

[Compensation for Unrepresented Employees]

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2014.

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

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

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

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

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SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

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

SECTION 2. WAGE RATES

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

Effective October 11, 2014: 3%
- B. The 1283 – Director, Employee Relations Division Classification's Pay Plan shall be the same range of pay as the 0954 – Deputy Director IV Classification.
The 1282 – Manager, Employee Relations Division Classification's Pay Plan shall be the same range of pay as the 0932 – Manager IV Classification.
The 1281 – Senior Employee Relations Representative Classification's Pay Plan shall be the same range of pay as the 1824 – Principal Administrative Analyst

1 Classification. There shall also be three additional five percent (5%) steps
2 (Steps 6, 7 & 8) at the top of the range for this classification at which an
3 employee may be placed upon the approval of the Employee Relations Director.
4 Such placement is contingent upon the Employee Relations Director's
5 designation of the employee as the City's principal representative for a major
6 employee group.

7 The 1280 – Employee Relations Representative Classification's Pay Plan shall
8 be the same range of pay as the 1244 – Senior Personnel Analyst Classification.

9 There shall also be three additional five percent (5%) steps (Steps 1, 2 & 3) at
10 the bottom of the range. Employees may be placed in Step 6, 7 or 8 by the
11 approval of the Employee Relations Director. Such placement is contingent
12 upon the Employee Relations Director's designation of the employee as having
13 lead responsibilities in employee-employer relations matters.

14 The 1293 – Human Resources Director Classification's Pay Plan shall be the
15 same range of pay as the 0964 – Department Head IV Classification.

16 C. The 1682 – Controller Classification's Pay Plan shall be the same range of pay
17 as the 0965 – Department Head V Classification.

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

19 SECTION 3. INTERNAL ADJUSTMENT PROCESS

20 Upon request of an Appointing Officer, the Human Resources Director, with the
21 concurrence of the Controller, may approve internal salary adjustments for members of the
22 management unit (002), except for the Mayoral Staff classifications (0881-0905), based upon
23 the following:

24 (1) Standards
25

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

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

13 The above internal adjustment process is suspended for fiscal year 2014-15.

14 SECTION 4. ACTING ASSIGNMENT PAY

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

- 19 (1) The assignment shall be in writing with copies to the Department of Human
20 Resources and Controller.
- 21 (2) The assignment shall conform to all Civil Service Commission Rules, policies
22 and procedures.
- 23 (3) The position to which the employee is assigned must be a budgeted position.

1 (4) The employee is assigned to perform the duties of a higher job code for longer
2 than eleven (11) consecutive working days; after which acting assignment pay
3 shall be retroactive to the first day of the assignment.

4 a. If each of the above criteria are met, and upon written approval by the
5 Department Head, an employee shall be paid one full salary step
6 adjustment (approximately 5%), provided it does not exceed the
7 maximum step of the salary grade of the job code to which the employee
8 was temporarily assigned. Premiums based on percent of salary shall be
9 paid at a rate which includes acting assignment pay.

10 b. Requests for classification or reclassification review shall not be governed
11 by this provision.

12 SECTION 5. SUPERVISORY DIFFERENTIAL ADJUSTMENT

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

15 (1) The supervisor, as part of the regular responsibilities of his/her job code,
16 supervises, directs, is accountable for and is in charge of the work of a
17 subordinate or subordinates.

18 (2) The supervisor must actually supervise the technical content of subordinate
19 work and possess education and/or experience appropriate to the technical
20 assignment.

21 (3) The organization is a permanent one approved by the Appointing Officer, Board
22 or Commission, where applicable, and is a matter of record based upon review
23 and investigation by the Department of Human Resources.

