

1 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and
2 consolidate reporting requirements.]

3 **Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the**
4 **San Francisco Administrative Code.**

5 NOTE: Additions are single-underline italics Times New Roman;
6 deletions are ~~strike-through italics Times New Roman~~.
7 Board amendment additions are double-underlined;
8 Board amendment deletions are ~~strikethrough-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 and
11 adding to Sec. 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
15 officers or designees shall only assign overtime when work cannot be completed within
16 normal work schedules. Except as provided for below, absent prior approval of the
17 Director of Human Resources (or, if appropriate, the Director of the Municipal
18 Transportation Agency), no appointing officer shall suffer or permit any employee to:
19 (i) work overtime hours that exceed, in any fiscal year, thirty percent (30%) of the
20 number of hours that the employee is regularly scheduled to work on a straight-time
21 basis in that fiscal year (i.e., 624 hours for a full-time 2080 hour per year employee); or,
22 (ii) work more than eighty (80) hours in a regular work week, except that this subsection
23 (a)(ii) does not apply to uniformed Fire Department employees who do not work a standard 40
24 hour work week. For the purpose of calculating the maximum number of overtime hours
25 an employee is permitted to work under this Section, hours attributed to vacation and

1 other paid leaves shall be deemed included in the hours the employee is regularly
2 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
5 Transportation Agency) based upon a critical staffing shortage.

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

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

15 (e) The Controller and Director of Human Resources, with the assistance of department
16 heads, shall submit a biannual report to the Board of Supervisor by February 15th and May
17 15th ~~on January 5th and May 1st~~ of each year. The report shall include:

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

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

1 (3) Actual year to date salary, expenditures for the current fiscal year, actual year-to-date
2 overtime expenditures for the current fiscal year, and actual year-to-date overtime expenditures
3 as a percentage of actual year-to-date salary expenditures for the current fiscal year;

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

7 (5) documenting The extent to which each department has complied with the requirements
8 of this section.

9 (f) In addition, the The Controller shall submit a monthly report to the Board of
10 Supervisors and the Mayor's Budget Director listing the five City departments using the
11 most overtime in the preceding month. A hearing on this report shall be calendared as
12 a standing agenda item of the Budget and Finance Committee or another fiscal
13 committee of the Board of Supervisors as determined by the President of the Board of
14 Supervisors.

15 (g) If the biannual report described in subsection (e) identifies any departments out of
16 compliance with this section, then a hearing on each such department's noncompliance will be
17 calendared as an agenda item of the Budget and Finance Committee or another fiscal
18 committee of the Board of Supervisors as determined by the President of the Board of
19 Supervisors, at which hearing each Appointing Officer or designee for such department will
20 report his or her department's plan for coming into compliance with this section.

21 (h) This ordinance is not intended to supersede overtime distribution rules contained
22 in approved memoranda of understanding with the City's exclusive representatives
23 except as necessary to ensure compliance with subsection (a) above to the extent
24 allowable by state or local law.
25

1 (i) The intent of the Board of Supervisors, in adopting this Section, is to establish
2 administrative procedures and policies for the guidance of its appointing officers. It is not
3 assuming, nor is it imposing on the City and County of San Francisco or on its officers or
4 employees, an obligation for breach of which it is liable in money damages to any person who
5 claims that such breach caused injury.

6 Section 2. The San Francisco Administrative Code is hereby amended by deleting Sec.
7 18.13-5 as follows:

8 ~~SEC. 18.13-5. OVERTIME REPORTING.~~

9 ~~(a) The Controller, with the assistance of department heads, shall submit a biannual report by~~
10 ~~February 1st and May 1st of each year to the Budget Analyst, with copies to the Board of~~
11 ~~Supervisors. The report shall include:~~

12 ~~(1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for the~~
13 ~~immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted salaries~~
14 ~~for the immediately preceding fiscal year;~~

15 ~~(2) Actual salary expenditures for the immediately preceding fiscal year, actual overtime~~
16 ~~expenditures for the immediately preceding fiscal year, and actual overtime expenditures as a~~
17 ~~percentage of actual salary expenditures for the immediately preceding fiscal year;~~

18 ~~(3) Actual year-to-date salary expenditures for the current fiscal year, actual year-to-date~~
19 ~~overtime expenditures for the current fiscal year, and actual year-to-date overtime expenditures~~
20 ~~as a percentage of actual year-to-date salary expenditures for the current fiscal year;~~

21 ~~(4) Projected salary expenditures for the current fiscal year, projected overtime expenditures~~
22 ~~for the current fiscal year, and projected overtime expenditures as a percentage of projected~~
23 ~~salary expenditures for the current fiscal year; and~~

24 ~~(5) Such other information as the Budget Analyst may require.~~

1 ~~(b) The Budget Analyst shall report back to the Board of Supervisors and to the Finance~~
2 ~~Committee (or such other committee of the Board as is responsible for budgetary matters) by~~
3 ~~March 1st and June 1st, respectively, with its assessment of said report and the status of City~~
4 ~~overtime expenditures as a whole. The Budget Analyst's report shall also discuss as appropriate~~
5 ~~the accuracy and completeness of the information provided by the Controller.~~

6 ~~(c) The intent of the Board of Supervisors, in adopting this Section, is to establish~~
7 ~~administrative procedures for the guidance of its appointing officers. It is not assuming, nor is it~~
8 ~~imposing on the City and County of San Francisco or on its officers or employees, an obligation~~
9 ~~for breach of which it is liable in money damages to any person who claims that such breach~~
10 ~~caused injury.~~

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 ELIZABETH S. SALVESON
16 Chief Labor Attorney
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City and County of San Francisco

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

Tails Ordinance

File Number: 090286

Date Passed:

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

May 5, 2009 Board of Supervisors — PASSED ON FIRST READING AS DIVIDED

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell,
Mirkarimi

Absent: 1 - Campos

May 12, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090286

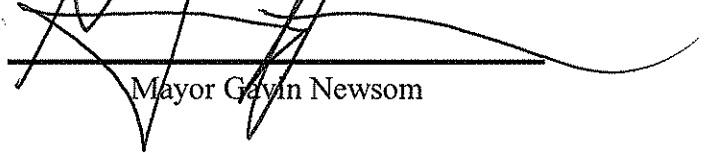
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 12, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

5/20/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom