

1 (Unrepresented Employees)

2 AN ORDINANCE FIXING COMPENSATION FOR PERSONS EMPLOYED BY THE CITY  
3 AND COUNTY OF SAN FRANCISCO WHOSE COMPENSATIONS ARE SUBJECT TO  
4 THE PROVISIONS OF SECTION A 8.409 OF THE CHARTER, IN CLASSES NOT  
5 REPRESENTED BY AN EMPLOYEE ORGANIZATION, AND ESTABLISHING WORKING  
6 SCHEDULES AND CONDITIONS OF EMPLOYMENT AND METHODS OF PAYMENT,  
7 EFFECTIVE JULY 1, 1999.

8 BE IT ORDAINED BY THE PEOPLE OF THE  
9 CITY AND COUNTY OF SAN FRANCISCO

10  
11 Pursuant to Charter Section A 8.409-1, the Mayor hereby proposes and the Board of Supervisors  
12 approves the wages, hours and other terms and conditions of employment set forth herein to be  
13 applicable to all unrepresented classifications or positions of City employment.

14 Unless specifically noted, the following provisions are applicable to all employees covered by  
15 this Ordinance, which includes Miscellaneous Unrepresented employees and Management  
16 Unrepresented employees. See Attachment A for the list of classifications designated as  
17 Miscellaneous Unrepresented and Management Unrepresented.

18 **Section 1. General Terms and Conditions of Employment**

19 1 All terms and conditions of employment not covered under this Ordinance shall  
20 continue to be subject to the City's direction and control. Unless specifically  
21 addressed herein, those terms and conditions of employment which are currently  
22

23  
24  
25 Mayor

BOARD OF SUPERVISORS

1 set forth in the Charter, Administrative Code, Civil Service Rules policies and  
2 procedures, shall apply to employees covered by this ordinance.

- 3 B. Nothing in this Ordinance shall have application to changes of Civil Service rules  
4 and matters subject to the exclusive jurisdiction of the Civil Service Commission  
5 pursuant to Charter Section A8.409-3, unless specifically approved by the Civil  
6 Service Commission, except as such changes may affect compensation.  
7

8 **Section 2. Wage Rates**

9 The wage rates for the employees covered by this Ordinance for fiscal year 1999-2000, shall be  
10 increased as follows:

11 Effective July 1, 1999

Effective December 25, 1999

12 2 %

1.5%

13 Effective July 1, 1999, the salary for the positions listed below shall be as indicated, wherein 'B'  
14 signifies biweekly:

15 AC01 Executive Assistant I	\$1,030B\$1,246
16 AC02 Executive Assistant II	\$1,107B\$1,339
17 AC03 Executive Assistant III	\$1,188B\$1,440
18 AC04 Executive Assistant IV	\$1,276B\$1,547
19 AC05 Executive Assistant V	\$1,372B\$1,662
20 AC06 Executive Assistant VI	\$1,467B\$1,778
21 AC07 Executive Assistant VII	\$1,577B\$1,914

1	AC08 Executive Assistant VIII	\$1,694B\$2,058
2	AC09 Executive Assistant IX	\$1,823B\$2,215
3	AC10 Executive Assistant X	\$1,970B\$2,395
4	AC11 Executive Assistant XI	\$2,120B\$2,577
5	AC12 Executive Assistant XII	\$2,281B\$2,772
6	AC13 Executive Assistant XIII	\$2,442B\$2,969
7	AC14 Executive Assistant XIV	\$2,627B\$3,193
8	AC15 Executive Assistant XV	\$2,827B\$3,436
9	AC16 Executive Assistant XVI	\$3,041B\$3,696
10	AC17 Executive Assistant XVII	\$3,273B\$3,978
11	AC18 Executive Assistant XVIII	\$3,520B\$4,278
12	AC19 Executive Assistant XIX	\$3,689B\$4,484
13	AC20 Executive Assistant XX	\$3,966B\$4,821
14	AC21 Executive Assistant XXI	\$4,270B\$5,190
15	AC22 Executive Assistant XXII	\$4,591B\$5,581

Effective July 1, 1999, the salary for AB44 Confidential Chief Attorney II shall be \$4,311 B \$5,241 (Sch. 79.00).

All base wage increases shall be rounded to the nearest salary schedule.

### **Section 3. Acting Assignment Pay**

The Appointing Officer assigns duties to employees covered by this ordinance. Employees assigned by the Department Head or designee to perform the full range of essential functions of a position in a higher classification shall receive compensation at a higher salary if all of the following conditions are met:

- (1) The assignment shall be in writing with copies to the Department of Human Resources and Controller.
- (2) The assignment shall conform to all Civil Service Commission Rules, policies and procedures.
- (3) The position to which the employee is assigned must be a budgeted position.
- (4) The employee is assigned to perform the duties of a higher classification for longer than thirty (30) consecutive working days.
  - a. If each of the above criteria are met and upon written approval by the Department Head, an employee shall be paid a one full salary step adjustment (approximately 5%) but which does not exceed the maximum step of the salary schedule of the class to which temporarily assigned. Premiums based on percent of salary shall be paid at a rate which includes out of class pay.
  - b. Requests for classification or reclassification review shall not be governed by this provision.

## Section 4. Supervisory Differential Adjustment

The Appointing Officer may adjust the compensation of a supervisory employee whose schedule of compensation is set herein subject to the following conditions:

- (1) The supervisor, as part of the regular responsibilities of his/her class, supervises, directs, is accountable for and is in responsible charge of the work of a subordinate or subordinates.
- (2) The supervisor must actually supervise the technical content of subordinate work and possess education and/or experience appropriate to the technical assignment.
- (3) The organization is a permanent one approved by the appointing officer, chief administrative officer, Board or Commission, where applicable, and is a matter of record based upon review and investigation by the Department of Human Resources.
- (4) The classifications of both the supervisor and the subordinate are appropriate to the organization and have a normal, logical relationship to each other in terms of their respective duties and levels of responsibility and accountability in the organization.
- (5) The compensation schedule of the supervisor is less than one full step (approximately 5%) over the compensation schedule, exclusive of extra pay, of the employee supervised. In determining the compensation schedule of a classification being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the compensation schedule the top step of which is closest to the flat rate so converted shall be deemed to be the compensation schedule of the flat rate classification.
- (6) The adjustment of the compensation schedule of the supervisor shall not exceed 5% over the compensation exclusive of extra pay, of the employee supervised. If the application of this section adjusts the compensation schedule of an employee in excess of his/her immediate supervisor, whose class is also covered by this ordinance the pay of such immediate supervisor shall be adjusted to an amount \$1.00 bi-weekly

1 in excess of the base rate of his/her highest paid subordinate, provided that the other  
2 applicable conditions of this section are also met.

3 (7) In no event will the Appointing Officer approve a supervisory salary adjustment in  
4 excess of two (2) full steps (approximately 10%) over the supervisor's current basic  
5 compensation. If in the following fiscal year a salary inequity continues to exist, the  
6 Appointing Officer may again review the circumstances and may grant an additional  
7 salary adjustment not to exceed two (2) full steps (approximately 10%).

8 (8) The Human Resources Department shall review any changes in the conditions or  
9 circumstances that were and are relevant to the request for salary adjustment under  
10 this section.

11  
12 **Section 5. Internal Adjustment Process**

13 Upon request of an Appointing Officer, the Director of the Human Resources Department may  
14 approve internal salary adjustments, subject to approval of the Board of Supervisors, during the  
15 term of the Ordinance based upon the following:

16 1. Standards

17 The following shall be the standards for internal adjustments for the wage rates  
18 for a particular classification:

- 19 a) The salary for the classification is below the prevailing wage level in the  
20 relevant labor market as demonstrated by verifiable salary data; and/or  
21 b) There is an ongoing and demonstrable recruitment and/or retention  
22 problem; and/or

- 1 c) Traditional salary relationships, which continue to be justified, have been  
2 substantially altered; and/or  
3 d) The duties, responsibilities and/or minimum requirements for a  
4 classification have been altered significantly.

5 2. Internal Adjustment Cap

6 Internal adjustment costs shall not exceed an annualized cost of .3% of the total  
7 payroll cost for the employees covered by this Ordinance.  
8

9 **Section 6. Premium Pay**

10 All premiums and additional forms of compensation described in this ordinance shall be paid  
11 only for actual hours worked.  
12

13 There shall be no pyramiding of premiums for purposes of compensation calculations. Each  
14 premium shall be calculated on the base wage rate exclusive of any and all premiums, benefits  
15 and other forms of additional compensation.  
16

17 **Section 7. Bilingual Pay**

18 Unrepresented employees who are assigned by their Department to a position designated by their  
19 Department as a "Bilingual Position", subject to approval by the Human Resources Department,  
20 shall receive an additional \$35.00 in each pay period when bilingual duties are performed 5 hours  
21 or more in each week. A designated "Bilingual Position" is one in which the employee is  
22 required to translate to and from a foreign language, or sign language as used by the deaf.  
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1  
2 **Section 8. Project Managers**

3 For fiscal year 1999-2000, the wage differential that existed in 1992-93 shall be re-established  
4 between the Project Manager classifications and their related professional engineering  
5 classifications as follows:

6 5502 Project Manager I and 5206 Associate Civil Engineer

7 5504 Project Manager II and 5208 Civil Engineer

8 5506 Project Manager III and 5210 Senior Civil Engineer

9 5508 Project Manager IV and 5212 Principal Engineer  
10

11 **Section 9. Appointment and Advancement**

12 Appointing Officers may appoint employees to any step, at any time, in the salary range which  
13 does not exceed the maximum of the salary range. If there are no steps within the salary range,  
14 the Appointing Officer may appoint employees to any place within the range at any time,  
15 providing that the placement does not exceed the salary range maximum.

16 Employees appointed to an Executive Assistant position on July 1, 1999 shall receive the same  
17 salary the employee received on June 30, 1999 in their former classification including any  
18 general wage increase authorized by this Ordinance.  
19

20 **Section 10. Methods of Calculation**

- 21 (1) Monthly. An employee whose compensation is fixed on a monthly basis shall be  
22 paid monthly or bi-weekly in accordance with State Law or other applicable  
23



1 provision. There shall be no compensation for time not worked unless such time  
2 off is authorized time off with pay.

3 (2) Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis shall  
4 be paid the bi-weekly salary for his/her position for work performed during the bi-  
5 weekly payroll period. There shall be no compensation for time not worked  
6 unless such time off is authorized time off with pay.