- 1 (4) The job codes of both the supervisor and the subordinate are appropriate to the
2 organization and have a normal, logical relationship to each other in terms of
3 their respective duties and levels of responsibility and accountability in the
4 organization.
- 5 (5) The compensation grade of the supervisor is less than one full step
6 (approximately 5%) over the compensation grade, exclusive of extra pay, of the
7 employee supervised. In determining the compensation grade of a job code
8 being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the
9 compensation grade the top step of which is closest to the flat rate so converted
10 shall be deemed to be the compensation grade of the flat rate job code.
- 11 (6) The adjustment of the compensation grade of the supervisor shall not exceed
12 5% over the compensation, exclusive of extra pay, of the employee supervised.
13 If the application of this section adjusts the compensation grade of an employee
14 in excess of his/her immediate supervisor, whose job code is also covered by
15 this Ordinance the pay of such immediate supervisor shall be adjusted to an
16 amount \$1.00 bi-weekly in excess of the base rate of his/her highest paid
17 subordinate, provided that the other applicable conditions of this section are also
18 met.
- 19 (7) In no event will the Appointing Officer approve a supervisory salary adjustment
20 in excess of two (2) full steps (approximately 10%) over the supervisor's current
21 basic compensation. If in the following fiscal year a salary inequity continues to
22 exist, the Appointing Officer may again review the circumstances and may grant
23 an additional salary adjustment not to exceed two (2) full steps (approximately
24 10%).
25

- 1 (8) The compensation adjustment is retroactive to the date the employee became
2 eligible, but not earlier than the beginning of the current fiscal year.
- 3 (9) The Human Resources Department shall review any changes in the conditions
4 or circumstances that were and are relevant to the request for salary adjustment
5 under this section.

6 **SECTION 6. SEVERANCE PAY (FOR MANAGEMENT UNREPRESENTED EMPLOYEES)**

- 7 (1) When an exempt employee covered by this Ordinance is involuntarily removed
8 or released from employment, the Appointing Officer will endeavor to inform the
9 employee at least thirty (30) calendar days before his/her final day of work.
10 Where the Appointing Officer fails or declines to inform the employee a full thirty
11 (30) days in advance, the exempt employee shall receive pay in lieu of the
12 number of days less than thirty (30) upon which s/he was informed.
- 13 (2) In addition to paragraph (1), when an exempt employee covered by this
14 Ordinance is involuntarily removed or released from employment, the employee
15 shall also receive one week's severance pay for each full year worked, up to a
16 maximum of 26 weeks, in exchange for a release signed by the employee of any
17 and all claims arising out of employee's employment or termination of that
18 employment (including claims arising under this Ordinance) that the employee
19 may have against the City including any officer or employee thereof. This
20 release shall be in a form acceptable to the City and shall include a waiver of
21 any rights the employee may have to return to City employment (e.g., holdover
22 roster), a waiver of Section 1542 of the California Civil Code, and a waiver of
23 claims under the Age Discrimination in Employment Act. The release shall
24
25

1 exclude the right to grieve the proper amount of notice or severance pay due
2 under this section.

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

16 (4) Additionally, any employee accepting severance pay under this provision shall
17 be ineligible to be appointed to City service under Charter Section A8.511
18 ("Proposition F" appointment) in the department from which he or she was
19 released for a period of two (2) years from the date of release.

20 (5) Released employees must elect severance within thirty (30) days of notice of
21 involuntary separation/release.

22 (6) Payment of severance is dependent upon approval by the Appointing Officer,
23 Controller and the Human Resources Director. Approval will be based on a good
24 faith consideration of whether the employee's removal or release was
25

1 involuntary, was initiated by the Appointing Authority, and was in the best
2 interests of the City; and whether the termination of employment was based on
3 conduct involving misappropriation of public funds or property, misuse or
4 destruction of public property, mistreatment of persons, or acts which would
5 constitute a felony or misdemeanor. Additionally, an employee eligible for
6 severance pursuant to Sections 6.(2) or 6.(3) above may receive severance
7 pursuant to either, but not both.

8 SECTION 7. BILINGUAL PAY

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

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

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

19 SECTION 8. PREMIUM PAY

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

22 There shall be no pyramiding of premiums for purposes of compensation calculations.
23 Each premium shall be calculated on the base wage rate exclusive of any and all premiums,
24 benefits and other forms of additional compensation.
25

1 SECTION 9. APPOINTMENT AND ADVANCEMENT THROUGH SALARY STEPS

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

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

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

13 SECTION 10. METHODS OF CALCULATION

14 (1) Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis
15 shall be paid the bi-weekly salary for his/her position for work performed during
16 the bi-weekly payroll period. There shall be no compensation for time not
17 worked unless such time off is authorized time off with pay.

