

1 [Accurately reflect Fire Department member work schedule.]

2 **Ordinance amending Article II, Chapter 16, sections 16.10, 16.11, 16.12 and 16.15 of the**
3 **San Francisco Administrative Code to accurately reflect workdays for firefighters.**

4 .

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

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

9 Section 1. The San Francisco Administrative Code is hereby amended by amending
10 Section 16.10, to read as follows:

11 SEC. 16.10. DEFINITIONS

12 (a) “Continuous service” for vacation allowance purposes means paid service
13 pursuant to a regular work schedule which is not interrupted by a breach in service and shall
14 include periods of unpaid furlough in accordance with a Civil Service Rule governing voluntary
15 and involuntary furloughs.

16 (b) “Employee” means “Every person employed in the City and County service”
17 which, as used in Charter Section 8.440 includes the classified employees of the City and
18 County of San Francisco as provided in Section 3.661 of the Charter and classified personnel
19 of the San Francisco Unified School District and Community College District, and officers,
20 other than elected officers.

21 (c) “Irregular work schedule” means a work schedule for which the frequency and
22 length is determined solely by the immediate or imminent needs of the service and which is
23 subject to change at any time. Service in an irregular schedule does not constitute continuous
24 service for vacation purposes.

(d) "Maximum vacation entitlement" means the maximum vacation allowance an employee may earn in any 12 month period. Except as provided for in Section 16.11(h), The amount is based on years of continuous service as follows:

Years of Continuous Service	Maximum Vacation Entitlement
1 through 5 years	80 hours
more than 5 through 15 years	120 hours
more than 15 years	160 hours

(e) "Paid service" means service in paid status with the City and County of San Francisco, the San Francisco Unified School District or the Community College District, as applicable, and includes hours paid as sick leave, vacation, compensatory time-off and overtime for employees who are eligible for overtime pay under the administrative provisions of the Annual Salary Standardization Ordinance.

(f) "Regular work schedule" means a work schedule consisting of a pre-determined and fixed number of hours to be worked on a routine basis and includes an authorized flex-time schedule.

(g) "Temporary disability" means temporary disability pursuant to the Worker's Compensation or State Disability Laws of the State of California or the industrial disability provisions of Charter Sections 8.515 or 8.516.

(h) "Vacation allowance" means the leave with pay for vacation purposes which an employee accrues or is awarded under the terms of this ordinance.

(i) "Vacation with pay" means the compensation the employee would have earned during the vacation period if the employee had worked during the same period, without the inclusion of overtime earnings or special pay.

(j) "Unpaid furlough" means voluntary or involuntary time off without pay imposed or approved in accordance with a Civil Service Rule governing unpaid furloughs in response to a projected budgetary shortfall.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 16.11, to read as follows:

SEC. 16.11. CALCULATION OF VACATIONS.

(a) No employee is entitled to a vacation allowance until the employee has completed one year of continuous service.

(c) Continuous service shall not be deemed to have been breached:

(2) By a permanent employee laid off due to lack of work or funds, provided the employee is reappointed to a position in the service with a regular work schedule within five years of lay-off; or

(6) By an employee who has resigned from a position with services certified as other than satisfactory by the appointing officer if the employee is granted reappointment rights by the Civil Service Commission and is reappointed to a position in the service with a regular work schedule within six months from the effective date of resignation;

(7) By a period of voluntary or involuntary furlough without pay imposed or approved in accordance with a Civil Service Rule governing unpaid furloughs in response to a projected budgetary shortfall.

(d) Without regard to any other provisions in this Section, no vacation allowance is earned for paid service in an irregular work schedule.

(e) Except as provided for in Section 16.11(h), An employee who has completed one year of continuous service shall accrue vacation allowance at the rate of .0385 of an hour for each hour of qualifying service up to the applicable annual maximum vacation entitlement above. An employee who has completed five years of continuous service shall accrue thereafter a vacation allowance at a rate of .0577 of an hour for each hour of paid service up to the applicable annual maximum vacation entitlement above. An employee who has completed 15 years of continuous service shall accrue a vacation allowance at a rate of .077 of an hour for each hour of paid service up to the applicable annual maximum vacation entitlement above.

(f) *Except as provided in Section 16.11(h), A*no employee shall be credited with more than 2080 hours of paid service in any 12 month period for purposes of computing the vacation allowance.