7 (3) Per Diem or Hourly. An employee whose compensation is fixed on a per diem or  
8 hourly basis shall be paid the daily or hourly rate for work performed during the  
9 bi-weekly payroll period on a bi-weekly pay schedule. There shall be no  
10 compensation for time not worked unless such time off is authorized time off with  
11 pay.

12 (4) Weekly. An employee whose compensation is fixed on a weekly basis shall be  
13 paid bi-weekly for work performed during the bi-weekly payroll period. There  
14 shall be no compensation for time not worked unless such time off is authorized  
15 time off with pay.

16 (5) Conversion of Annual or Monthly Rates to Semimonthly or Bi-Weekly Rates.  
17 When rates of compensation provided on an annual or monthly basis are  
18 converted to bi-weekly rates for payroll purposes and the resulting amount  
19 involves a fraction of a cent, the converted bi-weekly rate shall be adjusted to  
20 eliminate such fraction of a cent on the following basis:

- 21 a. A fraction of less than one-half (1/2) shall be dropped and the amount  
22 reduced to the next full cent.

b. A fraction of one-half (1/2) or more shall be increased to the next full cent.

(6) Daily Rates for Monthly and Bi-Weekly Employees. A day's pay shall be determined by dividing the number of work days in a normal work schedule in a monthly payroll period (including specified holidays) into the monthly salary established for the position, or the amount of a day's pay shall be 1/10th of the compensation of a normal work schedule in a bi-weekly period (including specified holidays).

(7) Conversion to Bi-Weekly Rates. Rates of compensation established on other than bi-weekly basis may be converted to bi-weekly rates by the Controller for payroll purposes.

## Section 11. Work Schedules

### (1) Regular Work Schedules

a. Regular Work Day. Unless otherwise provided, a regular workday is a tour of duty of eight (8) hours of work completed within not more than twenty-four (24) hours.

b. Regular Work Week. The Appointing Officer shall determine the work schedule for employees in his/her department. A regular workweek is a tour of duty of five (5) worked days within a seven day period. However, employees who are moving from one shift or one work schedule to another

1 may be required to work in excess of five working days in conjunction with  
2 changes in their work shifts or schedules.

3 Employees shall receive no compensation when properly notified (2-hour  
4 notice) that work applicable to the classification is not available because of  
5 inclement weather conditions, shortage of supplies, traffic conditions, or other  
6 unusual circumstances. Employees who are not properly notified and report to  
7 work and are informed no work applicable to the classification is available  
8 shall be paid for a minimum of two hours. Employees who have been  
9 designated by their department as emergency personnel must report to work as  
10 scheduled unless otherwise notified by the Appointing Officer or designee.

11 Employees who begin their shifts and are subsequently relieved of duty due to  
12 the above reasons shall be paid a minimum of two hours, and for hours  
13 actually worked beyond two hours, computed to the nearest one-quarter hour.

14 (2) Night Duty

15 Employees, exclusive of employees in classes which are exempt from the Fair  
16 Labor Standards Act, who, as part of their regularly scheduled work shift, are  
17 required to work any hours between (six) 6:00 p.m. and (six) 6:00 a.m. shall  
18 receive a premium of 5% per hour in addition to their straight time hourly base  
19 rate of pay for any and all hours worked between (six) 6:00 p.m. and (six) 6:00  
20 a.m. Excluded from this provision are those employees who participate in an  
21 authorized flex-time program where the work shift includes hours to be worked  
22 between the hours of (six) 6:00 p.m. and (six) 6:00 a.m. Day shift employees  
23

1 assigned to work during the night duty premium hours are not eligible for night  
2 duty premium. Payment of this premium shall be made for actual hours worked.

3 (3) Alternate Work Schedule

4 The Appointing Officer may enter into cost equivalent alternate work schedules  
5 for some or all employees. Such alternate work schedules may include, but are  
6 not limited to, core hours flex-time; full-time work weeks of less than five (5)  
7 days; or a combination of features mutually agreeable to the parties. Such  
8 changes in the work schedule shall not alter the basis for, nor entitlement to,  
9 receiving the same rights and privileges as those provided to employees on five  
10 (5) day, forty (40) hour a week schedules.

11 (4) Voluntary Reduced Work Week

12 Employees subject to the approval by the Appointing Officer may voluntarily  
13 elect to work a reduced work week for a specified period of time. Such reduced  
14 work week shall not be less than twenty (20) hours per week. Pay, vacation,  
15 holidays and sick pay shall be reduced in accordance with such reduced work  
16 week.

17  
18 **Section 12. Probationary Periods**

19 All permanent appointees shall serve a minimum of a six month probationary period. The  
20 Human Resources Director may designate specific classifications which shall require up to a one  
21 year probationary period.

1 A probationary period may be extended by mutual written agreement between the employee and  
2 the appointing officer.

3  
4 An employee who is granted a leave while serving a probationary period shall have such  
5 probationary period extended by the period of such leave in order to complete the required period  
6 of service.

7 **Section 13. Seniority**

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9 In the event of layoffs, the employee in the class with the least Civil Service seniority within that  
10 employee's department shall be laid off. Bumping rights shall be limited to the employee's  
11 current department.