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

1 SECTION 11. WORK SCHEDULES

2 (1) REGULAR WORK SCHEDULES

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

12 Employees shall receive no compensation when properly notified (2-hour notice)
13 that work applicable to the job code is not available because of inclement
14 weather conditions, shortage of supplies, traffic conditions, or other unusual
15 circumstances. Employees who are not properly notified and report to work and
16 are informed no work applicable to the job code is available shall be paid for a
17 minimum of two (2) hours. Employees who have been designated by their
18 department as emergency personnel must report to work as scheduled unless
19 otherwise notified by the Appointing Officer or designee. Employees who begin
20 their shifts and are subsequently relieved of duty due to the above reasons shall
21 be paid a minimum of two (2) hours, and for hours actually worked beyond two
22 (2) hours, computed to the nearest one-quarter hour.

1 (2) NIGHT DUTY

2 Employees, exclusive of employees in job codes which are exempt from the Fair
3 Labor Standards Act, who, as part of their regularly scheduled work shift, are required
4 to work any hours between (five) 5:00 p.m. and (seven) 7:00 a.m. shall receive a
5 premium of 8½% per hour in addition to their straight time hourly base rate of pay for
6 any and all hours worked between (five) 5:00 p.m. and (seven) 7:00 a.m. Excluded
7 from this provision are those employees who participate in an authorized flex-time
8 program where the work shift includes hours to be worked between the hours of (five)
9 5:00 p.m. and (seven) 7:00 a.m. Day shift employees assigned to work during the
10 night duty premium hours are not eligible for night duty premium. Payment of this
11 premium shall be made for actual hours worked.

12 (3) ALTERNATE WORK SCHEDULES

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

20 (4) VOLUNTARY REDUCED WORK WEEK

21 Employees subject to the approval by the Appointing Officer may voluntarily
22 elect to work a reduced work week for a specified period of time. Such reduced work
23 week shall not be less than twenty (20) hours per week. Pay, vacation, holidays and
24 sick pay shall be reduced in accordance with such reduced work week.
25

1 **SECTION 12. STANDBY PAY AND PAGER PAY**

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

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

12 **SECTION 13. CALL BACK**

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

19 Notwithstanding the general provisions of this section, call back pay shall not be
20 allowed in job codes designated by a "Z" symbol.

21 **SECTION 14. OVERTIME COMPENSATION**

- 22 (1) Subject to sub-paragraphs 2-4 below, the Appointing Officer may require
23 employees to work longer than the regular work day or the regular work week.
24 Any time worked by an employee with proper authorization, exclusive of part-
25

1 time employees, in excess of forty (40) hours actually worked during a regular
2 work week shall be designated as overtime and shall be compensated at one-
3 and-one-half times the base hourly rate. For the purposes of calculating
4 overtime compensation, an employee's base hourly rate may include certain
5 premiums for those hours actually worked at the premium rate.

6 (2) Employees working in job codes that are designated as having a regular work
7 week of less than forty (40) hours shall not be entitled to overtime compensation
8 for work performed in excess of said specified regular hours until they exceed
9 forty (40) hours per week. Overtime shall be calculated and paid on the basis of
10 the total number of straight time hours actually worked in a week. Overtime
11 compensation so earned shall be computed subject to all the provisions and
12 conditions set forth herein.

13 (3) Only legal holidays, listed in Section 16 ("Holidays"), shall count as hours
14 worked for the purposes of computing overtime.

