FORTY-EIGHTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020

Authority to Streamline Examination Process for Temporary Exempt Employees;
Authority to Extend Temporary Exempt Appointments;
Cash-Out of Excess Accrued Vacation Balances

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, During the COVID-19 pandemic, the City closed its civil service examination testing center, and was unable to conduct civil service examinations for more than seven months, causing a significant backlog in the City's ability to hire new employees in permanent positions; and

WHEREAS, The City has more than 3,000 funded, vacant positions as a result of COVID-induced delays in hiring; and

WHEREAS, Charter Section 10.104 allows the City to hire employees temporarily in specified positions that are not subject to the Charter's permanent civil service appointment and removal procedures. These positions and appointments are often called "exempt." Charter Section 10.104(18) allows departments to hire exempt employees for special projects and professional services for a period of no more than three years. These appointments are often referred to as "Category 18 positions"; and

WHEREAS, A number of City departments have hired exempt employees in Category 18 positions to address critical City needs responding to the COVID-19 pandemic, and many of those employees have done extraordinary work to help the City and its residents recover from the pandemic, establishing in many cases that they are well qualified to be hired to permanent civil service positions; and

WHEREAS, Due to the pandemic, the City has been unable to schedule and conduct sufficient civil service exams to fill these critical positions in a permanent capacity, and it is in the City's interest to stabilize the City's workforce at this time; and

WHEREAS, In the Seventh and Thirty-First Supplemental Proclamations, the Mayor waived provisions of local law to allow City employees to accrue up to 80 hours of vacation over the applicable vacation cap because many City employees were unable to use vacation balances due to the demands of their duties related to the emergency. Section 3 of the Thirty-Seventh Supplement authorized employees to continue to carry vacation balances over the cap until June 30, 2022 to provide additional time for employees to reduce their vacation balances;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) The Human Resources Director, in consultation with the Executive Director of the Civil Service Commission, is authorized to temporarily modify Civil Service Rules to establish streamlined competitive examination processes for employees who have served

for at least one year in an exempt status under Charter Section 10.104(18) (special projects and professional services).

On the date the Human Resources Director submits these temporary modifications to the Civil Service Commission, the Human Resources Director shall simultaneously submit to the Commission proposals for permanent rule modifications regarding the same matters. The Human Resources Director shall provide written notice of the rule modifications to all employee organizations representing City employees who may be impacted by the temporary rule modifications. The temporary rule modifications shall take effect five days after submission by the Human Resources Director to the Civil Service Commission, regardless of whether the Commission has considered or approved the modifications. Each temporary rule modification will be effective until the earliest of: (a) the date the Civil Service Commission approves the proposed permanent rule modifications, either as proposed by the Human Resources Director or as amended by the Commission, (b) the date the Civil Service Commission disapproves the Human Resources Director's proposed permanent rule modifications, or (c) December 15, 2022. Any eligible list adopted through the process above will have a duration of no longer than one year. This Order shall remain in effect until December 15, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The Human Resources Director is delegated authority to extend the term of exempt appointments under Charter Section 10.104(18) by up to one additional year for employees whose three-year appointment term will expire on or before December 31, 2022. This Order shall remain in effect until December 31, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

(3) To clarify how the City shall treat vacation hours held by City employees in excess of the applicable vacation cap on June 30, 2022, Section 3 of the Thirty-Seventh Supplement is revised and replaced as follows:

Employees who accrued additional vacation hours above the maximum accrual limit under Section 3 of the Thirty-First Supplement to the Proclamation of Local Emergency must use vacation time and reduce their balance below the maximum accrual limit by June 30, 2022. Any provisions of the Charter, the Municipal Code, and City rules or regulations that would limit or prevent employees from carrying vacation balances above the maximum accrual limit are waived, including but not limited to Charter Section A8.440 and Administrative Code Section 16.12. For all employees who continue to carry

vacation balances over the applicable vacation cap on June 30, 2022, the City shall pay the employees the value of such hours and reduce the employee's vacation balance to the applicable cap. The Human Resources Director and Controller, or their designees, are authorized to implement this program and issue any necessary rules and guidance. This Order shall remain in effect until June 30, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: May 19, 2022

London N. Breed
Mayor of San Francisco

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