

1 [Compensation for Unrepresented Employees - City and County of San Francisco - Effective
2 July 1, 2013]

3 **Ordinance fixing compensation for persons employed by the City and County of San**
4 **Francisco whose compensations are subject to the provisions of Charter, Section**
5 **A8.409, in job codes not represented by an employee organization, and establishing**
6 **working schedules and conditions of employment and methods of payment, effective**
7 **July 1, 2013.**

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.
11 Board amendment deletions are ~~strikethrough-normal~~.

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

13 Pursuant to Charter Section A8.409-1, the Mayor hereby proposes and the Board of
14 Supervisors approves the wages, hours and other terms and conditions of employment set
15 forth herein to be applicable to all unrepresented job codes or positions of City employment.

16 Unless specifically noted, the following provisions are applicable to all employees
17 covered by this Ordinance, which includes Miscellaneous Unrepresented employees and
18 Management Unrepresented employees. For informational purposes, see Attachment A for a
19 list of job codes designated as Miscellaneous Unrepresented and Management
20 Unrepresented.

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6 SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

- 7 A. All terms and conditions of employment not covered under this Ordinance shall
- 8 continue to be subject to the City’s direction and control. Unless specifically
- 9 addressed herein, those terms and conditions of employment which are set forth
- 10 in the Charter, Administrative Code, Civil Service Rules, policies and
- 11 procedures, shall apply to employees covered by this ordinance.
- 12 B. Nothing in this Ordinance shall have application to changes of Civil Service rules
- 13 and matters subject to the exclusive jurisdiction of the Civil Service Commission
- 14 pursuant to Charter Section A8.409-3, unless specifically approved by the Civil
- 15 Service Commission, except as such changes may affect compensation.

16 SECTION 2. WAGE RATES

- 17 A. The wage rate for job codes covered by this Ordinance for fiscal year 2013-2014
- 18 shall be increased as follows:

19 Effective July 1, 2013: 1%

20 Effective January 4, 2014: 1%

21 Effective March 29, 2014: 1%

- 22 B. The 1283 – Director, Employee Relations Division Classification’s Pay Plan shall
- 23 be the same range rates of pay as the 0954 – Deputy Director IV Classification.
- 24 The 1282 – Manager, Employee Relations Division Classification’s Pay Plan

1 shall be the same range rates of pay as the 0932 – Manager IV Classification.
2 The 1281 – Senior Employee Relations Representative Classification’s Pay Plan
3 shall be the same range rates of pay as the 1824 – Principal Administrative
4 Analyst Classification. There shall also be three additional five percent (5%)
5 steps (Steps 6, 7 & 8) at the top of the range for this classification at which an
6 employee may be placed upon the approval of the Employee Relations Director.
7 Such placement is contingent upon the Employee Relations Director’s
8 designation of the employee as the City’s principal lead representative for a
9 major employee group.

10 The 1280 – Employee Relations Representative Classification’s Pay Plan shall
11 be the same range rates of pay as the 1244 – Senior Personnel Analyst
12 Classification. There shall also be three additional five percent (5%) steps
13 (Steps 1, 2 & 3) at the bottom of the range. Employees may be placed in Step
14 6, 7 or 8 by the approval of the Employee Relations Director. Such placement is
15 contingent upon the Employee Relations Director’s designation of the employee
16 as having lead responsibilities in employee-employer relations matters.

17 The 1293 – Human Resources Director Classification’s Pay Plan shall be the
18 same range rates of pay as the 0964 – Department Head IV Classification.

19 C. The 1682 – Controller Classification’s Pay Plan shall be the same range rate of
20 pay as the 0965 – Department Head V Classification.

21 All base wage calculations shall be rounded to the nearest salary schedule.

22 SECTION 3. INTERNAL ADJUSTMENT PROCESS

23 Upon request of an Appointing Officer, the Human Resources Director, with the
24 concurrence of the Controller, may approve internal salary adjustments for members of the

1 management unit (002), except for the Mayoral Staff classifications (0881-0905), based
2 upon the following:

3 1. Standards

4 The following shall be the standards for internal adjustments for the wage rates for a
5 particular job code:

- 6 a) The salary for the job code is below the prevailing wage level in the
7 relevant labor market as demonstrated by verifiable salary data; and/or
8 b) There is an ongoing and demonstrable recruitment and/or retention
9 problem; and/or
10 c) Traditional salary relationships, which continue to be justified, have been
11 substantially altered; and/or
12 d) The duties, responsibilities and/or minimum requirements for a job code
13 have been altered significantly; and/or
14 e) Adjustment is necessary to maintain comparability with similarly-situated
15 employees in represented bargaining units.

16 2. Internal Adjustment Cap

17 Internal adjustment costs shall not exceed an annualized cost of 0.5% of the total
18 payroll cost for the employees covered by this Ordinance, 0.25% of which is available for
19 base wage adjustments, and 0.25% of which is available for one-time adjustments.

20 ~~In light of the suspension of the 0.3% internal adjustment process during FY2009-10,~~
21 ~~2010-11, and 2011-12, and in order to provide comparability with similarly-situated~~
22 ~~employees in represented bargaining units for whom payments were made during those~~
23 ~~periods, an additional 0.9% shall be available during FY2012-13 for one-time payments.~~

1 SECTION 4. ACTING ASSIGNMENT PAY

2 The Appointing Officer/designee assigns duties to employees covered by this
3 Ordinance. Employees assigned by the Appointing Officer/designee to perform the full
4 range of essential functions of a position in a higher job code shall receive compensation at
5 a higher salary if all of the following conditions are met:

- 6 (1) The assignment shall be in writing with copies to the Department of Human
7 Resources and Controller.
- 8 (2) The assignment shall conform to all Civil Service Commission Rules, policies
9 and procedures.
- 10 (3) The position to which the employee is assigned must be a budgeted position.
- 11 (4) The employee is assigned to perform the duties of a higher job code for longer
12 than eleven (11) consecutive working days; after which acting assignment pay
13 shall be retroactive to the first day of the assignment.
- 14 a. If each of the above criteria are met, and upon written approval by the
15 Department Head, an employee shall be paid one full salary step
16 adjustment (approximately 5%), provided it ~~but which~~ does not exceed
17 the maximum step of the salary grade of the job code to which the
18 employee was temporarily assigned. Premiums based on percent of
19 salary shall be paid at a rate which includes acting assignment pay.
- 20 b. Requests for classification or reclassification review shall not be governed
21 by this provision.