(g) The vacation allowance for an employee receiving temporary disability benefits shall be computed on the basis of the number of hours in the employee's regular work schedule; provided, however, that an employee not supplementing State Disability Insurance payments with earnings from paid service will not accrue a vacation allowance during the

1 period of disability. An employee who has received a permanent disability award and who
2 does not return to employment because of such disability is not entitled to accrue a vacation
3 allowance.

4 (h) For members of the uniformed force of the Fire Department, the factors for
5 earning vacation allowance, the maximum number of hours credited for vacation allowance
6 purposes and the maximum number of vacation hours an employee may accrue shall be
7 administered in a manner consistent with the intent of this ordinance and approved by the
8 *General Manager, Personnel Director, Department of Human Resources. In addition, if necessary*
9 ~~because of minimum daily staffing requirements and the financial and scheduling problems created in~~
10 ~~bringing the uniformed force into conformity with Section 16.12(e) and (f), the Fire Department may~~
11 ~~establish an alternative schedule or other means for decreasing in an equitable manner the maximum~~
12 ~~accrual of vacation allowance to an amount consistent with that permitted other City employees under~~
13 ~~Section 16.12(e) no later than December 31, 1989. If the Fire Department establishes an alternative~~
14 ~~schedule, it may not permit a member of the uniformed force to accrue vacation days or hours in excess~~
15 ~~of the following: No member of the San Francisco Fire Department shall be credited with more than~~
16 ~~2496 hours (average 48-hour per week schedule) of paid service in any 12 month period for purposes~~
17 ~~of computing the vacation allowance.~~

18 (i) Annual Vacation Entitlement

19 The maximum annual vacation entitlement for members of the San Francisco Fire Department shall be
20 as follows:

21 Members working 24-hour shifts (i.e., two 12-hour watches, 48-hour average workweek) and members
22 assigned to 12-hour shifts at the Emergency Communication Department:

<u>Years of Continuous Service</u>	<u>Yearly Accrual</u>	<u>Annual Maximum Vacation Entitlement</u>
<u>1 through 5 years</u>	<u>120 hours</u>	
<u>more than 5 years through 15 years</u>	<u>180 hours</u>	

1 more than 15 years 240 hours

2 Members of the SFFD working 24-hours shifts (i.e., two 12-hour watches, 48-hour average

3 work week) who have completed one year of continuous service, shall accrue thereafter a

4 vacation allowance at the rate of .048076 of an hour for each hour of paid service up to the

5 applicable annual maximum vacation entitlement above. Such members who have completed

6 five years of continuous service shall accrue thereafter a vacation allowance at the rate of

7 .07212 of an hour for each hour of paid service up to the applicable annual maximum vacation

8 entitlement above. Such members who have completed 15 years of continuous service shall

9 accrue thereafter a vacation allowance at the rate of .09616 of an hour for each hour of paid

10 service up to the applicable annual maximum vacation entitlement above.

11

12 Members working a 40-hour per week schedule:

13

<u>Years of Continuous Service</u>	<u>Yearly Accrual Annual Maximum Vacation</u>
<u>Entitlement</u>	
<u>1 through 5 years</u>	<u>80 hours</u>
<u>more than 5 years through 15 years</u>	<u>120 hours</u>
<u>more than 15 years</u>	<u>160 hours.</u>

19

20 Members of the SFFD working a 40-hour per week schedule who have completed one year of

21 continuous service shall accrue thereafter a vacation allowance at the rate of .0385 of an hour

22 for each hour of paid service up to the applicable annual maximum vacation entitlement

23 above. Such members who have completed five years of continuous service shall accrue

24 thereafter a vacation allowance at the rate of .0577 of an hour for each hour of paid service up

25 to the applicable annual maximum vacation entitlement above. Such members who have

1 completed 15 years of continuous service shall accrue thereafter a vacation allowance at the
2 rate of .077 of an hour for each hour of paid service up to the applicable annual maximum
3 vacation entitlement above.