15 (4) Employees in non-"Z" designated job codes who are required to work overtime
16 shall be paid at a rate of one and one-half times their regular base rate. An
17 employee may elect to accrue Compensatory Time Off (CTO) in lieu of overtime,
18 provided that the Appointing Officer approves of such election. In no instance
19 may an employee accrue more than one hundred sixty (160) hours of CTO. A
20 non-"Z" classified employee who is appointed to a position in another
21 department shall have his or her entire compensatory time balances paid out at
22 the rate of the underlying classification prior to appointment. A non-"Z" classified
23 employee who is appointed to a position in a higher, non-"Z" designated
24 classification or who is appointed to a position in a "Z" designated classification
25

1 shall have his or her entire compensatory time balances paid out at the rate of
2 the lower classification prior to promotion.

- 3 (5) Employees in job codes designated by a "Z" symbol shall not be paid for
4 overtime worked but may earn CTO at the rate of one hour for each hour worked
5 in excess of 40 hour/week. The maximum amount of CTO that may be accrued
6 is one hundred sixty (160) hours. In lieu of accruing CTO during the fiscal year,
7 unrepresented department heads, the 1283 Director of Employee Relations and
8 employees in AB44 Confidential Chief Attorney II shall have the same executive
9 leave benefit applicable to employees in job codes assigned to the EM Unit. In
10 lieu of accruing CTO during the fiscal year, employees in the 1282 Manager
11 Employee Relations classification shall have the same administrative leave
12 benefit applicable to employees in job codes assigned to the M Unit.

13 **SECTION 15. FAIR LABOR STANDARDS ACT**

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

18 **SECTION 16. HOLIDAYS**

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

21 January 1 (New Year's Day)

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

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

24 the last Monday in May (Memorial Day)

1 July 4 (Independence Day)
2 the first Monday in September (Labor Day)
3 the second Monday in October (Columbus Day)
4 November 11 (Veteran's Day)
5 Thanksgiving Day
6 the day after Thanksgiving
7 December 25 (Christmas Day)

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

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

13 The City shall accommodate religious belief or observance of employees as required
14 by law.

15 Employees are entitled to four (4) floating holidays totaling thirty-two (32) hours (pro-
16 rated for eligible part-time employees), in each fiscal year to be taken on days selected by the
17 employee subject to prior scheduling approval of the Appointing Officer. Employees (both full-
18 time and part-time) must complete six (6) months continuous service to establish initial
19 eligibility for the floating holidays. Employees hired on an as-needed, intermittent or seasonal
20 basis shall not receive floating holidays. Floating holidays may be taken in hourly increments
21 up to and including the number of hours contained in the employee's regular shift. Floating
22 holidays may be carried forward from one fiscal year to the next. The number of floating
23 holidays carried forward to a succeeding fiscal year may not exceed the total number of
24 floating holidays received in the previous fiscal year. No compensation of any kind shall be
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1 earned or granted for floating holidays not taken. Employees who have established initial
2 eligibility for floating holidays and subsequently separate from City employment, may at the
3 sole discretion of the appointing authority, be granted to take off those floating holiday(s) to
4 which the separating employee was eligible and had not yet taken off. Notwithstanding other
5 limitations in this section, any unused floating holidays accrued through June 30, 2014 may be
6 carried over to be used in fiscal year 2014-15.

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

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

19 SECTION 17. HOLIDAY COMPENSATION FOR TIME WORKED

20 Employees required by their respective Appointing Officer to work on any of the above-
21 specified holidays or to substitute holidays excepting Fridays observed as holidays in lieu of
22 holidays falling on Saturday, shall be paid extra compensation of one (1) additional day's pay
23 at time and one-half (1-1/2) the usual rate in the amount of twelve (12) hours pay for eight (8)
24 hours worked or a proportionate amount if less than eight (8) hours worked; provided,
25

1 however, that at an employee's request and with the approval of the Appointing Officer, an
2 employee may be granted compensatory time off in lieu of paid overtime.

