File No. 220651 **Committee Item No.** _____
Board Item No. 93

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date:** June 7, 2022

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Prepared by: Brittney Harrell **Date:** June 2, 2022
Prepared by: _____ **Date:** _____

[Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Eighth Supplement]

Motion concurring in actions taken by the Mayor in the Forty-Eighth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by authorizing the Human Resources Director 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; delegating to the Human Resources Director the authority to extend the term of exempt appointments by up to one additional year for employees whose three-year appointment term will expire on or before December 31, 2022; and revising the Thirty-Seventh Supplement to clarify that the City shall pay employees who have vacation balances over the applicable cap on June 30, 2022, the value of such hours and reduce the employee's vacation balance to the applicable cap.

WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No. 200228; 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 ("exempt employees") and 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 ("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;

WHEREAS, On May 19, 2022, the Mayor took additional steps to meet the emergency by issuing the Forty-Eighth Supplement to the Proclamation, ordering three actions to meet the emergency; the Forty-Eighth Supplement is on file with the Clerk of the Board of Supervisors in Board File No. 220651; and

WHEREAS, Government Code, Sections 8550 et seq., and Charter, Section 3.100, provide for the concurrence by members of the Board of Supervisors in such emergency declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

MOVED, That the Board of Supervisors concurs with the following actions taken by the Mayor to meet the local emergency included in the Mayor's Forty-Eighth Supplement to the Proclamation, dated May 19, 2022, as such actions are described in full in the Forty-Eighth Supplement and summarized as follows:

Action 1: Authorizing the Human Resources Director, in consultation with the Executive Director of the Civil Service Commission, 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).

Action 2: Delegating to the Human Resources Director the 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.

Action 3: Revising the Thirty-Seventh Supplement to clarify that the City shall pay employees who have vacation balances over the applicable cap on June 30, 2022 the value of such hours and reduce the employee's vacation balance to the applicable cap.

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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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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☑ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning :"Supervisor _____ inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Forty-Eighth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by authorizing the Human Resources Director 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; delegating to the Human Resources Director the authority to extend the term of exempt appointments by up to one additional year for employees whose three-year appointment term will expire on or before December 31, 2022; and revising the Thirty-Seventh Supplement to clarify that the City shall pay employees who have vacation balances over the applicable cap on June 30, 2022 the value of such hours and reduce the employee's vacation balance to the applicable cap.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only