22 SECTION 5. SUPERVISORY DIFFERENTIAL ADJUSTMENT

23 The Appointing Officer may adjust the compensation of a supervisory employee whose
24 compensation grade is set herein subject to the following conditions:

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- 1 (1) The supervisor, as part of the regular responsibilities of his/her job code,
2 supervises, directs, is accountable for and is in responsible charge of the work
3 of a subordinate or subordinates.
- 4 (2) The supervisor must actually supervise the technical content of subordinate
5 work and possess education and/or experience appropriate to the technical
6 assignment.
- 7 (3) The organization is a permanent one approved by the Appointing Officer, Board
8 or Commission, where applicable, and is a matter of record based upon review
9 and investigation by the Department of Human Resources.
- 10 (4) The job codes of both the supervisor and the subordinate are appropriate to the
11 organization and have a normal, logical relationship to each other in terms of
12 their respective duties and levels of responsibility and accountability in the
13 organization.
- 14 (5) The compensation grade of the supervisor is less than one full step
15 (approximately 5%) over the compensation grade, exclusive of extra pay, of the
16 employee supervised. In determining the compensation grade of a job code
17 being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the
18 compensation grade the top step of which is closest to the flat rate so converted
19 shall be deemed to be the compensation grade of the flat rate job code.
- 20 (6) The adjustment of the compensation grade of the supervisor shall not exceed
21 5% over the compensation, exclusive of extra pay, of the employee supervised.
22 If the application of this section adjusts the compensation grade of an employee
23 in excess of his/her immediate supervisor, whose job code is also covered by
24 this Ordinance the pay of such immediate supervisor shall be adjusted to an
25

1 amount \$1.00 bi-weekly in excess of the base rate of his/her highest paid
2 subordinate, provided that the other applicable conditions of this section are also
3 met.

4 (7) In no event will the Appointing Officer approve a supervisory salary adjustment
5 in excess of two (2) full steps (approximately 10%) over the supervisor's current
6 basic compensation. If in the following fiscal year a salary inequity continues to
7 exist, the Appointing Officer may again review the circumstances and may grant
8 an additional salary adjustment not to exceed two (2) full steps (approximately
9 10%).

10 (8) The compensation adjustment is retroactive to the date the employee became
11 eligible, but not earlier than the beginning of the current fiscal year.

12 (9) The Human Resources Department shall review any changes in the conditions
13 or circumstances that were and are relevant to the request for salary adjustment
14 under this section.

15 SECTION 6. SEVERANCE PAY (FOR MANAGEMENT UNREPRESENTED
16 EMPLOYEES):

17 (1) When an exempt employee covered by this Ordinance is involuntarily removed
18 or released from employment, the Appointing Officer will endeavor to inform the
19 employee at least thirty (30) calendar days before his/her final day of work.
20 Where the Appointing Officer fails or declines to inform the employee a full thirty
21 (30) days in advance, the exempt employee shall receive pay in lieu of the
22 number of days less than thirty (30) upon which s/he was informed.

23 (2) In addition to paragraph (1), when an exempt employee covered by this
24 Ordinance is involuntarily removed or released from employment ~~with ten (10) or~~

1 ~~more years of continuous City Service,~~ the employee shall also receive ~~one~~
2 month's one week's severance pay for each full year worked, up to a maximum
3 of 26 weeks, in exchange for a release signed by the employee of any and all
4 claims arising out of employee's employment or termination of that employment
5 (including claims arising under this Ordinance) that the employee may have
6 against the City including any officer or employee thereof. This release shall be
7 in a form acceptable to the City and shall also include a waiver of any rights the
8 employee may have to return to City employment (e.g., holdover roster), a
9 waiver of Section 1542 of the California Civil Code, and a waiver of claims under
10 the Age Discrimination in Employment Act. The release shall exclude the right to
11 grieve the proper amount of notice or severance pay due under this section.

- 12 (3) In the event an exempt employee covered by this Ordinance is involuntarily
13 returned to a permanent job code, that employee may elect to separate from
14 City Service and shall receive one month's week's severance pay for each full
15 year worked, up to a maximum of 26 weeks, in exchange for a release signed by
16 the employee of any and all claims arising out of employee's employment or
17 termination of that employment (including claims arising under this Ordinance)
18 that the employee may have against the City including any officer or employee
19 thereof. This release shall be in a form acceptable to the City and This release
20 shall also include a waiver of any rights the employee may have to return to City
21 employment (e.g., holdover roster), a waiver of Section 1542 of the California
22 Civil Code, and a waiver of claims under the Age Discrimination in Employment
23 Act. The release shall exclude the right to grieve the proper amount of notice or
24 severance pay due under this section.

- 1 (4) Additionally, any employee accepting severance pay under this provision shall
2 be ineligible to be appointed to City service under Charter Section A8.511
3 ("Proposition F" appointment) in the department from which he or she was
4 released for a period of two (2) years from the date of release.
- 5 (5) Released employees must elect severance within thirty (30) days of notice of
6 involuntary separation/release.
- 7 (6) Payment of severance is dependent upon approval by the Appointing Officer,
8 Controller and the Human Resources Director. Approval will be based on a good
9 faith consideration of whether the employee's removal or release was
10 involuntary, was initiated by the Appointing Authority, and was in the best
11 interests of the City; and whether the termination of employment was based on
12 conduct involving misappropriation of public funds or property, misuse or
13 destruction of public property, mistreatment of persons, or acts which would
14 constitute a felony or misdemeanor. Additionally, an employee eligible for
15 severance pursuant to Sections 6.(2) or 6.(3) above may receive severance
16 pursuant to either, but not both.

17 SECTION 7. BILINGUAL PAY

18 A "designated bilingual position" is a position designated by the department subject to
19 approval by the Human Resources Department, which requires translation services
20 consisting of translating to and from a foreign language including, sign language for the
21 hearing impaired and Braille for the visually impaired.

