

1 [Administrative Code Revision – Chapter 10D]  
2 ORDINANCE AMENDING CHAPTER 10D OF PART I OF THE SAN FRANCISCO  
3 MUNICIPAL CODE (ADMINISTRATIVE CODE), BY REPEALING SECTIONS 10D.1  
4 THROUGH 10D.6, REGARDING AUTHORIZATION EXPIRING IN 1986 FOR  
5 REPARATIONS TO JAPANESE-AMERICAN CITY EMPLOYEES FORCIBLY RELOCATED  
6 DURING WORLD WAR II.

7 Note: Additions or substitutions are underlined;  
8 deletions are in ((double parentheses)).

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

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11 Section 1. Chapter 10D of the San Francisco Administrative Code is hereby amended  
12 by repealing Sections 10D.1 through 10D.6.

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14 ((**SEC. 10D.1. FINDINGS.** The Board of Supervisors finds and declares as follows:

15 (a) The forced relocation and internment of various City employees of Japanese  
16 ancestry during the wartime years of World War II were based largely on fear and suspicion  
17 rather than on factual justification therefor.

18 (b) As a direct result of these relocations, City employees of Japanese ancestry were  
19 forced to take involuntary leaves of absence from City service for the duration of World War II  
20 and suffered salary losses for that same period.

21 (c) It is fair and just that the Board of Supervisors should consider making reparations  
22 to those employees who were forced to take leaves of absence from City service during the  
23 wartime years as a result of such relocations.

24 (d) To this end, the Board of Supervisors finds that equity and fairness will be served  
25 by authorizing the filing of claims with the City for the equivalent of salary losses suffered by

1 City employees as a result of such relocations, and authorizing the payment thereof, subject  
2 to the provisions of the Charter and this Code.))

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4 ((**SEC. 10D.2. FILING OF CLAIMS.** (a) Any City employee or former City employee  
5 of Japanese ancestry, otherwise qualifying under Subdivisions (b), (c) and (d) of this Section,  
6 who was dismissed, terminated from a temporary position, rejected during a probationary  
7 period, forced to take a leave of absence or voluntarily resigned in lieu of dismissal from City  
8 service during the years 1942 through 1947 because of relocation and internment, and who  
9 incurred salary losses as a result thereof, is eligible to file a claim with the City for the  
10 reparation equivalent to those losses. Claims must be received by May 15, 1986.

11 (b) No person other than a City employee or former City employee of Japanese  
12 ancestry who has suffered a loss of salary as a result of City actions as described in this  
13 ordinance shall be eligible to file a claim pursuant to this ordinance. No claim may be filed by  
14 the survivor of any such person, and the death of a claimant prior to the filing of a claim shall  
15 terminate any eligibility. In the event of the death of a claimant whose claim has already been  
16 submitted to the Civil Service Commission and who is determined to have been eligible to  
17 receive reparations authorized by this ordinance, reimbursement shall be made to the  
18 claimant's estate.

19 (c) No claimant may file more than one claim pursuant to this ordinance.

20 (d) No claimant may be reimbursed for any losses other than those equivalent to direct  
21 salary losses. No claimant may be reimbursed for any collateral benefit made available to City  
22 employees, such as retirement benefits or other forms of in lieu compensation. Reparations  
23 authorized pursuant to this Chapter shall not be considered payment of salary.

24 For the purposes of this Chapter, the following words and phrases shall mean and  
25 include:

SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS

1 (1) "Direct salary losses" are losses of the salary that the claimant would otherwise  
2 have been entitled to during the period of internment under the Salary Standardization  
3 Ordinance in effect for the year that such loss was incurred.

4 (2) "Collateral benefits" are any form of in lieu compensation, such as the City's  
5 contribution towards the claimant's retirement benefits, made available to City employees  
6 during the period of internment.))

7  
8 ((**SEC. 10D.3. ACTION BY CIVIL SERVICE COMMISSION, BOARD.** (a) A claim  
9 may be submitted to the Civil Service Commission for reparations equivalent to direct salary  
10 losses, excluding collateral benefits, suffered by the claimant during the years 1942 through  
11 1947. The claim shall be submitted in accordance with any reasonable rules and regulations  
12 promulgated by the Civil Service Commission, including requirements for appropriate  
13 documentation and verification. The Commission, however, shall have no obligation to notify  
14 directly any person of possible eligibility for reparation of salary losses pursuant to this  
15 ordinance. The Civil Service Commission shall determine the eligibility of a claimant to receive  
16 reparations authorized by this ordinance, as well as the amount to which the claimant shall be  
17 entitled. The Civil Service Commission shall evaluate each claim pursuant to these provisions.