12 **Section 14. Overtime Compensation**

13 (1) The Appointing Officer may require employees to work longer than the regular  
14 work day or the regular work week. Any time worked by an employee with  
15 proper authorization, exclusive of part-time employees, in excess of forty (40)  
16 hours actually worked during a regular work week shall be designated as overtime  
17 and shall be compensated at one-and-one-half times the base hourly rate. For the  
18 purposes of calculating overtime compensation, an employee's base hourly rate  
19 may include certain premiums for those hours actually worked at the premium  
20 rate.

21 (2) Employees working in classifications that are designated as having a regular work  
22 week of less than forty (40) hours shall not be entitled to overtime compensation  
23

1 for work performed in excess of said specified regular hours until they exceed  
2 forty (40) hours per week. Overtime shall be calculated and paid on the basis of  
3 the total number of straight time hours actually worked in a week. Overtime  
4 compensation so earned shall be computed subject to all the provisions and  
5 conditions set forth herein.

6 (3) Employees occupying Fair Labor Standards Act ("FLSA") exempt (executive,  
7 administrative, or professional) positions shall not be paid for overtime worked  
8 but may earn CTO at the rate of one hour for each hour worked in excess of 40  
9 hour/week. The maximum amount of CTO that may be accrued may be  
10 established by each appointing officer. In lieu of accruing CTO during the fiscal  
11 year, unrepresented department heads and employees in AB44 Confidential Chief  
12 Attorney II shall have the same administrative time off benefit applicable to  
13 employees in classifications assigned to the EM Unit.

14 (4) Employees not exempted from the FLSA who are required to work overtime shall  
15 be paid at a rate of one and one-half times their regular base rate. An employee  
16 may elect to accrue CTO in lieu of overtime, provided that the Appointing Officer  
17 approves of such election. In no instance may an employee accrue more than two  
18 hundred forty (240) hours of CTO.

19  
20 **Section 15. Fair Labor Standards Act**

21 To the extent that this ordinance fails to afford employees the overtime or compensatory time off  
22 benefits to which they are entitled under the Fair Labor Standards Act, this ordinance authorizes  
23

1 and directs all City Departments to ensure that their employees receive, at a minimum, such Fair  
2 Labor Standards Act Benefits.

3  
4 **Section 16. Standby Pay and Pager Pay**

5 Employees who, as part of the duties of their positions are required by the Appointing Officer to  
6 standby when normally off duty to be instantly available on call for immediate emergency  
7 service for the performance of their regular duties, shall be paid 25 percent of their regular  
8 straight time rate of pay for the period of such standby service, except that employees shall be  
9 paid ten (10) percent of their regular straight time rate of pay for the period of such standby  
10 service when outfitted by the department with an electronic paging device. When such  
11 employees are called to perform their regular duties in emergencies during the period of such  
12 standby service, they shall be paid while engaged in such emergency service the usual rate of pay  
13 for such service.

14 The provisions authorizing standby pay do not apply to classifications designated by a "Z"  
15 symbol and which would qualify for designation as executive under the duties test provisions of  
16 the Federal Fair Labor Standards Act.

17  
18 **Section 17. Call Back**

19 Employees (except those at remote locations where City supplied housing has been offered, or  
20 who are otherwise being compensated) who are called back to their work locations following the  
21 completion of his/her work day and departure from his/her place of employment, shall be paid at  
22  
23

1 the applicable rate for all hours actually worked. This section shall not apply to employees who  
2 are called back to duty when on stand-by status.

3  
4 Notwithstanding the general provisions of this section, call back pay shall not be allowed in  
5 classes which are FLSA exempt (executive, administrative or professional).

6  
7 **Section 18. Holidays**

8 Except when normal operations require, or in an emergency, employees shall not be required to  
9 work on the following days hereby declared to be holidays for such employees:

10 January 1 (New Year's Day)

11 the third Monday in January (Martin Luther King, Jr.'s Birthday)

12 the third Monday in February (President's Day)

13 the last Monday in May (Memorial Day)

14 July 4 (Independence Day)

15 the first Monday in September (Labor Day)

16 the second Monday in October (Columbus Day)

17 November 11 (Veteran's Day)

18 Thanksgiving Day

19 the day after Thanksgiving

20 December 25 (Christmas Day)

21 Provided further, if January 1, July 4, November 11 or December 25 falls on a Sunday, the  
22 Monday following is a holiday.



1  
2 The City shall accommodate religious belief or observance of employees as required by law.

3 Three additional floating days off to be taken on days selected by the employee subject to prior  
4 scheduling approval of the appointing officer. Employees (both full-time and part-time) must  
5 complete six (6) months continuous service to establish initial eligibility for the floating days off.

6 Employees hired on an as-needed, intermittent or seasonal basis shall not receive the additional  
7 floating days off. Floating days off may not be carried forward from one fiscal year to the next.

8 No compensation of any kind shall be earned or granted for floating days off not taken.

9 Employees who have established initial eligibility for floating days off and subsequently separate  
10 from City employment, may at the sole discretion of the appointing authority, be granted those  
11 floating day(s) off to which the separating employee was eligible and had not yet taken off.

12 In addition, any day declared to be a holiday by proclamation of the Mayor after such day has  
13 heretofore been declared a holiday by the Governor of the State of California or the President of  
14 the United States.