22 An employee in a designated bilingual position who routinely and consistently provides
23 more than forty (40) hours per pay period of translation services will receive a bilingual
24 premium of sixty dollars (\$60.00) per pay period.

1 An employee in a designated bilingual position who routinely and consistently provides
2 more than ten (10) but less than forty (40) hours per pay period of translation services will
3 receive a bilingual premium of forty dollars (\$40.00) per pay period.

4 SECTION 8. PREMIUM PAY

5 All premiums and additional forms of compensation described in this ordinance shall be
6 paid only for actual hours worked.

7 There shall be no pyramiding of premiums for purposes of compensation calculations.
8 Each premium shall be calculated on the base wage rate exclusive of any and all premiums,
9 benefits and other forms of additional compensation.

10 SECTION 9. APPOINTMENT AND ADVANCEMENT THROUGH SALARY STEPS

11 Appointing Officers may appoint employees to any step, at any time, in the salary
12 grade which does not exceed the maximum of the salary grade. If there are no steps within
13 the salary grade, the Appointing Officer may appoint employees to any place within the
14 grade at any time, providing that the placement does not exceed the salary grade maximum.

15 Employees who enter below the salary grade maximum may advance one step
16 following completion of the one year required service. Further increments may accrue
17 following completion of the required service at this step and at each successive step.

18 An employee's scheduled step increase may be denied if the employee's performance
19 has been unsatisfactory to the City. The denial of a step increase is subject to the grievance
20 procedure; provided, however, that nothing in this section is intended to or shall make
21 performance evaluations subject to the grievance procedure.

22 SECTION 10. METHODS OF CALCULATION

- 23 (1) Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis
24 shall be paid the bi-weekly salary for his/her position for work performed during

1 the bi-weekly payroll period. There shall be no compensation for time not
2 worked unless such time off is authorized time off with pay.

- 3 (2) Per Diem or Hourly. An employee whose compensation is fixed on a per diem
4 or hourly basis shall be paid the daily or hourly rate for work performed during
5 the bi-weekly payroll period on a bi-weekly pay grade. There shall be no
6 compensation for time not worked unless such time off is authorized time off
7 with pay.

8 SECTION 11. WORK SCHEDULES

9 (1) REGULAR WORK SCHEDULES

- 10 a. Regular Work Day. Unless otherwise provided, a regular workday is a tour of
11 duty of eight (8) hours of work completed within not more than twenty-four (24)
12 hours.
- 13 b. Regular Work Week. The Appointing Officer shall determine the work schedule
14 for employees in his/her department. A regular workweek is a tour of duty of five
15 (5) worked days within a seven day period. However, employees who are
16 moving from one shift or one work schedule to another may be required to work
17 in excess of five working days in conjunction with changes in their work shifts or
18 schedules.

19 Employees shall receive no compensation when properly notified (2-hour notice)
20 that work applicable to the job code is not available because of inclement weather
21 conditions, shortage of supplies, traffic conditions, or other unusual circumstances.
22 Employees who are not properly notified and report to work and are informed no work
23 applicable to the job code is available shall be paid for a minimum of two (2) hours.

24 Employees who have been designated by their department as emergency personnel

1 must report to work as scheduled unless otherwise notified by the Appointing Officer or
2 designee. Employees who begin their shifts and are subsequently relieved of duty due
3 to the above reasons shall be paid a minimum of two (2) hours, and for hours actually
4 worked beyond two (2) hours, computed to the nearest one-quarter hour.

5 (2) NIGHT DUTY

6 Employees, exclusive of employees in job codes which are exempt from the Fair
7 Labor Standards Act, who, as part of their regularly scheduled work shift, are required
8 to work any hours between (five) 5:00 p.m. and (seven) 7:00 a.m. shall receive a
9 premium of 6¼% per hour in addition to their straight time hourly base rate of pay for
10 any and all hours worked between (five) 5:00 p.m. and (seven) 7:00 a.m. Excluded
11 from this provision are those employees who participate in an authorized flex-time
12 program where the work shift includes hours to be worked between the hours of (five)
13 5:00 p.m. and (seven) 7:00 a.m. Day shift employees assigned to work during the
14 night duty premium hours are not eligible for night duty premium. Payment of this
15 premium shall be made for actual hours worked.

16 (3) ALTERNATE WORK SCHEDULES

17 The Appointing Officer may enter into cost equivalent alternate work schedules
18 for some or all employees. Such alternate work schedules may include, but are not
19 limited to, core hours flex-time; full-time work weeks of less than five (5) days; or a
20 combination of features mutually agreeable to the parties. Such changes in the work
21 schedule shall not alter the basis for, nor entitlement to, receiving the same rights and
22 privileges as those provided to employees on five (5) day, forty (40) hour a week
23 schedules.

1 (4) VOLUNTARY REDUCED WORK WEEK

2 Employees subject to the approval by the Appointing Officer may voluntarily
3 elect to work a reduced work week for a specified period of time. Such reduced work
4 week shall not be less than twenty (20) hours per week. Pay, vacation, holidays and
5 sick pay shall be reduced in accordance with such reduced work week.

6 SECTION 12. STANDBY PAY AND PAGER PAY

7 Employees who, as part of the duties of their positions are required by the Appointing
8 Officer to standby when normally off duty to be instantly available to be called in for
9 immediate emergency service for the performance of their regular duties, shall be paid ten
10 (10) percent of their regular straight time rate of pay for the period of such standby service
11 when outfitted by the department with an electronic paging device and/or cell phone. When
12 such employees are called to perform their regular duties in emergencies during the period
13 of such standby service, they shall be paid while engaged in such emergency service the
14 usual rate of pay for such service.

15 The provisions authorizing standby pay do not apply to job codes designated by a "Z"
16 symbol.

17 SECTION 13. CALL BACK

18 Employees (except those at remote locations where City supplied housing has been
19 offered, or who are otherwise being compensated) who are called back to their work
20 locations following the completion of his/her work day and departure from his/her place of
21 employment, shall be granted a minimum of four (4) hours pay at the applicable rate or shall
22 be paid for all hours actually worked at the applicable rate, whichever is greater. This
23 section shall not apply to employees who are called back to duty when on stand-by status.