18 (b) In the event the Civil Service Commission concludes to recommend to the Board of  
19 Supervisors that it award reparations, it shall forward its recommendation to the Board. Said  
20 recommendation shall include such supporting documentation as used by the Commission in  
21 evaluating the claim and a proposed supplemental appropriation ordinance in the amount the  
22 Commission recommends that the Board of Supervisors shall award to the claimant.

23 (c) Upon receipt of such recommendation by the Civil Service Commission, the  
24 President of the Board of Supervisors shall refer the matter to the Finance Committee to be  
25 calendared for hearing within 15 days therefrom. The Finance Committee shall act upon such

1 supplemental appropriation ordinance in the same manner as all other supplemental  
2 appropriation ordinances. ))

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4 ((**SEC. 10D.4. LIMITATIONS ON REPARATIONS AWARDED.** The Board of  
5 Supervisors hereby determines that, absent extraordinary circumstances, it shall be its policy  
6 that a claimant who is determined by the Civil Service Commission to be eligible to receive  
7 reparations authorized by this ordinance may receive up to \$1,250 in reimbursement  
8 equivalent to direct salary losses, excluding collateral benefits, incurred by the claimant during  
9 any year between 1942 to 1947, not to exceed reimbursement for a total of four years' salary  
10 losses or \$5,000.))

11  
12 ((**SEC. 10D.5. ADDITIONAL REPARATIONS.** (a) Notwithstanding any other  
13 provisions of this Chapter, any individual of Japanese ancestry who rendered extraordinary  
14 services to the parks system of the City and County of San Francisco, and who suffered  
15 losses relating to those services because of relocation and internment at any time during the  
16 years 1942 through 1947, is eligible to file with the City for reparations equivalent to those  
17 losses. Claims must be received by May 15, 1986.

18 (b) Claims submitted pursuant to this Section shall otherwise be subject to the same  
19 limitations and be handled in the same manner as provided in this Chapter, except that all  
20 claims submitted pursuant to this Section shall be made to the Recreation and Park  
21 Commission of the City and County of San Francisco for its consideration and  
22 recommendation.

23 (c) No claim may be filed by the survivor of any person otherwise eligible to file a claim  
24 pursuant to this Section, and the death of a claimant prior to the filing of a claim shall  
25 terminate any eligibility. In the event of the death of a claimant whose claim has already been

1 submitted to the Recreation and Park Commission and who is determined to have been  
2 eligible to receive reparations authorized by this Section, reimbursement shall be made to the  
3 claimant's estate. No claimant may file more than one claim pursuant to this Section.

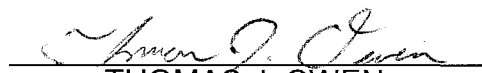
4 (d) The Board of Supervisors hereby determines that, absent extraordinary  
5 circumstances, it shall be the Board's policy that a claimant who is determined by the  
6 Recreation and Park Commission to be eligible to receive reparations authorized by this  
7 Section may receive up to \$1,250 in reimbursement equivalent to the losses suffered by the  
8 claimant during any year between 1942 to 1947, not to exceed reimbursement for a total of  
9 four years' losses or \$5,000.))

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11 ((**SEC. 10D.6. RESERVATION OF POWER.** In adopting this Chapter, the Board of  
12 Supervisors has expressly reserved to itself the final authority to approve or disapprove  
13 awards of reparations pursuant to this Chapter. The potential liability of the City under this  
14 Chapter is uncertain. Should awards of reparations prove onerous and the expenditures  
15 therefor overly burdensome, the Board may at any time repeal this Chapter, or decline to  
16 approve further supplemental appropriations ordinances for awards of reparations.))

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18  
19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

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23 By:

  
THOMAS J. OWEN  
Deputy City Attorney

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25  
SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS



# 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:** 991547

**Date Passed:**

Ordinance amending Administrative Code by repealing Sections 10D.1 through 10D.6, regarding authorization expiring in 1986 for reparations to Japanese-American City employees forcibly relocated during World War II.

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September 27, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng,  
Yaki, Yee

Absent: 1 - Brown

October 4, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,  
Teng, Yaki

Absent: 1 - Yee

File No. 991547

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on October 4, 1999  
by the Board of Supervisors of the City and  
County of San Francisco.

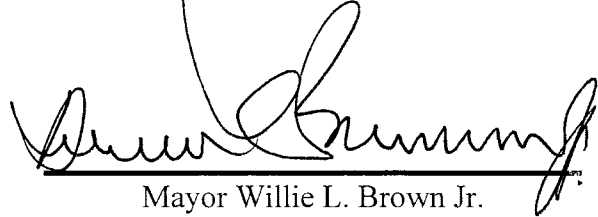
**OCT 15 1999**

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Date Approved



Gloria L. Young  
Clerk of the Board



Mayor Willie L. Brown Jr.