15  
16 For those employees assigned to a work week of Monday through Friday, and in the event a legal  
17 holiday falls on Saturday, the preceding Friday shall be observed as a holiday; provided,  
18 however, that except where the Governor declares that such preceding Friday shall be a legal  
19 holiday, each department head shall make provision for the staffing of public offices under  
20 his/her jurisdiction on such preceding Friday so that said public offices may serve the public as  
21 provided in Section 7.702 of the Charter. Those employees who work on a Friday which is  
22 observed as a holiday in lieu of a holiday falling on Saturday shall be allowed a day off in lieu  
23

1 thereof as scheduled by the appointing officer in the current fiscal year. The City shall provide  
2 one week's advance notice to employees scheduled to work on the observed holiday, except in  
3 cases of unforeseen operational needs.  
4

#### 5 **Section 19. Holiday Compensation for Time Worked**

6 Employees required by their respective Appointing Officers to work on any of the above-  
7 specified or to substitute holidays excepting Fridays observed as holidays in lieu of holidays  
8 falling on Saturday, shall be paid extra compensation of one (1) additional day's pay at time and  
9 one-half (1-1/2) the usual rate in the amount of twelve (12) hours' pay for eight (8) hours worked  
10 or a proportionate amount if less than eight (8) hours worked; provided, however, that at an  
11 employee's request and with the approval of the appointing officer, an employee may be granted  
12 compensatory time off in lieu of paid overtime.  
13

14 Employees occupying positions which are exempt from the FLSA (Executive, Administrative  
15 and Professional) shall not receive extra compensation for holiday work but may be granted time  
16 off at the discretion of the Appointing Officer.  
17

#### 18 **Section 20. Holidays for Employees on Work Schedules Other Than Monday Through** 19 **Friday**

- 20 (1) Employees assigned to seven (7) day-operation departments or employees working a  
21 five (5) day work week other than Monday through Friday shall be allowed another  
22 day off if a holiday falls on one of their regularly scheduled days off.  
23

1 (2) Employees whose holidays are changed because of shift rotations shall be allowed  
2 another day off if a legal holiday falls on one of their days off.

3 (3) Employees required to work on a holiday which falls on a Saturday or Sunday shall  
4 receive holiday compensation for work on that day. Holiday compensation shall not  
5 then be additionally paid for work on the Friday preceding a Saturday holiday, nor  
6 on the Monday following a Sunday holiday.

7 (4) Sections (2) and (3) above shall apply to part-time employees on a pro-rata basis.

8 If the provisions of this section deprive an employee of the same number of holidays  
9 that an employee receives who works Monday through Friday, s/he shall be granted  
10 additional days off to equal such number of holidays. The designation of such days  
11 off shall be by mutual agreement of the employee and the appropriate employer  
12 representative. Such days off must be taken within the fiscal year. In no event shall  
13 the provisions of this section result in such employee receiving more or less holidays  
14 than an employee on a Monday through Friday work schedule.

15  
16 **Section 21. Holiday Pay for Employees Laid Off**

17 An employee who is laid off at the close of business the day before a holiday who has worked  
18 not less than five (5) previous consecutive workdays shall be paid for the holiday at their normal  
19 rate of compensation.

1  
2 **Section 22. Employees Not Eligible for Holiday Compensation**

3 Persons employed for holiday work only, or persons employed on a part-time work schedule  
4 which is less than twenty (20) hours in a bi-weekly pay period, or persons employed on an  
5 intermittent part-time work schedule (not regularly scheduled), or persons employed on as-  
6 needed, seasonal or project basis for less than six (6) months continuous service, or persons on  
7 leave without pay status both immediately preceding and immediately following the legal  
8 holiday shall not receive holiday pay.  
9

10 **Section 23. Part-time Employees Eligible for Holidays**

11 Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly pay  
12 period shall be entitled to holiday pay on a proportionate basis.

13 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a bi-  
14 weekly pay period, therefore, part-time employees, as defined in the immediately preceding  
15 paragraph, shall receive a holiday based upon the ratio of 1//10 of the total hours regularly  
16 worked in a bi-weekly pay period. Holiday time off shall be determined by calculating 1/10 of  
17 the hours worked by the part-time employee in the bi-weekly pay period immediately preceding  
18 the pay period in which the holiday falls. The computation of holiday time off shall be rounded  
19 to the nearest hour.  
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1 The proportionate amount of holiday time off shall be taken in the same fiscal year in which the  
2 holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employee and  
3 the appropriate employer representative.  
4

#### 5 **Section 24. In-Lieu Holidays**

6 (1) Requests for in-lieu holidays shall be made to the appropriate management  
7 representative within thirty (30) days after the holiday is earned and must be taken  
8 within the fiscal year.

9 (2) In-lieu days will be assigned by the appointing officer or designee if not scheduled in  
10 accordance with the procedures described herein

11 (3) An in-lieu holiday can be carried over into the next fiscal year only with the written  
12 approval of the appointing officer.  
13

#### 14 **Section 25. Sick Leave**

15 Requests for sick leave in excess of forty (40) consecutive hours shall be certified by a licensed  
16 medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical  
17 psychologist, Christian Science practitioner, or licensed doctor of chiropractic. Verification of  
18 sick leave for less than forty (40) hours may be required at the sole discretion of the Appointing  
19 Officer or his/ her designee.  
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25

1 **Section 26. Health and Welfare and Dental Insurance**

2 1. City Contribution

3 The City will maintain health and dental contributions at present levels for the life  
4 of this ordinance.

5 The level of the City's contribution to health benefits will be set in accordance  
6 with the requirements of Charter Sections A 8.423 and A 8.428.