4

5 *(ii) Maximum Accrual*

6

7 No member of the San Francisco Fire Department working 24-hour shifts (i.e., two 12-hour watches,
8 48-hour average workweek) and members assigned to 12-hour shifts at the Emergency
9 Communications Department shall accrue vacation in excess of the following amounts:

10

Years of Continuous Service	Maximum Accrual
1 through 5 years	50 days or 400 hours 480 hours
more than 5 years through 15 years	60 days or 480 hours 540 hours
more than 15 years	70 days or 560 hours 600 hours.

15

16 No member of the San Francisco Fire Department working a 40-hour per week schedule shall accrue
17 vacation in excess of the following amounts:

18

<u>Years of Continuous Service</u>	<u>Maximum Accrual</u>
<u>1 through 5 years</u>	<u>320 hours</u>
<u>more than 5 years through 15 years</u>	<u>360 hours</u>
<u>more than 15 years</u>	<u>400 hours.</u>

1 Consistent with Charter section A8.440 (b) these maximum accruals represent a maximum of 30-
2 working days carried over from previous years plus the member's current year's maximum vacation
3 accrual entitlement. These maximum accruals shall not be exceeded.

4 (iii) Rates of Vacation Accrual Award and Accrual of Vacation

5 A member of the San Francisco Fire Department does not accrue vacation allowance
6 in the first year of continuous service, however, at the end of one year of continuous service,
7 an employee shall be awarded a vacation allowance computed at the rate of .0385 of an hour
8 for each hour of paid service in the preceding year for SFFD members working a 40 hour per
9 week schedule and .048076 for SFFD members working 24 hour shifts (i.e., two 12-hour
10 watches, 48 hours average workweek) and members assigned to 12 hour shifts at the
11 Emergency Communication Department.

12 At the end of five years of continuous service, an employee shall be awarded a one-
13 time vacation allowance computed at the rate of .01924 of an hour for each hour of paid
14 service in the preceding year except that the amount of the vacation allowance shall not
15 exceed 40 hours for SFFD members working a 40 hour per week schedule and computed at a
16 rate of .024038 not to exceed 48 hours for SFFD members working 24 hour shifts (i.e., two
17 12 hour watches, 48 hours average workweek) and members assigned to 12 hour shifts at
18 the Emergency Communication Department. The additional vacation accrual rates provided
19 in this paragraph shall be in addition to the accrual rates set forth in the preceding paragraph.

20 At the end of fifteen years of continuous service, an employee shall be awarded a one-
21 time vacation allowance computed at the rate of .01924 of an hour for each hour of paid
22 service in the preceding year except that the amount of the vacation allowance shall not
23 exceed 40 hours for SFFD members working a 40 hour per week schedule and computed at a
24 rate of .024038 not to exceed 48 hours for SFFD members working 24 hour shifts (i.e., two

25

1 12-hour watches, 48-hours average workweek) and members assigned to 12-hour shifts at
2 the Emergency Communication Department.

3 A member of the San Francisco Fire Department (SFFD) does not accrue vacation
4 allowance in the first year of continuous service. However, at the end of one year of
5 continuous service, members of the SFFD working a 40-hour per week schedule shall be
6 awarded a vacation allowance computed at the rate of .0385 of an hour for each hour of paid
7 service in the preceding year; and members of the SFFD working 24-hour shifts (i.e., two 12-
8 hour watches, 48-hour average work week) shall be awarded a vacation allowance computed
9 at the rate of .048076 of an hour for each hour of paid service in the preceding year, all not to
10 exceed the applicable yearly maximum vacation entitlement.

11 At the end of five years of continuous service, members of the SFFD working a 40-hour
12 per week schedule shall be awarded a one-time vacation allowance computed at the rate of
13 .01924 of an hour for each hour of paid service in the preceding year, not to exceed 40 hours;
14 and members of the SFFD working 24-hour shifts (i.e., two 12-hour watches, 48-hour average
15 work week) shall be awarded a one-time vacation allowance computed at the rate of .024038
16 of an hour for each hour of paid service in the preceding year, not to exceed 60 hours. The
17 vacation allowance provided in this paragraph shall be in addition to the annual vacation
18 entitlement set forth above in Section 16.11(h)(i).