24 Notwithstanding the general provisions of this section, call back pay shall not be

1 allowed in job codes designated by a "Z" symbol.

2 SECTION 14. OVERTIME COMPENSATION

- 3 (1) Subject to sub-paragraphs 2-4 below, the Appointing Officer may require
4 employees to work longer than the regular work day or the regular work week.
5 Any time worked by an employee with proper authorization, exclusive of part-
6 time employees, in excess of forty (40) hours actually worked during a regular
7 work week shall be designated as overtime and shall be compensated at one-
8 and-one-half times the base hourly rate. For the purposes of calculating
9 overtime compensation, an employee's base hourly rate may include certain
10 premiums for those hours actually worked at the premium rate.
- 11 (2) Employees working in job codes that are designated as having a regular work
12 week of less than forty (40) hours shall not be entitled to overtime compensation
13 for work performed in excess of said specified regular hours until they exceed
14 forty (40) hours per week. Overtime shall be calculated and paid on the basis of
15 the total number of straight time hours actually worked in a week. Overtime
16 compensation so earned shall be computed subject to all the provisions and
17 conditions set forth herein.
- 18 (3) Only legal holidays, listed in Section 16 ("Holidays"), shall count as hours
19 worked for the purposes of computing overtime.
- 20 (4) Employees in non "Z" designated job codes who are required to work overtime
21 shall be paid at a rate of one and one-half times their regular base rate. An
22 employee may elect to accrue Compensatory Time Off (CTO) in lieu of overtime,
23 provided that the Appointing Officer approves of such election. In no instance
24 may an employee accrue more than two hundred forty (240) hours of CTO.

1 (5) Employees in job codes designated by a "Z" symbol shall not be paid for
2 overtime worked but may earn CTO at the rate of one hour for each hour worked
3 in excess of 40 hour/week. The maximum amount of CTO that may be accrued
4 is two hundred forty (240) hours. In lieu of accruing CTO during the fiscal year,
5 unrepresented department heads, the 1283 Director of Employee Relations and
6 employees in AB44 Confidential Chief Attorney II shall have the same executive
7 leave benefit applicable to employees in job codes assigned to the EM Unit. In
8 lieu of accruing CTO during the fiscal year, employees in the 1282 Manager
9 Employee Relations classification shall have the same administrative leave
10 benefit applicable to employees in job codes assigned to the M Unit.

11 SECTION 15. FAIR LABOR STANDARDS ACT

12 To the extent that this Ordinance fails to afford employees the overtime or
13 compensatory time off benefits to which they are entitled under the Fair Labor Standards
14 Act, this Ordinance authorizes and directs all City Departments to ensure that their
15 employees receive, at a minimum, such Fair Labor Standards Act Benefits.

16 SECTION 16. HOLIDAYS

17 Except when normal operations require, or in an emergency, employees shall not be
18 required to work on the following days hereby declared to be holidays for such employees:

19 January 1 (New Year's Day)

20 the third Monday in January (Martin Luther King, Jr.'s Birthday)

21 the third Monday in February (President's Day)

22 the last Monday in May (Memorial Day)

23 July 4 (Independence Day)

24 the first Monday in September (Labor Day)

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1 the second Monday in October (Columbus Day)
2 November 11 (Veteran's Day)
3 Thanksgiving Day
4 the day after Thanksgiving
5 December 25 (Christmas Day)

6 Provided however, ~~further~~ that, if January 1, July 4, November 11 or December 25 falls
7 on a Sunday, the Monday following is a holiday.

8 In addition, included shall be any day declared to be a holiday by proclamation of the
9 Mayor after such day has heretofore been declared a holiday by the Governor of the State
10 of California or the President of the United States.

11 The City shall accommodate religious belief or observance of employees as required
12 by law.

13 Employees are entitled to four (4) floating holidays totaling thirty-two (32) hours (pro-
14 rated for eligible part-time employees), in each fiscal year to be taken on days selected by
15 the employee subject to prior scheduling approval of the Appointing Officer. Employees
16 (both full-time and part-time) must complete six (6) months continuous service to establish
17 initial eligibility for the floating holidays. Employees hired on an as-needed, intermittent or
18 seasonal basis shall not receive floating holidays. Floating holidays may be taken in hourly
19 increments up to and including the number of hours contained in the employee's regular
20 shift. Floating holidays may be carried forward from one fiscal year to the next. The number
21 of floating holidays carried forward to a succeeding fiscal year may not exceed the total
22 number of floating holidays received in the previous fiscal year. No compensation of any
23 kind shall be earned or granted for floating holidays not taken. Employees who have
24 established initial eligibility for floating holidays and subsequently separate from City

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1 employment, may at the sole discretion of the appointing authority, be granted to take off
2 those floating holiday(s) to which the separating employee was eligible and had not yet
3 taken off. ~~In Fiscal Year 2012-13, employees shall receive a one-time award of two (2)~~
4 ~~additional floating holidays, which shall be administered in the same manner as the above-~~
5 ~~referenced floating holidays.~~ Notwithstanding other limitations in this section, any unused
6 floating holidays accrued through June 30, 2013 may be carried over to be used in fiscal
7 year 2013-14.

8 Floating holidays are to be scheduled per mutual agreement, based on operational
9 needs of the department.

10 For those employees assigned to a work week of Monday through Friday, and in the
11 event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday;
12 provided, however, that except where the Governor declares that such preceding Friday
13 shall be a legal holiday, each department head shall make provision for the staffing of public
14 offices under his/her jurisdiction on such preceding Friday so that said public offices may
15 serve the public as provided in the Administrative Code (Section 16.4). Those employees
16 who work on a Friday which is observed as a holiday in lieu of a holiday falling on Saturday
17 shall be allowed a day off in lieu thereof as scheduled by the Appointing Officer in the
18 current fiscal year. The City shall provide one week's advance notice to employees
19 scheduled to work on the observed holiday, except in cases of unforeseen operational
20 needs.