7  
8 The City will cease payment of any and all contributions for employee health and  
9 dental benefits for those employees who remain on unpaid status, with the  
10 exception of approved sick leave, Worker's Compensation Leave, Family Medical  
11 Leave Act leave, and or California Family Rights Act Leave, in excess of twelve  
12 (12) continuous weeks.

13  
14 2. Dependent Health Care

15 The City's contribution for dependent health care coverage for Miscellaneous  
16 Unrepresented employees shall be \$225.00 per covered employee per month. In  
17 the event that the cost of dependent care increases, the City will adjust its pick-up  
18 level up to 75% of the cost of Kaiser's dependent health care medical costs for the  
19 employee plus two or more dependents category.

20  
21 The City's contribution for dependent health care coverage for Management  
22 Unrepresented employees to the Flexible Benefits Plan shall be the greater  
23

1 amount of \$225.00 per covered employee per month or 75% per covered  
2 employee per month of the dependent rate charged to employees for Kaiser  
3 coverage at the dependent plus two or more level. The specific benefits offered  
4 are subject to change.  
5

#### 6 **Section 27. Retirement Contribution**

7 The City shall pick up the employee contribution to Retirement (as defined by Section 414(h) of  
8 the Internal Revenue Code of 1986 as amended from time to time for any successor statute) to  
9 the extent set forth below:

10 The City will contribute to the appropriate pension plan a total of:

11 8% of pension covered gross salary for old plan full rate SFERS members;

12 7.5% of pension covered gross salary for new plan full rate SFERS members;

13 7.0% of pension covered gross salary for miscellaneous PERS members;

14 7.0% of pension covered gross salary for safety PERS members (where  
15 applicable);

16 \*7.5% of pension covered gross salary for safety PERS members (where  
17 applicable). \*For Uniform Deputy Sheriffs, 7 ½% employer pick up and 1 ½%  
18 pick up per Charter Section A8.506.  
19

20 The aforesaid contributions shall not be considered as part of an employee's  
21 compensation for the purpose of computing straight time earnings, compensation  
22 for overtime worked, premium pay, or retirement benefits, nor shall such  
23

1 contributions be taken into account in determining the level of any other benefit  
2 which is a function of or percentage of salary.  
3

4 On and after July 1, 1997, any employee covered by this ordinance shall have no  
5 right to alter the amount of such contribution, nor shall the employee have the  
6 right to receive directly the contributed amounts instead of having the employer  
7 pay them directly to the Retirement System.  
8

9 **Section 28. Worker's Compensation and Return to Work**

10 The City will make a good faith effort to return employees who have sustained an occupational  
11 injury or illness to temporary modified duty within the employee's medical restriction. Duties of  
12 the modified assignment may differ from the employee's regular job duties and/or from job  
13 duties regularly assigned to employees in the injured employee's class. Where appropriate  
14 modified duty is not available within the employee's classification, on the employee's regular  
15 shift, and in the employee's department, the employee may be temporarily assigned pursuant to  
16 this section to work in another classification, on a different shift, and/or in another department,  
17 subject to the approval of the Appointing Officer or designee. The decision to provide modified  
18 duty and/or the impact of such decisions shall not be subject to grievance or arbitration.  
19 Modified duty assignments may not exceed three (3) months. An employee assigned to a  
20 modified duty assignment shall receive their regular base rate of pay and shall not be eligible for  
21 any other additional compensation (premiums) and or out of class assignment pay as may be  
22 provided under this Ordinance.  
23



1  
2 An employee who is absent because of an occupational disability and who is receiving  
3 Temporary Disability, Vocational Rehabilitation Maintenance Allowance, State Disability  
4 Insurance, may request that the amount of disability indemnity payment be supplemented with  
5 salary to be charged against the employee's accumulated unused sick leave with pay credit  
6 balance at the time of disability, compensatory time off, or vacation, so as to equal the normal  
7 salary the employee would have earned for the regular work schedule. Use of compensatory  
8 time requires the employee's Appointing Officer's approval.  
9

10 An employee who wishes not to supplement, or who wishes to supplement with compensatory  
11 time or vacation, must submit a written request to the Appointing Officer or designee within  
12 seven (7) calendar days following the first date of absence. Disability indemnity payments will  
13 be automatically supplemented with sick pay credits (if the employee has sick pay credits and is  
14 eligible to use them) to provide up to the employee's normal salary unless the employee makes  
15 an alternative election as provided in this section.  
16

17 Employee supplementation of workers compensation payment to equal the full salary the  
18 employee would have earned for the regular work schedule in effect at the commencement of the  
19 workers compensation leave shall be drawn only from an employee's paid leave credits including  
20 vacation, sick leave balance, or other paid leave as available. An employee returning from  
21 disability leave will accrue sick leave at the regular rate and not an accelerated rate.  
22  
23  
24  
25

1 Salary may be paid on regular time-rolls and charged against the employee's sick leave with pay,  
2 vacation, or compensatory time credit balance during any period prior to the determination of  
3 eligibility for disability indemnity payment without requiring a signed option by the employee.  
4

5 Sick leave with pay, vacation, or compensatory time credits shall be used to supplement  
6 disability indemnity pay at the minimum rate of one (1) hour units.  
7

