[Administrative Code Revision, Chapter 16, Article VII]

AMENDING CHAPTER 16 OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE
(ADMINISTRATIVE CODE), BY REPEALING ARTICLE VII (SECTIONS 16.98 THROUGH
16.107), REGARDING RESIDENCY REQUIREMENTS, IN ITS ENTIRETY.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Chapter 16 of the San Francisco Administrative Code is hereby amended
by repealing Article VII (Sections 16.98 through 16.107), in its entirety.

((SEC. 16.98. REQUIREMENTS FOR PERSONS ENTERING SERVICE.

Except as otherwise provided in the Charter, the residence requirements for applicants
for appointment to offices and employments shall be as follows:

(a) Applicants for entrance positions in the uniformed forces of the Police and Fire
Departments shall have been residents of San Francisco for the one-year period immediately
prior to the last date for receipt of applications.

(b) For all other offices and employments residence requirements shall be as follows:

(1) General Provisions. Applicants for entrance positions must have been residents of
San Francisco for the one-year period immediately prior to the last date for receipt of
applications, if the position is subject to civil service examination, or the date of application if
the position is exempt from civil service examination. This requirement may be waived or
modified to current residence in San Francisco if the Civil Service Commission finds that such
waiver or modification is necessary to attract a sufficient number of qualified applicants based

SUPERVISOR KAUFMAN, NEWSOM
BOARD OF SUPERVISORS

Page 1
4/7/00
on current or prior experience in recruitment. Such waiver or modification may also be made with respect to positions not subject to civil service examination upon application of the appointing officer to the Civil Service Commission.

(2) Specially Funded Programs. The residence requirements for specially funded program applicants where the funding agency sets special residence requirements shall be subject to the approval of the Civil Service Commission.

(3) Exceptions. San Francisco residence shall not be required for: promotional examinations; entrance examinations in those cases wherein the applicant is an employee of the City and County meeting legal residence requirements applicable to employees; positions outside of the City and County; positions requiring a four-year college or university degree or professional registration or licensing in engineering, medicine, nursing, probation, or other field, except in those cases where the Civil Service Commission anticipates on the basis of past experience that a sufficient number of qualified applications will be received from residents of San Francisco; and those examinations for which the filing period must be extended beyond three weeks for the express purpose of recruiting a sufficient number of qualified applicants.)

((SEC. 16.99. RESIDENCE DURING EMPLOYMENT.

Except as provided in Sections 16.99-1 through 16.99-6, inclusive, of this Code, all persons appointed to offices or employment in this City and County service shall continue to be residents of the City and County or shall reside within five miles of the physical boundaries of the City and County of San Francisco on the west, north, and east sides and within five miles of the City and County line on the south side.

The Civil Service Commission shall maintain a map available for public inspection showing the boundaries of the required residence area for all persons appointed to offices or employment in the City and County service.))
employment in the City and County office. Said map shall be prepared by the City Engineer and shall be conclusive evidence of the boundaries of required residence areas.))

((SEC. 16.99-1. RESIDENCE DURING EMPLOYMENT - WHEN PREAPPOINTMENT RESIDENCE REQUIREMENT WAIVED.))

Persons appointed to offices or employments for which the preappointment residence requirement of Section 16.98 of this Code has been waived, or appointed as members of the uniformed force of the Police and Fire Departments who do not so reside within the limits set forth in Section 16.99 of this Code, at the time of their appointment, shall establish such residence: (1) if the position is subject to civil service examination, within six months after completion of the probationary period prescribed by the Charter; and (2) if the position is not subject to civil service examination, within one year after appointment thereto.

Nonresident appointees to positions located in San Francisco may petition the Civil Service Commission for an extension of the period within which they are required to establish residence within the limits set forth in Section 16.99 of this Code, and, upon the showing of good cause, may be granted reasonable extensions for six-month periods up to a maximum total extension of three years.))

((SEC. 16.99-2. RESIDENCE DURING EMPLOYMENT - EMPLOYEE RESIDENT AT TIME OF APPOINTMENT.))

