

1 [Regulating Overtime for City Employees.]

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3 **Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours**
4 **worked in any fiscal year and to limit overtime to no more than ~~80~~ 40 in a regular work**
5 **week except for work performed by ~~uniformed ranks of the Police and Fire~~**
6 **Departments or for emergency or critical service needs, if such emergency or critical**
7 **service need is approved by appropriate officials.**

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

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

12 Section 1. The San Francisco Administrative Code is hereby amended by amending
13 and adding to Section 18.13-1, to read as follows:

14 **Sec. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME**

15 (a) Employees may only work overtime if authorized by an appointing officer ~~or~~
16 ~~desingee~~, and employees may not assign themselves to work overtime. Appointing
17 officers ~~or designees~~ shall only assign overtime when work cannot be completed within
18 normal work schedules. Except as provided for below, absent prior approval of the
19 Director of Human Resources (or, if appropriate, the Director of the Municipal
20 Transportation Agency), ~~No~~ appointing officer shall suffer or permit any employee to:
21 (i) work overtime hours that exceed, in any fiscal year, thirty percent (30%) ~~46 percent~~
22 of the number of hours that the employee is regularly scheduled to work on a straight-
23 time basis in that fiscal year (i.e., 624 hours for a full-time 2080 hour per year
24 employee); or, (ii) work more than eighty (80) hours in a regular work week. ~~, e.g.,~~
25 ~~332.8 hours for a full-time 2080 hour per year employee.~~ For the purpose of

1 calculating the maximum number of overtime hours an employee is permitted to work
2 under this Section, hours attributed to vacation and other paid leaves shall be deemed
3 included in the hours the employee is regularly scheduled to work on a straight-time
4 basis in a fiscal year. ~~In no event should an appointing officer suffer or permit any~~
5 ~~employee to work more than eighty (80) hours in a regular work week.~~

6 (b) An appointing officer may request an exemption from subsection (a) from the
7 Director of Human Resources (or, if appropriate, the Director of the Municipal
8 Transportation Agency) based upon a critical staffing shortage. ~~An appointing officer~~
9 ~~may, by written authorization, require an employee to work overtime hours in excess of the~~
10 ~~limitation set forth in Subsection (a).~~ ~~The Controller and Director of Human Resources~~
11 ~~appointing officer shall submit a biannual report to the Board of Supervisors on January~~
12 ~~5th and May 1st of each year listing each and every employee who has worked more~~
13 ~~than 80 hours in any work week, including the work week and hours in question.~~
14 ~~justifying any excess overtime granted pursuant to this subsection.~~

15 (c) The provisions of Subsection (a) shall not apply to overtime worked by any
16 employee where the City and County of San Francisco incurs no direct or indirect
17 additional costs and where the employee acquires no right to compensatory time off.
18 For the purposes of this Section, "direct or indirect additional costs" includes any
19 additional salary, wages, compensatory time or any other benefit provided at that time
20 or deferred until a later date.

21 (d) An appointing officer may assign overtime hours exempt from subsection (a) above
22 in the event of disasters, and like emergency situations where such overtime
23 assignments are necessary to protect public safety. ~~The provisions of this section~~
24 ~~Subsection (a) shall not apply to work performed by members of the uniformed ranks of~~
25 ~~the Police and Fire Departments or to work performed in the event of an emergency or~~

1 ~~temporary critical service need upon approval by the Controller and by the Director of~~
2 ~~Human Resources (or, if appropriate, by the Director of the Municipal Transportation~~
3 ~~Agency), transit operators and transit operator supervisors of the San Francisco Municipal~~
4 ~~Railway, nurses and other emergency workers employed by the Department of Public Health, or~~
5 ~~any other employee when the work is required pursuant to a standing directive of the appointing~~
6 ~~officer to complete a task after the end of the employee's regularly scheduled shift or to fill~~
7 ~~emergency staff shortages.~~

8 (e) The Controller and Director of Human Resources shall submit a biannual report
9 to the Board of Supervisor on January 5th and May 1st of each year documenting the
10 extent to which each department has complied with this section. In addition, the
11 Controller shall submit a monthly report to the Board of Supervisors and the Mayor's
12 Budget Director listing the five City departments using the most overtime in the
13 preceding month. A hearing on this report shall be calendared as a standing agenda
14 item of the Budget and Finance Committee or another fiscal committee of the Board of
15 Supervisors as determined by the President of the Board of Supervisors.

16 (f) This ordinance is not intended to supersede overtime distribution rules contained
17 in approved memoranda of understanding with the City's exclusive representatives
18 except as necessary to ensure compliance with subsection (a) above **to the extent**
19 **allowable by state or local law.**

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 ELIZABETH S. SALVESON
25 Chief Labor Attorney