

1 [Administrative Code – Allowing Paid Administrative Leave In Certain Circumstances]

2
3 **Ordinance amending the San Francisco Administrative Code by adding Section 16.17**
4 **to allow the City and County of San Francisco to use time-limited paid administrative**
5 **leave for its employees under certain circumstances.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 The San Francisco Administrative Code is hereby amended by adding Section 16.17 to
11 read as follows:

12 **SEC. 16.17. PAID ADMINISTRATIVE LEAVE.**

13 (a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and
14 County of San Francisco are authorized, but not required, to place any City employee in their
15 department on paid administrative leave under the following circumstances:

16 (1) When the City has initiated an investigation relating to an employee's conduct, and
17 the Appointing Officer determines that the employee should be placed on leave during some or all of
18 the investigation in order to protect the legitimate interests of the City, including but not limited to,
19 potential interference with the effectiveness of the investigation, or potential harm to employees, to the
20 public interest or to the operation of the City, for a period of time beginning not earlier than the start of
21 the investigation and ending not later than the date the investigation is completed, subject to a
22 maximum of thirty (30) calendar days;

23 (2) When the City requires an employee to submit to drug and/or alcohol testing
24 pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the
25 City and a recognized employee organization, or local, state or federal law, for the period of time

1 between the date the City directs the employee to submit to such testing until the employee refuses such
2 testing or the testing is completed and the City is advised of the results of the testing, subject to a
3 maximum of thirty (30) calendar days;

4 (3) When the City medically removes an employee pursuant to standards set forth by the
5 California Occupational Safety and Health Administration in Title 8 of the California Code of
6 Regulations;

7 (4) When the City requires an employee to undergo a fitness for duty examination
8 pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period
9 of time from the date the City directs the employee to undergo a fitness for duty examination until: (i)
10 the date the examination is completed and the City is notified by the examining physician whether the
11 employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave
12 under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the
13 examining physician does not notify the City that the employee is fit for duty on the day of the
14 examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to the
15 Civil Service Rules starting on the business day following the examination. Should the examining
16 physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted
17 between the date of the examination and the date the City is so notified or, in the event the employee
18 has no accrued sick leave, any lost compensation for the same period.

19 (b) While an employee is on paid administrative leave the employee shall receive the
20 compensation he or she would have earned if the employee had worked during the same period, without
21 the inclusion of overtime earnings or special pay.

22 (c) The Appointing Officer shall have the discretion to remove an employee from paid
23 administrative leave at any time during the period of paid administrative leave.

24 (d) Subject to the prior written approval of the Director of the Department of Human
25 Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with

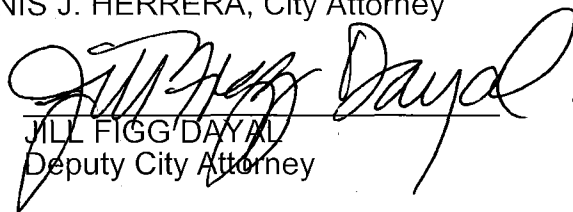
1 this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees
2 employed by the Municipal Transportation Agency, the Director of the Municipal Transportation
3 Agency may extend paid administrative leave one (1) time consistent with this Section for no more than
4 an additional thirty (30) calendar days. Under no circumstances may an employee be on paid
5 administrative leave for more than sixty (60) calendar days relating to the same incident.

6 (e) The City's ability to place employees on paid administrative leave under this section is in
7 addition to, not in lieu of, its right to place employees on unpaid administrative leave under Charter
8 Section A8.341, or any similar successor Charter Section. The City may elect to place an employee on
9 paid or unpaid administrative leave as permitted under this Section or under Charter Section A8.341.
10 Further, the City may place an employee on paid administrative leave either before or after the
11 employee is placed on unpaid administrative leave.

12 (f) Nothing herein shall limit or prohibit compliance with the regulations of the California
13 Occupational Safety and Health Administration in Title 8 of the California Code of Regulations.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:

18 
19 JILL FIGG DAYAL
20 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 110622

Date Passed: September 06, 2011

Ordinance amending the San Francisco Administrative Code by adding Section 16.17 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances.

July 21, 2011 Rules Committee - RECOMMENDED

August 02, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - FINALLY PASSED AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110622

I hereby certify that the foregoing Ordinance was FINALLY PASSED AS AMENDED on 9/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/12/2011

Date Approved