Where an employee who resides within the limits set forth in Section 16.99 of this Code at the time of appointment is assigned to a position, the usual and major duties of which require the employee's daily presence at places outside the City and County, the employee may, with the prior approval of the Civil Service Commission, establish and maintain a

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS
residence convenient to the employee's place of employment for the duration of such assignment.))

((SEC. 16.99-3. RESIDENCE DURING EMPLOYMENT - BOTH SPOUSES EMPLOYED BY CITY AND COUNTY BUT DUTIES OUTSIDE CITY AND COUNTY.

Where both spouses are employed by the City and County and are assigned to positions, the usual and major duties of which require their daily presence outside the City and County, and they have established a residence convenient to said place of employment, the subsequent assignment of one of the spouses to a position located within the City and County shall not require any change of residence by the spouse so assigned.))

((SEC. 16.99-4. RESIDENCE DURING EMPLOYMENT - CIVIL SERVICE RIGHTS NOT AFFECTED.

The establishment of such a residence outside the limits set forth in Section 16.99 of this Code shall not in any way affect the civil service or other employment rights of the employee.))

((SEC. 16.99-5. RESIDENT DEFINED.

For the purposes of Sections 16.99 through 16.99-6, a resident shall mean a person who actually lives within the limits set forth in Section 16.99 of this Code and maintains an abode therein where such person with his family, if any, customarily spends the night.))

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS
((SEC. 16.99-6. RESIDENCE DURING EMPLOYMENT - EXCEPTIONS.

The provisions of Section 16.99 shall not apply to: (a) Any person residing outside the limits set forth in Section 16.99 of this Code on the effective date of this Section, whose appointment resulted from an examination announced prior to said date;

(b) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, appointed to a civil service exempt position prior to said date;

(c) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, and occupying a position in the City and County service on said date who is appointed to another position resulting from an entrance or promotional examination announced subsequent to said date;

(d) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, and occupying a position in the City and County service on said date, who is appointed to a civil service exempt position subsequent to said date;

(e) Any person residing within the limits set forth in Section 16.99 of this Code and occupying a position in the City and County service on said effective date, who had entered into a contract for the construction or purchase of a home outside the limits set forth in Section 16.99 of this Code prior to said effective date;

(f) Any person whose spouse is an employee of another public jurisdiction which requires residence of an employee within that jurisdiction and who resides with said spouse in said jurisdiction; and

(g) Any person who is an unemancipated minor for so long as that person remains unemancipated.))

//

//

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

After considering the needs of the service, the Board of Supervisors may, upon the recommendation of either the commission, if any, or the department head concerned and approval of the Mayor, and if the position is subject to civil service examination, upon approval by the Civil Service Commission, by resolution, waive the requirements of Section 16.98 and 16.99 of this Code as to the residence of any and all the offices and employments described therein.))

((SEC. 16.101. APPOINTMENT OF NONRESIDENTS FOR WORK OUTSIDE CITY AND COUNTY.

Where it is not possible to secure competent persons, who are residents within the meaning of Section 16.98 of this Code, to fill positions which require the daily presence of the employee at places outside the City and County, nonresidents may be appointed.))

((SEC. 16.101-1. NONRESIDENT CIVIL SERVICE EMPLOYEES RIGHT TO COMPETE IN PROMOTIONAL EXAMINATIONS.

Nonresident employees of the City and County and employees of the San Francisco Unified School District who are not residents of the City and County, may compete in promotional examinations on the same basis as any other employee of the City and County and shall have eligibility rights on promotive registers for appointment to positions inside of the City and County of San Francisco, provided that such nonresident employee who accepts promotive appointment from a promotional register to a position inside of the City and County of San Francisco shall become a resident of the City and County of San Francisco within six months after completion of the probationary period. Nonresident employees or eligibles who become residents of the City and County of San Francisco for one year may, upon...)}
presentation of acceptable records of such residency to the Civil Service Commission, have their eligibility or employee status changed to that of a resident.))