21 SECTION 17. HOLIDAY COMPENSATION FOR TIME WORKED

22 Employees required by their respective Appointing Officer to work on any of the above-
23 specified or to substitute holidays excepting Fridays observed as holidays in lieu of holidays
24 falling on Saturday, shall be paid extra compensation of one (1) additional day's pay at time

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1 and one-half (1-1/2) the usual rate in the amount of twelve (12) hours pay for eight (8) hours
2 worked or a proportionate amount if less than eight (8) hours worked; provided, however,
3 that at an employee's request and with the approval of the Appointing Officer, an employee
4 may be granted compensatory time off in lieu of paid overtime.

5 Employees occupying positions which are exempt from the FLSA (Executive,
6 Administrative and Professional) shall not receive extra compensation for holiday work but
7 may be granted time off at the discretion of the Appointing Officer.

8 SECTION 18. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER
9 THAN MONDAY THROUGH FRIDAY

- 10 (1) Employees assigned to seven (7) day-operation departments or employees
11 working a five (5) day work week other than Monday through Friday shall be
12 allowed another day off if a holiday falls on one of their regularly scheduled days
13 off.
- 14 (2) Employees whose holidays are changed because of shift rotations shall be
15 allowed another day off if a legal holiday falls on one of their days off.
- 16 (3) Employees required to work on a holiday which falls on a Saturday or Sunday
17 shall receive holiday compensation for work on that day. Holiday compensation
18 shall not then be additionally paid for work on the Friday preceding a Saturday
19 holiday, nor on the Monday following a Sunday holiday.
- 20 (4) Sections (2) and (3) above shall apply to part-time employees on a pro-rata
21 basis. If the provisions of this section deprive an employee of the same number
22 of holidays that an employee receives who works Monday through Friday, s/he
23 shall be granted additional days off to equal such number of holidays. The
24 designation of such days off shall be by mutual agreement of the employee and

1 the appropriate employer representative. Such days off must be taken within
2 the fiscal year. In no event shall the provisions of this section result in such
3 employee receiving more or less holidays than an employee on a Monday
4 through Friday work schedule.

5 SECTION 19. HOLIDAY PAY FOR EMPLOYEES LAID OFF

6 An employee who is laid off at the close of business the day before a holiday who has
7 worked not less than five (5) previous consecutive workdays shall be paid for the holiday at
8 ~~their~~ his or her normal rate of compensation.

9 SECTION 20. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

10 Persons employed for holiday work only, or persons employed on a part-time work
11 schedule which is less than twenty (20) hours in a bi-weekly pay period, or persons
12 employed on an intermittent part-time work schedule (not regularly scheduled), or persons
13 employed on as-needed, seasonal or project basis for less than six (6) months continuous
14 service, or persons on leave without pay status both immediately preceding and immediately
15 following the legal holiday shall not receive holiday pay.

16 SECTION 21. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

17 Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly
18 pay period shall be entitled to holiday pay on a proportionate basis.

19 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in
20 a bi-weekly pay period, therefore, part-time employees, as defined in the immediately
21 preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours
22 regularly worked in a bi-weekly pay period. Holiday time off shall be determined by
23 calculating 1/10 of the hours worked by the part-time employee in the bi-weekly pay period
24 immediately preceding the pay period in which the holiday falls. The computation of holiday

1 time off shall be rounded to the nearest hour.

2 The proportionate amount of holiday time off shall be taken in the same fiscal year in
3 which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the
4 employee and the appropriate employer representative.

5 SECTION 22. IN-LIEU HOLIDAYS

6 (1) Requests for in-lieu holidays shall be made to the appropriate management
7 representative within thirty (30) days after the holiday is earned and must be
8 taken within the fiscal year.

9 (2) In-lieu holidays will be assigned by the Appointing Officer or designee if not
10 scheduled in accordance with the procedures described herein.

11 (3) An in-lieu holiday can be carried over into the next fiscal year only with the
12 written approval of the Appointing Officer.

13 SECTION 23. PROBATIONARY PERIODS

14 Probationary periods shall be defined and administered by the Civil Service
15 Commission. All permanent appointees shall serve a minimum of 2,080 hours probationary
16 period.

17 A probationary period may be extended by mutual written agreement between the
18 employee and the Appointing Officer.

19 SECTION 24. HEALTH AND WELFARE

20 1. MISCELLANEOUS UNIT (001)

21 For members of the miscellaneous unit (001), the City's contribution to
22 employee health, dental, and other insurance benefits will be provided as follows:
23 equivalent to those offered to members of the City's bargaining units #7 and #8.
24

1 ~~a. MEDICALLY SINGLE EMPLOYEES~~

2 For employees enrolled in the City Plan in the medically single/Employee Only
3 category, the City's contribution will be capped at an amount equivalent to the
4 cost of the second highest cost plan for medically single/Employee Only
5 enrollees. Employees who elect to enroll in the City Plan in this category must
6 pay the difference between the capped amount of the City Plan described above
7 and the cost of City Plan coverage in the medically single/Employee Only
8 category.

9 ~~b. DEPENDENT HEALTH CARE COVERAGE~~

10 The City will contribute up to 75% of the cost of the City's least expensive
11 medical plan's dependent health care medical costs charged to the employee for
12 the employee plus two or more dependents category. For "medically single"
13 employees, i.e., benefited employees not receiving the contribution paid by the
14 City for dependent health care benefits, the City shall contribute all of the
15 premium for the employee's own health care benefit coverage.

16 ~~c. DENTAL HEALTH CARE COVERAGE~~

17 The City will provide dental contributions at the present level during the term of
18 this ordinance or modified as follows:

19 Effective January 1, 2013, ~~e~~ Employees who enroll in the Delta Dental PPO plan
20 shall pay the following premiums for the respective coverage levels: \$5/month
21 for employee only, \$10/month for employee +1, or \$15/month for employee +2
22 or more dependents.

23 2. MANAGEMENT UNIT (002)

24 As to the members of the management unit (002), health, dental, and other

1 insurance benefits, including flexible spending ("cafeteria") benefits, will be equivalent
2 to those offered to members of the City's bargaining unit #32.

3 SECTION 25. RETIREMENT CONTRIBUTION

4 Employees in classifications covered by this Ordinance shall pay their own employee
5 retirement contributions as set forth in the San Francisco Charter.

