

1 [Administrative Code Revision – Chapter 10D]
2 ORDINANCE AMENDING CHAPTER 10D OF PART I OF THE SAN FRANCISCO
3 MUNICIPAL CODE (ADMINISTRATIVE CODE), BY REPEALING SECTIONS 10D.1
4 THROUGH 10D.6, REGARDING AUTHORIZATION EXPIRING IN 1986 FOR
5 REPARATIONS TO JAPANESE-AMERICAN CITY EMPLOYEES FORCIBLY RELOCATED
6 DURING WORLD WAR II.

7 Note: Additions or substitutions are underlined;
8 deletions are in ((double parentheses)).

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

10
11 Section 1. Chapter 10D of the San Francisco Administrative Code is hereby amended
12 by repealing Sections 10D.1 through 10D.6.

13
14 ((**SEC. 10D.1. FINDINGS.** The Board of Supervisors finds and declares as follows:

15 (a) The forced relocation and internment of various City employees of Japanese
16 ancestry during the wartime years of World War II were based largely on fear and suspicion
17 rather than on factual justification therefor.

18 (b) As a direct result of these relocations, City employees of Japanese ancestry were
19 forced to take involuntary leaves of absence from City service for the duration of World War II
20 and suffered salary losses for that same period.

21 (c) It is fair and just that the Board of Supervisors should consider making reparations
22 to those employees who were forced to take leaves of absence from City service during the
23 wartime years as a result of such relocations.

24 (d) To this end, the Board of Supervisors finds that equity and fairness will be served
25 by authorizing the filing of claims with the City for the equivalent of salary losses suffered by

1 City employees as a result of such relocations, and authorizing the payment thereof, subject
2 to the provisions of the Charter and this Code.))

3
4 ((**SEC. 10D.2. FILING OF CLAIMS.** (a) Any City employee or former City employee
5 of Japanese ancestry, otherwise qualifying under Subdivisions (b), (c) and (d) of this Section,
6 who was dismissed, terminated from a temporary position, rejected during a probationary
7 period, forced to take a leave of absence or voluntarily resigned in lieu of dismissal from City
8 service during the years 1942 through 1947 because of relocation and internment, and who
9 incurred salary losses as a result thereof, is eligible to file a claim with the City for the
10 reparation equivalent to those losses. Claims must be received by May 15, 1986.

11 (b) No person other than a City employee or former City employee of Japanese
12 ancestry who has suffered a loss of salary as a result of City actions as described in this
13 ordinance shall be eligible to file a claim pursuant to this ordinance. No claim may be filed by
14 the survivor of any such person, and the death of a claimant prior to the filing of a claim shall
15 terminate any eligibility. In the event of the death of a claimant whose claim has already been
16 submitted to the Civil Service Commission and who is determined to have been eligible to
17 receive reparations authorized by this ordinance, reimbursement shall be made to the
18 claimant's estate.

19 (c) No claimant may file more than one claim pursuant to this ordinance.

20 (d) No claimant may be reimbursed for any losses other than those equivalent to direct
21 salary losses. No claimant may be reimbursed for any collateral benefit made available to City
22 employees, such as retirement benefits or other forms of in lieu compensation. Reparations
23 authorized pursuant to this Chapter shall not be considered payment of salary.

24 For the purposes of this Chapter, the following words and phrases shall mean and
25 include:

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

1 (1) "Direct salary losses" are losses of the salary that the claimant would otherwise
2 have been entitled to during the period of internment under the Salary Standardization
3 Ordinance in effect for the year that such loss was incurred.

4 (2) "Collateral benefits" are any form of in lieu compensation, such as the City's
5 contribution towards the claimant's retirement benefits, made available to City employees
6 during the period of internment.))

7
8 ((**SEC. 10D.3. ACTION BY CIVIL SERVICE COMMISSION, BOARD.** (a) A claim
9 may be submitted to the Civil Service Commission for reparations equivalent to direct salary
10 losses, excluding collateral benefits, suffered by the claimant during the years 1942 through
11 1947. The claim shall be submitted in accordance with any reasonable rules and regulations
12 promulgated by the Civil Service Commission, including requirements for appropriate
13 documentation and verification. The Commission, however, shall have no obligation to notify
14 directly any person of possible eligibility for reparation of salary losses pursuant to this
15 ordinance. The Civil Service Commission shall determine the eligibility of a claimant to receive
16 reparations authorized by this ordinance, as well as the amount to which the claimant shall be
17 entitled. The Civil Service Commission shall evaluate each claim pursuant to these provisions.

