

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.**

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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.  
8 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.

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1 (d) "Maximum vacation entitlement" means the maximum vacation allowance an  
 2 employee may earn in any 12 month period. Except as provided for in Section 16.11(h), The  
 3 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

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

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

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

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

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

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

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

6 SEC. 16.11. CALCULATION OF VACATIONS.

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

9 (b) For purposes of determining the vacation allowance the anniversary date for an  
10 employee shall be the first date of employment in the current period of continuous service.

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

12 (1) By an employee because of absence from service due to duly authorized leave;  
13 or

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

17 (3) By a permanent school term employee because of a period when schools are  
18 not normally in session; or

19 (4) By a permanent employee who resigns in good standing and is reappointed to a  
20 position in the service with a regular work schedule within six months from the effective date  
21 of resignation; or

22 (5) By a temporary or provisional (noncivil service or limited tenure) employee who  
23 has completed one year of continuous service and resigns in good standing or is laid off and  
24 is reappointed to a position in the service with a regular work schedule within six months from  
25 the effective date of resignation or layoff; or

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

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

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

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

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

22 (g) The vacation allowance for an employee receiving temporary disability benefits  
23 shall be computed on the basis of the number of hours in the employee's regular work  
24 schedule; provided, however, that an employee not supplementing State Disability Insurance  
25 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>	

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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.

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 12 Members working a 40-hour per week schedule:

<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.

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5 (ii) Maximum Accrual

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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:

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

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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>

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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  
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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  
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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

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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: \_\_\_\_\_  
10 MARTIN R. GRAN  
11 Deputy City Attorney

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