6 The parties acknowledge that the San Francisco Charter establishes the levels, terms
7 and conditions of retirement benefits for members of the San Francisco Employees
8 Retirement System (SFERS). The fact that the Ordinance does not specify that a certain
9 item of compensation is excluded from retirement benefits should not be construed to mean
10 that the item is included by the Retirement Board when calculating retirement benefits.

11 SECTION 26. ~~RETIREMENT RESTORATION~~

12 ~~For employees who retire prior to July 1, 2013, and whose final compensation for~~
13 ~~retirement purposes is impacted by the wage reduction from Fiscal Year 2011-2012 from the~~
14 ~~preceding Unrepresented Ordinance, the City shall make available restoration pay in a lump~~
15 ~~sum equivalent to the pensionable value of the wage reduction or wage increase deferral for~~
16 ~~the period used by the applicable retirement system to determine the employee's final~~
17 ~~compensation for retirement purposes (Final Compensation Period).~~

18 SECTION 26. PRE-RETIREMENT PLANNING SEMINAR

19 Subject to development, availability and scheduling by SFERS and PERS, employees
20 shall be allowed not more than one (1) day to attend a pre-retirement planning seminar
21 sponsored by SFERS or PERS.

22 Employees must provide at least two (2) weeks advance notice of their desire to attend
23 a retirement planning seminar to the appropriate supervisor. An employee shall be released
24 from work to attend the seminar unless staffing requirements or other Department

1 exigencies require the employee's attendance at work on the day or days such seminar is
2 scheduled. Release time shall not be unreasonably withheld.

3 All such seminars must be located within the Bay Area.

4 This section shall not be subject to the grievance procedure.

5 SECTION 27. WORKER'S COMPENSATION AND RETURN TO WORK

6 The City will make a good faith effort to return employees who have sustained an
7 occupational injury or illness to temporary modified duty within the employee's medical
8 restriction. Duties of the modified assignment may differ from the employee's regular job
9 duties and/or from job duties regularly assigned to employees in the injured employee's job
10 code. Where appropriate modified duty is not available within the employee's job code, on
11 the employee's regular shift, and in the employee's department, the employee may be
12 temporarily assigned pursuant to this section to work in another job code, on a different shift,
13 and/or in another department, subject to the approval of the Appointing Officer or designee.
14 The decision to provide modified duty and/or the impact of such decisions shall not be
15 subject to grievance or arbitration. Modified duty assignments may not exceed three (3)
16 months. An employee assigned to a modified duty assignment shall receive their regular
17 base rate of pay and shall not be eligible for any other additional compensation (premiums)
18 and or out of job code assignment pay as may be provided under this Ordinance.

19 An employee who is absent because of an occupational disability and who is receiving
20 Temporary Disability, Vocational Rehabilitation Maintenance Allowance, State Disability
21 Insurance, may request that the amount of disability indemnity payment be supplemented
22 with salary to be charged against the employee's accumulated unused sick leave with pay
23 credit balance at the time of disability, compensatory time off, or vacation, so as to equal the
24 normal salary the employee would have earned for the regular work schedule. Use of

1 compensatory time requires the employee's Appointing Officer's approval.

2 An employee who wishes not to supplement, or who wishes to supplement with
3 compensatory time or vacation, must submit a written request to the Appointing Officer or
4 designee within seven (7) calendar days following the first date of absence. Disability
5 indemnity payments will be automatically supplemented with sick pay credits (if the
6 employee has sick pay credits and is eligible to use them) to provide up to the employee's
7 normal salary unless the employee makes an alternative election as provided in this section.

8 Employee supplementation of workers compensation payment to equal the full salary
9 the employee would have earned for the regular work schedule in effect at the
10 commencement of the workers compensation leave shall be drawn only from an employee's
11 paid leave credits including vacation, sick leave balance, or other paid leave as available.

12 An employee returning from disability leave will accrue sick leave at the regular rate and not
13 an accelerated rate.

14 Salary may be paid on regular time-rolls and charged against the employee's sick
15 leave with pay, vacation, or compensatory time credit balance during any period prior to the
16 determination of eligibility for disability indemnity payment without requiring a signed option
17 by the employee. Sick leave with pay, vacation, or compensatory time credits shall be used
18 to supplement disability indemnity pay at the minimum rate of one (1) hour units.

19 This section clarifies and supersedes any conflicting provisions of the Civil Service
20 Commission Rules which are within the Charter authority of the Board of Supervisors.

21 SECTION 28. STATE DISABILITY INSURANCE (SDI) COVERAGE

22 Upon a statement by a majority of employees in a job code, or by the sole incumbent in
23 a single "A" position or by the majority of employees in a multi "A" position, requesting that
24 they be enrolled in the State Disability Program, the City shall take all necessary action to

1 enroll affected employees therein.

2 SECTION 29. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION
3 STATUTES

4 This Ordinance shall be interpreted, administered and applied in a manner that
5 complies with the provisions of federal, state and local disability and anti-discrimination
6 statutes. The City shall have the right to take whatever action it deems appropriate to
7 ensure compliance with such laws.

8 A complaint of discrimination may, at the option of the employee be processed through
9 the grievance procedure of this Ordinance, or through the applicable Civil Service rules, the
10 City Administrative Code and federal and state law. If the employee elects to pursue
11 remedies for discrimination complaints outside the procedure of this Ordinance, it shall
12 constitute a waiver of the right to pursue that complaint through the grievance process. To
13 the extent permissible by law if there is an election to pursue the complaint through the
14 grievance, it shall constitute a waiver of the right to pursue the complaint in other forums and
15 grievant shall be required to execute a written acknowledgement of the waiver in a form
16 approved by the City Attorney.

17 SECTION 30. TUITION REIMBURSEMENT

18 The City will allocate \$15,000 for the Tuition Reimbursement Program for employees
19 covered by this Ordinance. Employees covered under this Unrepresented Ordinance may
20 be reimbursed up to a maximum of \$2,000 for tuition, registration fees, books and other
21 materials for internal or external training programs which will enhance an employee's work
22 skills, professional conferences, professional association memberships and desired licenses
23 relevant to the employee's current classification. Tuition reimbursement must be approved
24 by the employee's Appointing Officer and be in accordance with procedures determined by

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1 the Human Resources Director.

