Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 80 in a regular work week except for work performed by uniformed ranks of the Police and Fire Departments or for emergency or critical service needs, if such emergency or critical service need is approved by appropriate officials.

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:

Section 1. The San Francisco Administrative Code is hereby amended by amending and adding to Section 18.13-1, to read as follows:

Sec. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME

(a) Employees may only work overtime if authorized by an appointing officer or designee, and employees may not assign themselves to work overtime. Appointing officers or designees shall only assign overtime when work cannot be completed within normal work schedules. Except as provided for below, absent prior approval of the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), no appointing officer shall suffer or permit any employee to:

(i) work overtime hours that exceed, in any fiscal year, thirty percent (30%) of the number of hours that the employee is regularly scheduled to work on a straight-time basis in that fiscal year (i.e., 624 hours for a full-time 2080 hour per year employee); or, (ii) work more than eighty (80) hours in a regular work week, e.g., 332.8 hours for a full-time 2080 hour per year employee. For the purpose of
calculating the maximum number of overtime hours an employee is permitted to work under this Section, hours attributed to vacation and other paid leaves shall be deemed included in the hours the employee is regularly scheduled to work on a straight-time basis in a fiscal year. In no event should an appointing officer suffer or permit any employee to work more than eighty (80) hours in a regular work week.

(b) An appointing officer may request an exemption from subsection (a) from the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency) based upon a critical staffing shortage. An appointing officer may, by written authorization, require an employee to work overtime hours in excess of the limitation set forth in Subsection (a). The Controller and Director of Human Resources appointing officer shall submit a biannual report to the Board of Supervisors on January 5th and May 1st of each year listing each and every employee who has worked more than 80 hours in any work week, including the work week and hours in question, justifying any excess overtime granted pursuant to this subsection.

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

(d) An appointing officer may assign overtime hours exempt from subsection (a) above in the event of disasters, and like emergency situations where such overtime assignments are necessary to protect public safety. The provisions of this section Subsection (a) shall not apply to work performed by members of the uniformed ranks of the Police and Fire Departments or to work performed in the event of an emergency or
temporary critical service need upon approval by the Controller and by the Director of Human Resources (or, if appropriate, by the Director of the Municipal Transportation Agency), transit operators and transit operator supervisors of the San Francisco Municipal Railway, nurses and other emergency workers employed by the Department of Public Health, or any other employee when the work is required pursuant to a standing directive of the appointing officer to complete a task after the end of the employee's regularly scheduled shift or to fill emergency staff shortages.

(e) The Controller and Director of Human Resources shall submit a biannual report to the Board of Supervisor on January 5th and May 1st of each year documenting the extent to which each department has complied with this section. In addition, the Controller shall submit a monthly report to the Board of Supervisors and the Mayor's Budget Director listing the five City departments using the most overtime in the preceding month. A hearing on this report shall be calendared as a standing agenda item of the Budget and Finance Committee or another fiscal committee of the Board of Supervisors as determined by the President of the Board of Supervisors.

(f) This ordinance is not intended to supersede overtime distribution rules contained in approved memoranda of understanding with the City's exclusive representatives except as necessary to ensure compliance with subsection (a) above to the extent allowable by state or local law.

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

By: 
ELIZABETH S. SALVESON
Chief Labor Attorney

MAYOR NEWSOM
SUPERVISOR MCGOLDRICK
Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 40 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

August 5, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi

August 5, 2008 Board of Supervisors — NOT RE-REFERRED
Ayes: 4 - Daly, Elsbernd, Peskin, Sandoval
Noes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi

August 5, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

August 12, 2008 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 12, 2008 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
Mayor Gavin Newsom