((SEC. 16.102. TEMPORARY ABSENCES FROM CITY AND COUNTY NOT A VIOLATION.

Absence from the City and County of any officer or employee: (1) For a period of three months or less in any calendar year; (2) while on a journey for business or pleasure; (3) when on a leave of absence approved by the Civil Service Commission; or (4) while performing the duties of an official or employee of the City and County, state or United States government, shall not constitute a violation of the residence requirements of this Article.))

((SEC. 16.103. AUTHORITY TO LIVE OUTSIDE CITY AND COUNTY.

(a) Any officer or employee, except elective officers, may apply directly to the Retirement Board, without any prior application or approval of any officer, board or commission, for authorization to live outside the City and County. Such application shall be made upon forms prescribed by the Retirement Board. A copy of such application shall be filed by the officer or employee with his department head, who shall have 10 days thereafter in which to file any objections to such application with the Retirement Board. The Retirement Board is hereby granted the exclusive authority to permit any officer or employee described herein to live outside the City and County if, on the basis of medical examinations and reports, the Retirement Board determines that such officer or employee or a member of his immediate family suffers from a condition of ill health which necessitates that such officer or employee or member of his immediate family live outside the City and County as a means of eliminating or substantially ameliorating such condition of ill health. The Retirement Board shall require medical examinations, at the applicant's expense, and such other information in regard to any such application as it shall deem reasonable. Such authorization shall be terminated after 60

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS
days' notice by the Retirement Board when in its opinion the authorization is no longer justified. The Retirement Board may at any time, but not later than every two years, shall require such medical examinations and information as it may deem reasonable to determine the continued existence of such authorization. Failure to comply with the request of the Retirement Board or any physician designated by it shall constitute good cause for the Retirement Board to deny or terminate such authorization.

The authorization to live outside the City and County pursuant to this Section and any modification or termination thereof shall be filed by the Retirement Board with the applicant's department head. Authorization to live outside the City and County on account of the ill health of an officer or employee heretofore granted by the Civil Service Commission or the Retirement Board shall continue in effect subject to the provisions of Section 16.99.))

((SEC. 16.104. EFFECT ON NONRESIDENTS UNDER AUTHORITY GRANTED BEFORE EFFECTIVE DATE OF ARTICLE.

Nothing in this Article shall be construed to in any way affect the residence of any officer or employee which was authorized by resolution adopted pursuant to a Charter provision or an ordinance prior to the effective date of this Article; provided, however, that persons whose names presently appear on Civil Service eligible lists for appointment to offices or employments whose preappointment residence only has heretofore been waived by the Board of Supervisors shall become subject to the provisions of Section 16.99 of this Code after appointment.))

/ / /

/ / /

/ / /

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS
(SEC. 16.105. CERTIFICATION AS TO RESIDENCY ON TIMEROLLS; STATEMENT TO BE FILED SEMIANNUALLY.

It shall be the duty of the appointing authority to certify on each timeroll submitted that all employees in his department are residents within the meaning of this Article. Each officer and employee shall semiannually file with the appointing authority a statement as to the status of his residence, on a form to be prescribed by the Controller.))

(SEC. 16.106. COMPLIANCE WITH ARTICLE BY SEPTEMBER 30, 1960.

Any officer or employee whose residence on March 31, 1958, did not meet the residential requirements of Section 16.99 of this Code, or any exception thereto provided for in this Article, shall have until September 30, 1960, to comply therewith. Failure to so comply by September 30, 1960, shall subject the officer or employee to the proceedings and penalties provided in Section 16.107 of this Code, but no penalty of any nature shall attach for such noncompliance prior to September 30, 1960.))

(SEC. 16.107. VIOLATIONS OF ARTICLE.

Any violation of this Article shall constitute official misconduct or cause for dismissal and shall subject the violator to the proceedings and penalties provided therefor in the Charter.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: [Signature]

THOMAS J. OWEN
Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

June 12, 2000 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 8 - Ammiano, Becerril, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 3 - Bierman, Brown, Katz

June 19, 2000 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 19, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.