2 Subject to approval by the Appointing Officer or designee and to the extent funds are
3 available, employees may utilize up to \$1,000 of the funds available to them for that fiscal
4 year under this section to pay for the cost of reasonable and necessary travel and lodging
5 for approved training. Travel reimbursement rates shall be as specified in the Controller's
6 travel policy memo; however, a \$50 per diem will be allowed for meals required when on
7 travel status for approved training.

8 In addition, subject to the approval of the employee's Appointing Officer, an employee
9 may also be reimbursed up to \$1,000 of the maximum funds available to them per fiscal
10 year for the purchase of ~~Personal Digital Assistants~~ handheld electronic devices (e.g.
11 smartphones, tablets), laptop computers, professional software, and books and
12 subscriptions for use in the performance of their City duties. Tuition reimbursement must be
13 approved by the employee's Appointing Officer and be in accordance with procedures
14 determined by the Human Resources Director.

15 SECTION 31. TUITION REIMBURSEMENT FOR SUPERVISING CLINICAL
16 PSYCHOLOGISTS

17 Each regularly scheduled full-time or part-time 2576 Supervising Clinical Psychologists
18 (excluding as needed employees) may be reimbursed up to a maximum of \$2,000 per fiscal
19 year for tuition, internal or external training programs, professional conferences and
20 professional association membership relevant to the employee's current classification. The
21 funds may also be used to reimburse employees for the purchase of Personal Digital
22 Assistants, professional software, books and subscriptions. Tuition reimbursement must be
23 approved by the employee's Appointing Officer and be in accordance with procedures
24 determined by the Human Resources Director.

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1 SECTION 32. SPECIAL EDUCATIONAL LEAVE FOR SUPERVISING CLINICAL
2 PSYCHOLOGISTS

3 Each regular full time or part time 2576 Supervising Clinical Psychologist (excluding as
4 needed employees) shall be allowed the required number of hours of educational leave with
5 pay for re-licensure to attend formally organized courses, institutes, workshops or classes to
6 fulfill re-licensure requirements, as authorized and approved by the Appointing Officer or
7 designee.

8 SECTION 33. RENEWAL FEES FOR CERTIFICATIONS, LICENSES OR
9 REGISTRATIONS

10 When a certificate, license or registration is required by the Civil Service
11 Commission as a minimum qualification for City employment, the City will reimburse the
12 employee for the amount of the mandatory fee for the renewal of such certificate, license or
13 registration.

14 SECTION 34. BAR DUES

15 Full-time permanent exempt employees who, as a condition of employment, are
16 required to be a member of the California State Bar shall be reimbursed for his/her annual
17 mandatory minimum California State Bar dues.

18 SECTION 35. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

19 Unrepresented employees shall be on paid status when assigned to attend required
20 educational programs scheduled during normal working hours.

21 SECTION 36. LIFE INSURANCE

22 Upon becoming eligible to participate in the Health Service System under San
23 Francisco Administrative Code Section 16.700, the City shall provide life insurance in the
24 amount of \$50,000 for all employees covered by this Ordinance.

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1 SECTION 37. SAFETY EQUIPMENT & PROTECTIVE CLOTHING

2 All employees covered by this Ordinance shall be provided with safety equipment and
3 protective clothing in accordance with Cal-OSHA requirements and as deemed appropriate
4 by and authorized by the Appointing Officer or designee.

5 SECTION 38. LONG TERM DISABILITY

6 The City, at its own cost, shall provide to Miscellaneous Unrepresented Employees a
7 Long Term Disability (LTD) benefit that provides, after a one hundred and eighty (180) day
8 elimination period, sixty percent salary (60%) (subject to integration) up to age sixty-five
9 (65). Employees who are receiving or who are eligible to receive LTD shall be eligible to
10 participate in the City's Catastrophic Illness Program only to the extent allowed for in the
11 ordinance governing such program.

12 SECTION 39. PARENTAL RELEASE TIME

13 Upon proper advance notification, covered employees may be granted up to forty (40)
14 hours Parental Leave per fiscal year four (4) hours of which will be paid leave to participate
15 in the activities of a school or licensed child day care facility of any of the employee's
16 children. Parental leave shall not exceed eight (8) hours in any calendar month of the year.

17 In order to qualify for Parental leave, the employee must give reasonable notice to
18 his/her immediate supervisor prior to taking the time off. The employee must provide written
19 verification from the school or licensed child day care facility that he/she participated in
20 school/child care related activities on a specific date and at a particular time, if requested by
21 management. The employee may utilize either existing vacation, compensatory time off, or
22 personal (unpaid) leave to account for absences after the two (2) paid hours per semester
23 have been used. If both of the child's parents are employed by the City at the same
24 worksite, the entitlement to a planned absence applies only to the parent who first gives

1 notice.

2 Denial of Parental Leave under this section is not subject to the grievance process.

3 SECTION 40. MILEAGE REIMBURSEMENT

4 Covered employees shall be reimbursed at the Controller's certified rate per mile when
5 required to use their personal vehicle for City business.

6 SECTION 41. GRIEVANCE PROCEDURE

7 Definition:

8 A Grievance shall be defined as any dispute which involves the interpretation or
9 application of this Ordinance. The grievance must state the circumstances on which the
10 grievant claims to be aggrieved, the section(s) of the Ordinance which the grievant believes
11 violated and the remedy or solution being sought by the grievant.

12 General Provisions:

13 In no event shall a grievance include a claim for money relief for more than a thirty (30)
14 working day period prior to the initiation of the grievance.

15 If the supervisor or Appointing Officer fails to respond within the required time limits,
16 the grievant may then present the grievance in writing to the next higher step. If the grievant
17 fails to present the grievance to the next higher step within the required time limits, then the
18 grievance will be considered to be resolved.

19 The time limits set forth in this grievance procedure may be extended by mutual
20 agreement between the parties.

21 Any deadline date under this section that falls on a Saturday, Sunday or Holiday shall
22 be continued to the next business day.