8 This provision clarifies and supersedes any conflicting provisions of the Civil Service  
9 Commission Rules which are within the Charter authority of the Board of Supervisors.  
10

11 **Section 29. State Disability Insurance (SDI) Coverage**

12 Upon a statement by a majority of employees in a classification, or by the sole incumbent in a  
13 single position A or by the majority of employees in a multi-position A, requesting that they be  
14 enrolled in the State Disability Program, the City shall take all necessary action to enroll affected  
15 employees therein.  
16

17 **Section 30. Compliance with Disability and Anti-Discrimination Statutes**

18 This Ordinance shall be interpreted, administered and applied in a manner that complies with the  
19 provisions of federal, state and local disability and anti-discrimination statutes. The City shall  
20 have the right to take whatever action it deems appropriate to ensure compliance with such laws.  
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### Section 36. Parental Release Time

In order to qualify for Parental leave, the employee must give reasonable notice to his/her immediate supervisor prior to taking the time off. The employee must provide written verification from the school or licensed child day care facility that he/she participated in school/child care related activities on a specific date and at a particular time, if requested by management.

28

1  
2 Denial of Parental Leave under this section is not subject to the grievance process.  
3

4 **Section 37. Mileage Reimbursement**

5 Covered employees shall be reimbursed at the Controller's certified rate per mile when required  
6 to use their personal vehicle for City business.  
7

8 **Section 38. Severance Pay**

9 The City will provide severance pay for employees in AC01 Executive Assistant I through AC22  
10 Executive Assistant XXII positions.  
11

12 When an employee is involuntarily removed or released from employment, the appointing officer  
13 will endeavor to inform the employee at least thirty (30) calendar days before his/her final day of  
14 work. Where the appointing officer is unable to inform the employee a full thirty (30) calendar  
15 days in advance, the employee shall receive pay in lieu of the number of days less than thirty  
16 (30) upon which he/she was informed.  
17

18 If the employee has "bumping rights" and is returned to another City and County classification,  
19 the employee shall not be eligible to receive pay in lieu of notification of removal or release from  
20 employment.  
21  
22  
23

1  
2 **Section 39. Grievance Procedure**

3 Definition  
4

5 A Grievance shall be defined as any dispute which involves the interpretation or application of  
6 this Ordinance.  
7

8 The grievance must state the circumstances on which the grievant claims to be aggrieved, the  
9 section(s) of the Ordinance which the grievant believes violated and the remedy or solution being  
10 sought by the grievant.  
11

12 General Provisions  
13

14 In no event shall a grievance include a claim for money relief for more than a thirty (30) working  
15 day period prior to the initiation of the grievance.  
16

17 If the supervisor or appointing officer fails to respond within the required time limits, the  
18 grievant may then present the grievance in writing to the next higher step. If the grievant fails to  
19 present the grievance to the next higher step within the required time limits, then the grievance  
20 will be considered to be resolved.  
21  
22  
23

1 The time limits set forth in this grievance procedure may be extended by mutual agreement  
2 between the parties.

3  
4 Any deadline date under this section that falls on a Saturday, Sunday or Holiday shall be  
5 continued to the next business day.

6  
7 Procedure

8  
9 Step I Immediate Supervisor

10 An employee having a grievance must first discuss it with the employee's immediate supervisor.

11 The employee's immediate supervisor is the individual who immediately assigns, reviews or  
12 directs the work of an employee.

13  
14 If a solution to the grievance, satisfactory to the employee and immediate supervisor is not  
15 accomplished by the informal discussion, the employee may pursue the matter further.

16  
17 The employee shall submit a written statement of the grievance to the immediate supervisor  
18 within fifteen (15) calendar days of the facts or event giving rise to the grievance or within  
19 fifteen (15) calendar days from such time as the employee should have known of the occurrence  
20 thereof.

1 The immediate supervisor will make every effort to arrive at a prompt resolution by investigating  
2 the issue. He/she shall respond within five (5) calendar days.

3  
4 Step II Department Head/Designee

5 If the employee is not satisfied with the decision rendered, the employee shall submit the  
6 grievance in writing to the department head or designee within fifteen (15) calendar days of  
7 receiving notification of that decision. The grievance shall include a specific description of the  
8 basis for the claim, the Ordinance section(s) believed violated and the resolution desired. The  
9 parties shall meet within fifteen (15) calendar days, unless a mutually agreed upon alternative is  
10 established. The Department Head/designee shall, within fifteen (15) calendar days of receipt of  
11 the written grievance, or within ten (10) calendar days of the date the meeting is held, whichever  
12 comes later, respond in writing to the grievance, specifying his/her reason(s) for concurring with  
13 or denying the grievance.

14  
15 Step III Director, Employee Relations Division

16 If the employee is not satisfied with the decision of the Department Head/designee, the employee  
17 shall submit the grievance to the Employee Relations Director within fifteen (15) calendar days  
18 after receipt of the Department's decision.

19  
20 The Director shall have thirty (30) calendar days after receipt of the written grievance in which to  
21 review and seek resolution of the grievance and to render a decision concurring with or denying  
22 the grievance. The Director's decision shall be final and binding.