18 (b) In the event the Civil Service Commission concludes to recommend to the Board of
19 Supervisors that it award reparations, it shall forward its recommendation to the Board. Said
20 recommendation shall include such supporting documentation as used by the Commission in
21 evaluating the claim and a proposed supplemental appropriation ordinance in the amount the
22 Commission recommends that the Board of Supervisors shall award to the claimant.

23 (c) Upon receipt of such recommendation by the Civil Service Commission, the
24 President of the Board of Supervisors shall refer the matter to the Finance Committee to be
25 calendared for hearing within 15 days therefrom. The Finance Committee shall act upon such

1 supplemental appropriation ordinance in the same manner as all other supplemental
2 appropriation ordinances.))

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4 ((**SEC. 10D.4. LIMITATIONS ON REPARATIONS AWARDED.** The Board of
5 Supervisors hereby determines that, absent extraordinary circumstances, it shall be its policy
6 that a claimant who is determined by the Civil Service Commission to be eligible to receive
7 reparations authorized by this ordinance may receive up to \$1,250 in reimbursement
8 equivalent to direct salary losses, excluding collateral benefits, incurred by the claimant during
9 any year between 1942 to 1947, not to exceed reimbursement for a total of four years' salary
10 losses or \$5,000.))

11
12 ((**SEC. 10D.5. ADDITIONAL REPARATIONS.** (a) Notwithstanding any other
13 provisions of this Chapter, any individual of Japanese ancestry who rendered extraordinary
14 services to the parks system of the City and County of San Francisco, and who suffered
15 losses relating to those services because of relocation and internment at any time during the
16 years 1942 through 1947, is eligible to file with the City for reparations equivalent to those
17 losses. Claims must be received by May 15, 1986.

18 (b) Claims submitted pursuant to this Section shall otherwise be subject to the same
19 limitations and be handled in the same manner as provided in this Chapter, except that all
20 claims submitted pursuant to this Section shall be made to the Recreation and Park
21 Commission of the City and County of San Francisco for its consideration and
22 recommendation.

23 (c) No claim may be filed by the survivor of any person otherwise eligible to file a claim
24 pursuant to this Section, and the death of a claimant prior to the filing of a claim shall
25 terminate any eligibility. In the event of the death of a claimant whose claim has already been

1 submitted to the Recreation and Park Commission and who is determined to have been
2 eligible to receive reparations authorized by this Section, reimbursement shall be made to the
3 claimant's estate. No claimant may file more than one claim pursuant to this Section.

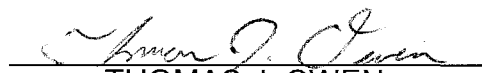
4 (d) The Board of Supervisors hereby determines that, absent extraordinary
5 circumstances, it shall be the Board's policy that a claimant who is determined by the
6 Recreation and Park Commission to be eligible to receive reparations authorized by this
7 Section may receive up to \$1,250 in reimbursement equivalent to the losses suffered by the
8 claimant during any year between 1942 to 1947, not to exceed reimbursement for a total of
9 four years' losses or \$5,000.))

10
11 ((**SEC. 10D.6. RESERVATION OF POWER.** In adopting this Chapter, the Board of
12 Supervisors has expressly reserved to itself the final authority to approve or disapprove
13 awards of reparations pursuant to this Chapter. The potential liability of the City under this
14 Chapter is uncertain. Should awards of reparations prove onerous and the expenditures
15 therefor overly burdensome, the Board may at any time repeal this Chapter, or decline to
16 approve further supplemental appropriations ordinances for awards of reparations.))

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19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

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23 By:


THOMAS J. OWEN
Deputy City Attorney

24
25
SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 991547

Date Passed:

Ordinance amending Administrative Code by repealing Sections 10D.1 through 10D.6, regarding authorization expiring in 1986 for reparations to Japanese-American City employees forcibly relocated during World War II.

September 27, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Brown

October 4, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki

Absent: 1 - Yee

File No. 991547

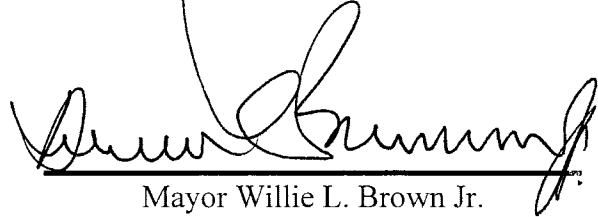
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 4, 1999
by the Board of Supervisors of the City and
County of San Francisco.

OCT 15 1999

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.