23 Procedure:

24 Step I Immediate Supervisor

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1 An employee having a grievance must first discuss it with the employee's immediate
2 supervisor. The employee's immediate supervisor is the individual who immediately
3 assigns, reviews or directs the work of an employee.

4 If a solution to the grievance, satisfactory to the employee and immediate supervisor is
5 not accomplished by the informal discussion, the employee may pursue the matter further.
6 The employee shall submit a written statement of the grievance to the immediate supervisor
7 within fifteen (15) calendar days of the facts or event giving rise to the grievance or within
8 fifteen (15) calendar days from such time as the employee should have known of the
9 occurrence thereof.

10 The immediate supervisor will make every effort to arrive at a prompt resolution by
11 investigating the issue. He/she shall respond within five (5) calendar days.

12 **Step II Department Head/Designee**

13 If the employee is not satisfied with the decision rendered, the employee shall submit
14 the grievance in writing to the department head or designee within fifteen (15) calendar days
15 of receiving notification of that decision. The grievance shall include a specific description of
16 the basis for the claim, the Ordinance section(s) believed violated and the resolution
17 desired. The parties shall meet within fifteen (15) calendar days, unless a mutually agreed
18 upon alternative is established. The Department Head/designee shall, within fifteen (15)
19 calendar days of receipt of the written grievance, or within ten (10) calendar days of the date
20 the meeting is held, whichever comes later, respond in writing to the grievance, specifying
21 his/her reason(s) for concurring with or denying the grievance.

22 **Step III Director, Employee Relations Division**

23 If the employee is not satisfied with the decision of the Department Head/designee, the
24 employee shall submit the grievance to the Employee Relations Director within fifteen (15)

1 calendar days after receipt of the Department's decision.

2 The Director shall have thirty (30) calendar days after receipt of the written grievance in
3 which to review and seek resolution of the grievance and to render a decision concurring
4 with or denying the grievance. The Employee Relations Director's decision shall be final
5 and binding.


6 SECTION 42. SAVINGS CLAUSE

7 Should any part hereof or any provision herein be declared invalid by any decree of
8 court of competent jurisdiction, such invalidation of such part or portion of this Ordinance
9 shall not invalidate the remaining portions hereof and the remaining portions hereof shall
10 remain in full force and effect for the duration of this ordinance.

11 Recodifications may have rendered the references to specific Civil Service Rules and
12 Charter sections contained herein incorrect. Such terms will be read as if they accurately
13 referenced the same sections in their newly codified form as of July 1, ~~2012~~ 2013.

14 This Ordinance shall be effective July 1, ~~2012~~ 2013.

15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: 
18 ELIZABETH SALVESON
19 Chief Labor Attorney
20 n:\labor\as2013\0002058\00847183.doc

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1 **ATTACHMENT A**

2 **LIST OF UNREPRESENTED JOB CODES PURSUANT TO CHARTER SECTION A8.409.1.**

3 001 = Miscellaneous Unrep. Job Codes 002 = Management Unrep. Job Codes

4

5

<u>Job Code</u>	<u>Description</u>	<u>Union Code</u>
6 1229	Special Examiner	001
7 1280	Employee Relations Representative	001
8 1281	Senior Emp Relations Representative	001
9 1942	Asst Materials Coordinator	001
10 2561	Optometrist	001
11 2576	Sprv Clinical Psychologist	001
12 2966	Welfare Fraud Investigator	001
13 2967	Sup Welfare Fraud Investigator	001
14 3246	Pianist	001
15 3438	Arborist Technician Supv II	001
16 8168	Parking Hearing Supervisor	001
17 8247	Emergency Planning Coordinator	001
18 8446	Court Alternative Specialist 1	001
19 9144	Investigator, Taxi & Access Svcs	001
20 9530	Labor Relations Rep, SFMTA	001
21 9531	Sr. Labor Relations Rep, SFMTA	001
22 9916	Public Svc Aide-Public Works	001
23 AC35	Bd/Comm Secretary 3	001
24 0881	Mayoral Staff I	002

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	<u>Job Code</u>	<u>Description</u>	<u>Union Code</u>
1			
2	0882	Mayoral Staff II	002
3	0883	Mayoral Staff III	002
4	0884	Mayoral Staff IV	002
5	0885	Mayoral Staff V	002
6	0886	Mayoral Staff VI	002
7	0887	Mayoral Staff VII	002
8	0888	Mayoral Staff VIII	002
9	0889	Mayoral Staff IX	002
10	0890	Mayoral Staff X	002
11	0891	Mayoral Staff XI	002
12	0892	Mayoral Staff XII	002
13	0901	Mayoral Staff XIII	002
14	0902	Mayoral Staff XIV	002
15	0903	Mayoral Staff XV	002
16	0904	Mayoral Staff XVI	002
17	0905	Mayoral Staff XVII	002
18	1282	Manager, Employee Relations Div	002
19	1283	Director, Emp Relations Div	002
20	1293	Human Resources Director	002
21	1682	Controller	002
22	1849	Prog Mgr, Bus & Econ Develop	002
23	8137	Chf Victim/Witness Invstgtor	002
24	AB44	Cfdntal Chf Atty 2,(Cvl&Crmnl)	002

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<u>Job Code</u>	<u>Description</u>	<u>Union Code</u>
AC38	Assistant Superintendent, Rec	002

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City and County of San Francisco
Tails
Ordinance

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

File Number: 130456

Date Passed: July 09, 2013

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 2013.

June 13, 2013 Government Audit and Oversight Committee - RECOMMENDED

June 25, 2013 Board of Supervisors - PASSED, ON FIRST READING

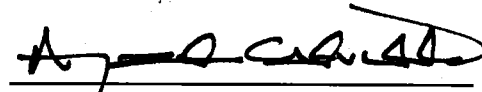
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 09, 2013 Board of Supervisors - FINALLY PASSED

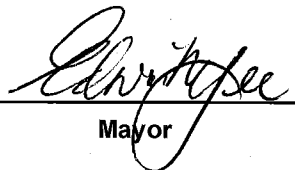
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130456

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
7/9/2013 by the Board of Supervisors of the
City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor



Date Approved