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

6 SECTION 18. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER THAN
7 MONDAY THROUGH FRIDAY

- 8 (1) Employees assigned to seven (7) day-operation departments or employees
9 working a five (5) day work week other than Monday through Friday shall be
10 allowed another day off if a holiday falls on one of their regularly scheduled days
11 off.
- 12 (2) Employees whose holidays are changed because of shift rotations shall be
13 allowed another day off if a legal holiday falls on one of their days off.
- 14 (3) Employees required to work on a holiday which falls on a Saturday or Sunday
15 shall receive holiday compensation for work on that day. Holiday compensation
16 shall not then be additionally paid for work on the Friday preceding a Saturday
17 holiday, nor on the Monday following a Sunday holiday.
- 18 (4) Sections (2) and (3) above shall apply to part-time employees on a pro-rata
19 basis. If the provisions of this section deprive an employee of the same number
20 of holidays that an employee receives who works Monday through Friday, s/he
21 shall be granted additional days off to equal such number of holidays. The
22 designation of such days off shall be by mutual agreement of the employee and
23 the appropriate employer representative. Such days off must be taken within
24 the fiscal year. In no event shall the provisions of this section result in such
25

1 employee receiving more or less holidays than an employee on a Monday
2 through Friday work schedule.

3 SECTION 19. HOLIDAY PAY FOR EMPLOYEES LAID OFF

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

7 SECTION 20. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

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

14 SECTION 21. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

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

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

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

4 SECTION 22. IN-LIEU HOLIDAYS

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

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

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

12 SECTION 23. PROBATIONARY PERIODS

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

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

18 SECTION 24. HEALTH AND WELFARE

19 (1) MISCELLANEOUS UNIT (001)

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

1 (2) MANAGEMENT UNIT (002)

2 As to the members of the management unit (002), health, dental, and other
3 insurance benefits, including flexible spending ("cafeteria") benefits, will be equivalent
4 to those offered to members of the City's bargaining unit #32.

5 (3) VDT EXAMINATION

6 Employees who are Health Services System members are eligible for one (1)
7 annual VDT examination and prescribed eyewear.

8 SECTION 25. RETIREMENT CONTRIBUTION

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

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

16 SECTION 26. PRE-RETIREMENT PLANNING SEMINAR

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

20 Employees must provide at least two (2) weeks advance notice of their desire to attend
21 a retirement planning seminar to the appropriate supervisor. An employee shall be released
22 from work to attend the seminar unless staffing requirements or other Department exigencies
23 require the employee's attendance at work on the day or days such seminar is scheduled.
24 Release time shall not be unreasonably withheld.
25

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

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

3 **SECTION 27. WORKER'S COMPENSATION AND RETURN TO WORK**

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

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

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

7 Employee supplementation of workers compensation payment to equal the full salary
8 the employee would have earned for the regular work schedule in effect at the
9 commencement of the workers compensation leave shall be drawn only from an employee's
10 paid leave credits including vacation, sick leave balance, or other paid leave as available. An
11 employee returning from disability leave will accrue sick leave at the regular rate and not an
12 accelerated rate.

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

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

20 SECTION 28. STATE DISABILITY INSURANCE (SDI) COVERAGE

21 Upon a statement by a majority of employees in a job code, or by the sole incumbent in
22 a single "A" position or by the majority of employees in a multi "A" position, requesting that
23 they be enrolled in the State Disability Program, the City shall take all necessary action to
24 enroll affected employees therein.
25

1 SECTION 29. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION STATUTES

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

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

15 SECTION 30. TUITION REIMBURSEMENT

16 The City will allocate \$25,000 for the Tuition Reimbursement Program for employees
17 covered by this Ordinance. Employees covered under this Unrepresented Ordinance may be
18 reimbursed up to a maximum of \$2,500 for tuition, registration fees, books and other materials
19 for internal or external training programs which will enhance an employee's work skills,
20 professional conferences, professional association memberships and desired licenses
21 relevant to the employee's current classification. Tuition reimbursement must be approved by
22 the employee's Appointing Officer and be in accordance with procedures determined by the
23 Human Resources Director.

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

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

13 SECTION 31. TUITION REIMBURSEMENT FOR SUPERVISING CLINICAL 14 PSYCHOLOGISTS

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

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 REGISTRATIONS

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

13 SECTION 34. BAR DUES

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

17 SECTION 35. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

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

20 SECTION 36. LIFE INSURANCE

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

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 by
4 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 (65).
9 Employees who are receiving or who are eligible to receive LTD shall be eligible to participate
10 in the City's Catastrophic Illness Program only to the extent allowed for in the ordinance
11 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 in
15 the activities of a school or licensed child day care facility of any of the employee's children.
16 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 worksite,
24 the entitlement to a planned absence applies only to the parent who first gives notice.