19 At the end of fifteen years of continuous service, members of the SFFD working a 40-
20 hour per week schedule shall be awarded a one-time vacation allowance computed at the rate
21 of .01924 of an hour for each hour of paid service in the preceding year, not to exceed 40
22 hours; and members of the SFFD working 24-hour shifts (i.e., two 12-hour watches, 48-hour
23 average work week) shall be awarded a one-time vacation allowance computed at the rate of
24 .024038 of an hour for each hour of paid service in the preceding year, not to exceed 60

25

1 hours. The vacation allowance provided in this paragraph shall be in addition to the annual
2 vacation entitlement set forth above in Section 16.11(h)(i).

3 (i) Any dispute over whether an employee is assigned to a regular or an irregular
4 work schedule shall be finally decided by the Civil Service Commission.

5 Section 3. The San Francisco Administrative Code is hereby amended by amending
6 Section 16.12, to read as follows:

7 SEC. 16.12. AWARD AND ACCRUAL OF VACATION.

8 (a) Beginning with the first full pay period after the effective date of this
9 ordinance, an employee shall be awarded the employee's vacation allowance on the first day
10 of the pay period following the pay period in which the allowance is accrued.

11 (b) Except as provided in Section 16.11(h), aAn employee does not accrue
12 vacation allowance in the first year of continuous service, however, at the end of one year of
13 continuous service, an employee shall be awarded a vacation allowance computed at the rate
14 of .0385 of an hour for each hour of paid service in the preceding year.

15 (c) Except as provided in Section 16.11(h), aAt the end of five years of
16 continuous service, an employee shall be awarded a one-time vacation allowance computed
17 at the rate of .01924 of an hour for each hour of paid service in the preceding year except that
18 the amount of the vacation allowance shall not exceed 40 hours.

19 (d) Except as provided in Section 16.11(h), aAt the end of fifteen years of
20 continuous service, an employee shall be awarded a one-time vacation allowance computed
21 at the rate of .01924 of an hour for each hour of paid service in the preceding year except that
22 the amount of the vacation allowance shall not exceed 40 hours.

23 (e) Except as provided in Section 16.11(h), tThe maximum number of
24 vacation hours an employee may accrue consists of 240 hours carried forward from prior
25 years plus the employee's maximum vacation entitlement which is based on the number of

1 years of service. The maximum number of vacation hours which an employee may accrue is
2 as follows:

Years of Continuous Service	Maximum Accrual
1 through 5 years	320 hours
more than 5 through 15 years	360 hours
more than 15 years	400 hours

7 (f) On the first day of the second pay period following the effective date of
8 this ordinance, employees shall be awarded any vacation allowance accrued between
9 January 1, 1985, and the first day of the second pay period following the effective date of this
10 ordinance. In order to prevent employees from unfairly losing accrued vacation allowance in
11 the transition from an award date of January 1st of each year, the limitation on the number of
12 vacation hours an employee may accrue as set forth in Subsection 16.12(e) shall not apply
13 between the effective date of this ordinance and January 9, 1987. Vacation allowance hours
14 in excess of those set forth in Section 16.12(e) will be lost if not used before January 9, 1987.

15 Section 4. The San Francisco Administrative Code is hereby amended by amending
16 Section 16.15, to read as follows:

17 SEC. 16.15 USE OF PARTIAL VACATION TO SUPPLEMENT DISABILITY LEAVE.

18 An employee who is absent from duty because of temporary disability may use his or
19 her vacation allowance to supplement disability benefits; provided, that when the vacation
20 allowance payment is added to the disability benefits payable under the Workers'
21 Compensation or State Disability Insurance Laws, the employee's bi-weekly payment will not
22 exceed the normal salary of the employee for the regular work schedule effective at the
23 commencement of the disability. An employee desiring to use his or her vacation allowance
24 to supplement State Disability Insurance benefits shall, within seven calendar days following
25 the first day of absence, and on a form provided by the Civil Service Commission, so inform

1 his or her appointing officer or designated representative. Notwithstanding the foregoing, an
2 employee receiving temporary workers' compensation disability benefits may accrue vacation
3 hours in excess of the maximum accrual permitted pursuant to Section 16.12(e) or 16.11(h).
4 Upon the cessation of the employee's receipt of temporary disability benefits the employee
5 shall receive a cash payment for any vacation hours accrued in excess of the number the
6 employee was permitted to accrue pursuant to Section 16.12(e) or 16.11(h).

7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: MARTIN R. GRAN
10 Deputy City Attorney

12
13
14
15
16
17
18
19
20
21
22
23
24
25