




Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

MEMORANDUM

DATE: March 27, 2015
TO: Supervisor John Avalos
Supervisor Eric Mar
FROM: Micki Callahan 
Human Resources Director
SUBJECT: BOS File No. 150156: Administrative Code - Daily Calendars of Elected Officials and
Department Heads
CC: Alisa Somera, Assistant Clerk

Under San Francisco City Charter section 10.102 the Department of Human Resources (DHR) is charged with the following duties and responsibilities:

“Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.”

“Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County.”

Section 10.103 provides the following:

“The Human Resources Director shall review and resolve allegations of discrimination as defined in Article XVII of this Charter against employees or applicants, or otherwise prohibited nepotism or favoritism. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission in accordance with Section 10.101.”

“The Human Resources Director shall investigate all employee complaints concerning job-related conduct of City and County employees and shall promptly report to the source of the complaint.”

Additionally, labor negotiations are regulated by the Meyers-Milias-Brown Act (MMBA), the state law governing public employer-employee relations.

DHR supports the principles of open government and transparency. The department does, however, have some concerns about the language of this ordinance as it appears to call for disclosure of confidential meetings related

to employee investigations and discipline. In addition, because communications regarding labor matters subject to regulation of the MMBA, including disclosures relating to such communications, may interfere with labor negotiations or otherwise impinge on the mandates of the MMBA, we have provided suggested language to exempt meetings with labor on matters within the scope of representation (as defined in the MMBA), as well as confidential personnel matters, from the requirements of the ordinance.

DHR respectfully submits the following proposed language amendments, noted in double underline below:

SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

The Mayor, ~~The~~ City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. The calendar shall identify the individual(s) present and organization(s) represented at each such meeting or event, unless the disclosure would reveal the identity of a confidential whistleblower, would constitute an unwarranted invasion of personal privacy, would reveal personnel information not subject to disclosure, or would interfere with an individual's right to petition government where the individual has sought and been assured confidentiality. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

This ordinance does not apply to meetings with labor organizations to discuss matters within the scope of representation as defined in California Government Code Section 3504.

Please contact DHR Chief of Policy Susan Gard at 415-551-8942 or susan.gard@sfgov.org if you have questions related to this proposal.