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

SECTION 40. MILEAGE REIMBURSEMENT

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

SECTION 41. GRIEVANCE PROCEDURE

Definition:

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

General Provisions:

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

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

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

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

Procedure:

Step I Immediate Supervisor

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 assigns,
3 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 desired.
17 The parties shall meet within fifteen (15) calendar days, unless a mutually agreed upon
18 alternative is established. The Department Head/designee shall, within fifteen (15) calendar
19 days of receipt of the written grievance, or within ten (10) calendar days of the date the
20 meeting is held, whichever comes later, respond in writing to the grievance, specifying his/her
21 reason(s) for concurring with or denying the grievance.

22 Step III Director, Employee Relations Division

23
24
25

1 If the employee is not satisfied with the decision of the Department Head/designee, the
2 employee shall submit the grievance to the Employee Relations Director within fifteen (15)
3 calendar days after receipt of the Department's decision.

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

8 SECTION 42. PAPERLESS PAY POLICY

9 (1) Upon the date that the Controller establishes a Citywide Paperless Pay Policy, this
10 policy will apply to all employees covered by this Ordinance.

11 (2) Under the policy, all employees shall be able to access their pay advices
12 electronically, and print them in a confidential manner. Employees without
13 computer access shall be able to receive hard copies of their pay advices through
14 their payroll offices upon request. Upon implementation of the policy, other than for
15 employees described in the preceding sentence, paper pay advices will no longer
16 be available.

17 (3) Under the policy, all employees (regardless of start date) will have two options for
18 receiving pay: direct deposit or bank card. Employees not signing up for either
19 option will be defaulted into bank cards.

20 SECTION 43. SUBSTANCE ABUSE PREVENTION POLICY

21 All employees covered by this Ordinance shall be subject to post-accident testing as
22 defined in the City's Substance Abuse Prevention Policy ("SAPP"). All employees covered by
23 this Ordinance who perform safety-sensitive functions as defined by the SAPP shall be
24
25

1 subject to reasonable suspicion testing as defined in the SAPP. The City's SAPP is posted on
2 the Department of Human Resources website.

3 SECTION 44. SAVINGS CLAUSE

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

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

11 This Ordinance shall be effective July 1, 2014.

12
13 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

14
15 By:


16 ELIZABETH SALVESON

17 Chief Labor Attorney

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25 Mayor Lee
BOARD OF SUPERVISORS

ATTACHMENT A

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

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

Job	Union
Code	Code
Description	
1229	001
Special Examiner	
1280	001
Employee Relations Representative	
1281	001
Senior Emp Relations Representative	
1942	001
Asst Materials Coordinator	
2561	001
Optometrist	
2576	001
Sprv Clinclal Psychologist	
2966	001
Welfare Fraud Investigator	
2967	001
Sup Welfare Fraud Investigator	
3246	001
Pianist	
3438	001
Arborist Technician Supv II	
8168	001
Parking Hearing Supervisor	
8247	001
Emergency Planning Coordinator	
8446	001
Court Alternative Specialist 1	
9144	001
Investigator, Taxi & Access Svcs	
9530	001
Labor Relations Rep, SFMTA	
9531	001
Sr. Labor Relations Rep, SFMTA	
9916	001
Public Svc Aide-Public Works	
AC35	001
Bd/Comm Secretary 3	
0881	002
Mayoral Staff I	

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



City and County of San Francisco

Tails Ordinance

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

File Number: 140550

Date Passed: June 24, 2014

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of City 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, 2014.

June 12, 2014 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

June 17, 2014 Board of Supervisors - PASSED, ON FIRST READING

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

June 24, 2014 Board of Supervisors - FINALLY PASSED

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

File No. 140550

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
6/24/2014 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

7/2/2014

Date Approved