

1 [Regulating Overtime Available for City Employees]

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3 **Ordinance amending the San Francisco Administrative Code Section 18.13.1 to limit**
4 **the overtime worked in any fiscal year by any employee to 20% of regularly scheduled**
5 **hours and requiring monthly written reports regarding critical staffing shortages.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike through normal~~.

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

10 Section 1. The San Francisco Administrative Code is hereby amended by amending
11 Section 18.13.1, to read as follows:

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

13 (a) Employees may only work overtime if authorized by an appointing officer or
14 designee, and employees may not assign themselves to work overtime. Appointing officers or
15 designees shall only assign overtime when work cannot be completed within normal work
16 schedules. Except as provided for below, absent prior approval of the Director of Human
17 Resources (or, if appropriate, the Director of the Municipal Transportation Agency), no
18 appointing officer shall suffer or permit any employee to: (i) work overtime hours that exceed,
19 in any fiscal year, ~~thirty~~ twenty percent (~~30~~ 20%) of the number of hours that the employee is
20 regularly scheduled to work on a straight-time basis in that fiscal year (i.e., ~~624~~ 416 hours for a
21 full-time 2080 hour per year employee); or, (ii) work more than eighty (80) hours in a regular
22 work week, except that this subsection (a)(ii) does not apply to uniformed Fire Department
23 employees who do not work a standard 40 hour work week. For the purpose of calculating the
24 maximum number of overtime hours an employee is permitted to work under this Section,
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1 hours attributed to vacation and other paid leaves shall be deemed included in the hours the
2 employee is regularly scheduled to work on a straight-time basis in a fiscal year.

3 (b) An appointing officer may request an exemption from subsection (a) from the
4 Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation
5 Agency) based upon a critical staffing shortage. If an exemption is granted, the Director of
6 Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), shall
7 provide to the Controller a written explanation of the details justifying the exemption.

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

13 (d) An appointing officer may assign overtime hours exempt from subsection (a) above
14 in the event of disasters, and like emergency situations where such overtime assignments are
15 necessary to protect public safety.

16 (e) The Controller and Director of Human Resources, with the assistance of
17 department heads, shall submit a biannual report to the Board of Supervisors by February
18 15th and May 15th of each year. The report shall include:

19 (1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for
20 the immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted
21 salaries for the immediately preceding fiscal year.

1 (2) Actual salary expenditures for the immediately preceding fiscal year, actual
2 overtime expenditures for the immediately preceding fiscal year, and actual overtime as a
3 percentage of actual salary expenditures for the immediately preceding fiscal year;

4 (3) Actual year to date salary, expenditures for the current fiscal year, actual year-to-
5 date overtime expenditures for the current fiscal year, and actual year-to-date overtime
6 expenditures as a percentage of actual year-to-date salary expenditures for the current fiscal
7 year;

8 (4) Projected salary expenditures for the current fiscal year, projected overtime
9 expenditures for the current fiscal year, and projected overtime expenditures as a percentage
10 of projected salary expenditures for the current fiscal year; and

11 (5) The extent to which each department has complied with the requirements of this
12 section.

13 (f) The Controller shall submit a monthly report the Board of Supervisors and the
14 Mayor's Budget Director listing the five City departments using the most overtime in the
15 preceding month, listing exemptions granted based upon a critical staffing shortage, and including
16 the written explanations described in subsection (b). A hearing on this report shall be calendared
17 as a standing agenda item of the Budget and Finance Committee or another fiscal committee
18 of the Board of Supervisors as determined by the President of the Board of Supervisors.

19 (g) If the biannual report described in subsection (e) identifies any departments out of
20 compliance with this section, then a hearing on each such department's noncompliance will
21 be calendared as an agenda item of the Budget and Finance Committee or another fiscal
22 committee of the Board of Supervisors as determined by the President of the Board of
23 Supervisors, at which hearing each Appointing Officer or designee for such department will
24 report his or her department's plan for coming into compliance with this section.
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1 (h) This ordinance is not intended to supersede overtime distribution rules contained in
2 approved memoranda of understanding with the City's exclusive representatives except as
3 necessary to ensure compliance with subsection (a) above to the extent allowable by State or
4 local law.

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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 ELIZABETH SALVESON
11 Deputy City Attorney
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