a registered nurse meets the hours and schedule requirement in the year before the retirement credit purchase. Nurses cannot purchase retirement credit for any time period in which they worked concurrently as a per diem nurse and in a classification that is within SFERS. In addition, the amendment does not permit any time worked as a per diem nurse to establish membership in SFERS.

Public Safety Communications Personnel

The proposed measure would amend the Charter so that on and after January 1, 2025, public safety communications personnel will be part of the miscellaneous safety retirement plan set forth in Charter Section A8.610 for time they receive compensation on and after January 1, 2025, subject to additional terms in Charter Section A8.611. Time for which public safety communications personnel received compensation before January 1, 2025 remains in the miscellaneous plans.

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1 [Charter Amendment - Per Diem Nurse Retirement Credit and Public Safety Communications
2 Personnel Retirement Plan]

3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **5, 2024, to amend the Charter of the City and County of San Francisco to allow registered**
5 **nurses, who are or become members of the San Francisco Employees’ Retirement System**
6 **and have worked an average of 32 hours or more per week for at least one year, to**
7 **purchase up to three years of service credit for time previously worked as per diem nurses;**
8 **and to move public safety communications personnel (911 dispatchers, supervisors, and**
9 **coordinators) from the miscellaneous retirement plans to the miscellaneous safety**
10 **retirement plan, for compensation earned on and after January 1, 2025.**

11
12 Section 1. Findings.

13 (a) Per Diem Nurse Retirement Credit Purchases.

14 (1) According to the United States Registered Nurse Workforce Report Card and
15 Shortage Forecast, a national shortage of registered nurses (RNs) is projected to exist through
16 2030, with the most intense shortage in the Western region of the United States. Researchers at
17 the University of California, San Francisco, are projecting that many regions of California –
18 including San Francisco – will face a shortage of RNs through 2035, due to the number of RNs
19 expected to retire or enter advanced practices, as well as the burnout, stress, exhaustion, and
20 frustration among nurses in the post-pandemic era.

21 (2) In June 2023, the San Francisco Civil Grand Jury released a report that
22 attributed the reduced quality of care and long wait times at Zuckerberg San Francisco General
23 Hospital and Trauma Center (“ZSFG”) to high RN vacancy rates, stating, “[h]ospital capacity
24 consistently exceeds staffing limits, resulting in diverted ambulances and reduced levels of care.”

25 (3) A San Francisco Chronicle article dated April 23, 2024, noted that the nursing
shortage is already being felt in our public health system, and ZSFG nursing staff believe the

1 shortage is at a “crisis level.” A San Francisco Department of Public Health (“DPH”) survey
2 found that 73% of the hospital’s workforce would not recommend ZSFG as a place to receive
3 care. The same survey found that the percentage of hospital employees who would recommend
4 working at ZSFG dropped from 63% of respondents in 2019 to 32% in 2023.

5 (4) To address RN vacancies, DPH has hired per diem nurses and also retained
6 traveling nurses through registry services. A “per diem nurse” is an RN employed by the City on
7 an intermittent, temporary basis to augment staffing needs caused by, but not limited to,
8 increased census, leaves of absence, vacant positions, sick leave and increased acuity. A
9 “traveling nurse” is a nurse who accepts a temporary assignment at a hospital in a different
10 geographical location than where they live. In hard budgetary years, San Francisco must find a
11 better solution to address the City’s nursing shortage, while still providing uncompromised
12 patient care, and supporting the wellbeing of the City’s full-time nurses.

13 (5) This Charter amendment creates an incentive for per diem nurses to accept
14 RN positions with the City by allowing RNs who become members of SFERS and work on
15 average 32 or more hours per week in those roles to purchase retirement service credits for up to
16 three years of time they have spent working as a per diem nurse with the City. The Charter
17 amendment also rewards existing City RNs who work an average of 32 hours or more per week
18 by allowing them to purchase up to three years of retirement service credit for time they have
19 previously worked as per diem nurses.

20 (6) As of March 2024, San Francisco had an estimated 169 fully funded RN
21 positions that were vacant. By allowing new and existing nurses to purchase up to three years of
22 retirement service credit for time they spent working as per diem nurses for the City, San
23 Francisco will be better equipped to compete with the private sector – the number one competitor
24 for nursing talent – to fill our nursing positions, and to attract and retain these dedicated
25

1 healthcare professionals who provide top-quality care for patients at ZSFG and elsewhere in the
2 City’s healthcare system.

3 (b) Retirement Plan for Public Safety Communications Personnel.

4 (1) Public Safety Communications Personnel, which include 911 dispatchers,
5 supervisors, and coordinators, work with the public and other first responders to protect the lives
6 of residents of and visitors to San Francisco. Although they are a critical component of our
7 emergency response system, the City’s public safety communications personnel teams have been
8 chronically understaffed for years, negatively affecting emergency response times.

9 (2) In 2019, San Francisco adopted a new national standard that 95% of 911 calls
10 should be answered within 15 seconds. Department of Emergency Management (“DEM”) 911
11 operators met or exceeded this standard briefly in 2020, due to a significant drop in call volume
12 during the global coronavirus pandemic. But since January 2022, 911 response times meeting
13 this standard have declined from 90% in January 2022 to 73% in February 2024. Meanwhile, call
14 volumes – which plummeted in 2020 and 2021 – have ramped back up to the roughly pre-
15 pandemic rate of nearly 2,000 calls a day, or 81 calls per hour.