1  
2 **Savings Clause**

3 Should any part hereof or any provision herein be declared invalid by any decree of court of  
4 competent jurisdiction, such invalidation of such part or portion of this ordinance shall not  
5 invalidate the remaining portions hereof and the remaining portions hereof shall remain in full  
6 force and effect for the duration of this ordinance.


7 Recodifications may have rendered the references to specific Civil Service Rules and Charter  
8 sections contained herein incorrect. Such terms will be read as if they accurately referenced the  
9 same sections in their newly codified form as of July 1, 1996.

10  
11 This Ordinance shall be effective July 1, 1999.

12  
13 APPROVED AS TO FORM:

14 LOUISE RENNE, CITY ATTORNEY

15 By

  
16 Deputy City Attorney

## **Attachment A**

### **Miscellaneous Unrepresented Classifications** (EGC:0001)

1130 Youth Commission Advisor, Board of Supervisors  
1229 Special Examiner  
1280 Employee Relations Assistant  
1281 Employee Relations Representative  
1471 Elections Worker  
1649 Accountant Intern  
1801 Supervising Performance Auditor  
1942 Assistant Materials Coordinator  
2529 Assistant Chief, Paramedic Division  
2561 Optometrist  
2576 Supervising Clinical Psychologist  
2782 Laundry Superintendent  
3238 Dance Instructor  
3248 Pianist  
3438 Tree Topper Supervisor II  
3484 Agricultural Division Land Agent  
3650 Medical Records Librarian  
5264 Airport Noise Abatement Technician  
5630 Water & Power Analyst I  
6218 Inspector of Weights and Measures Trainee  
7369 Apprentice Sheet Metal Worker  
8121 Investigator, Protective Services, Public Transportation Department  
8135 Assistant Chief Victim/Witness Investigator  
8222 Housing Authority Police Officer  
8247 Emergency Planning Coordinator  
8446 Court Alternative Specialist I  
9914 Public Service Aide – Administration  
9916 Public Service Aide – Public Works  
9920 Public Service Aide – Assistant to Professionals  
9922 Public Service Aide – Associate to Professionals  
9924 Public Service Aide – Health Services  
A006 Parking Bureau Chief  
A032 Traffic Sign Manager  
A046 Transit Line Manager  
A047 Water Supply Engineer  
A100 Parking Enforcement Supervisor  
A712 Hydrant Service Person  
A739 Transit Maintenance Manager III  
A837 Investigative Assistant  
A919 Construction Contract Administration

Continued-

A922 Electronic Instrumentation Assistant Supervisor  
AA37 Executive Assistant to the Assessor  
AA56 Parking Citation Hearing Officer  
AA63 Administrative Secretary, Port  
AA85 Administrative Secretary, Transportation Commission  
AB05 Deputy Clerk, Parking & Traffic  
AB07 Information Clerk, Parking & Traffic  
AB08 Assistant Division Chief Clerk, Parking & Traffic  
AB21 Dual Diagnosis Specialist  
AB26 Director of Taxpayer Assistant  
AB27 Secretary, Commission on the Environment  
AC01 Executive Assistant I  
AC02 Executive Assistant II  
AC03 Executive Assistant III  
AC04 Executive Assistant IV  
AC05 Executive Assistant V  
AC06 Executive Assistant VI  
AC07 Executive Assistant VII  
AC08 Executive Assistant VIII  
AC09 Executive Assistant IX  
AC10 Executive Assistant X  
AC11 Executive Assistant XI  
AC12 Executive Assistant XII

**Management Unrepresented Classifications (EGC:0002)**

1113 Deputy Director, Retirement System  
1282 Principal Employee Relations Representative  
1283 Director, Employee Relations Division  
1293 Human Resources Director  
1378 Special Assistant XIX  
1379 Special Assistant XX  
1380 Special Assistant XXI  
1849 Mayor's Program Manager  
2953 Deputy General Manager, Department of Human Services  
2978 Contract Compliance Officer  
5502 Project Manager I  
5504 Project Manager II  
5506 Project Manager III  
5508 Project Manager IV  
8137 Chief/Victim Witness Investigator  
A114 MIS Manager  
A805 Telecommunication Systems Director  
A827 Airport Parking Manager  
AA77 Deputy Director, Operations, Dept. of Transportation  
AA79 Deputy Director, Administration & Finance, Department of Transportation  
AA80 Deputy Director, Capital Projects, Department of Transportation

Continued -

AA81 Executive Director, Ethics Commission  
AB16 Operation Manager  
AB29 Business & Economic Development Director  
AB31 Executive Director, Department of the Environment  
AB44 Confidential Chief Attorney II, (Civil & Criminal)  
AC13 Executive Assistant XIII  
AC14 Executive Assistant XIV  
AC15 Executive Assistant XV  
AC16 Executive Assistant XVI  
AC17 Executive Assistant XVII  
AC18 Executive Assistant XVIII  
AC19 Executive Assistant IXX  
AC20 Executive Assistant XX  
AC21 Executive Assistant XXI  
AC22 Executive Assistant XII



# City and County of San Francisco

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

## Tails

### Ordinance

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**File Number:** 990410

**Date Passed:**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in classes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 1999.

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March 29, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 5, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990410

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on April 5, 1999 by  
the Board of Supervisors of the City and  
County of San Francisco.



Gloria L. Young  
Clerk of the Board

**APR 16 1999**

Date Approved



Mayor Willie L. Brown Jr.