16 (3) DEM staff attribute these declining response times to 911 operator
17 understaffing. According to a December 19, 2023 San Francisco Chronicle article, between
18 March 2020 and December 2022, the number of full-time 911 dispatchers declined from 155 to
19 123. As of April 2024, the vacancy rate for 911 dispatchers was between 20% and 25%, and
20 DEM was nearly 40 dispatchers short of its goal of 160 fully trained dispatchers.

21 (4) In 2020, California Assembly Bill 1945, codified at Government Code Sec.
22 8562, included emergency dispatchers among the list of first responders for whom the state must
23 develop emergency preparedness training materials. Yet, 911 operators statewide do not receive
24 the same retirement benefits as other first responders.

1 (5) This Charter amendment reclassifies Public Safety Communications
2 Personnel as members in the Miscellaneous Safety Plan rather than members in the
3 Miscellaneous Plans in SFERS, both to recognize the vital importance of their work and to make
4 the position more attractive for qualified job seekers. This change will help DEM fill its vacant
5 positions more quickly, and retain its employees for longer periods of time, which will reduce
6 call response times and improve emergency service for all of San Francisco’s residents, workers,
7 and visitors.

8
9 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on November 5, 2024, a proposal to amend the Charter of
11 the City and County by adding new Sections A8.524 and A8.611, to read as follows:

12 NOTE: **Unchanged Charter text** is in plain font.
13 **Additions** are *single-underline italics Times New Roman font*.
14 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Charter
16 subsections.

17 **A8.524 RETIREMENT SYSTEM CREDIT FOR PER DIEM NURSE SERVICE**

18 (a) Notwithstanding any other provision of this Charter, any member of the
19 Retirement System under Sections A8.509, A8.587, A8.600, A8.603, or any subsequently
20 approved miscellaneous plan, who is employed in a registered nurse classification that qualifies
21 them for membership in the Retirement System may purchase up to three years aggregated
22 retirement service credit for prior time worked in a P103 per diem appointment, subject to the
23 terms of this Section A8.524.

24 (b) A member shall be eligible to purchase retirement service credit as set forth in
25 subsection (a), only if:

(1) the member is a registered nurse;

1 (2) the member has worked an average of not less than 32 regularly-
2 scheduled hours per week for at least one calendar year in a registered nurse classification that
3 qualifies them for membership in the Retirement System prior to electing to purchase service
4 credit; and

5 (3) during the time in which the member worked in a P103 per diem
6 appointment for which they seek to purchase credit, the member did not concurrently work in a
7 nurse job classification that is within the Retirement System.

8 (c) Nothing in this Section A8.524 shall permit any time worked as a P103 per diem
9 nurse to be used to establish membership in the Retirement System.

10 (d) The employing department shall certify to the Retirement System that a member
11 is eligible to purchase retirement service credit pursuant to eligibility criteria set forth in this
12 Charter Section A8.524. A member electing to purchase service credit with the Retirement
13 System for a period of qualifying per diem appointment must so elect in writing on a form
14 provided by the Retirement System. This election must be made and payment received before the
15 effective date of retirement.

16 (e) All costs to purchase the service shall be paid by the member. There shall be no
17 cost to the City and County. The Retirement System shall determine the cost to purchase the
18 service. Service credit will be allowed only for such costs received by the Retirement System
19 from the member.

20 (f) This Section A8.524 creates no vested right to the benefits received pursuant to
21 this Section. The voters expressly reserve the right to alter, reduce, or repeal such benefits for
22 any or no reason.

23 (g) This Section A8.524 shall not apply to Retirement System members who retired,
24 died, or separated prior to the effective date of this Section, or to their successors in interest.

1 **A8.611 PUBLIC SAFETY COMMUNICATIONS PERSONNEL**

2 (a) Effective January 1, 2025, Public Safety Communications Personnel shall be
3 classified as miscellaneous safety plan employees. For purposes of this Section A8.611, “Public
4 Safety Communications Personnel” means public safety communications dispatchers, public
5 safety communications supervisors, and public safety communications coordinators.

6 (b) As of January 1, 2025, Public Safety Communications Personnel shall be subject
7 to the provisions of Section A8.610 through A8.610-16, in addition to the provisions of this
8 Section A8.611, regardless of their date of hire. For Public Safety Communications Personnel,
9 computation of service under Section A8.610-10 shall be time during which a member is entitled
10 to receive compensation in a Public Safety Communications Personnel job classification on and
11 after January 1, 2025. Time during which a Public Safety Communications Personnel member
12 was entitled to receive compensation before January 1, 2025 shall remain in the miscellaneous
13 plan applicable to the member.

14 (c) Section A8.611 shall not apply to a Public Safety Communications Personnel
15 member who separated from service, retired, or died before January 1, 2025, or to the member’s
16 continuant.

17
18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/
21 CECILIA T. MANGOBA
22 Deputy City Attorney

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