

FILE NO. 991701

ORDINANCE NO. 269-99

1 [COURT COMPENSATION]

2 **SETTING SCHEDULES OF COMPENSATION AND OTHER ECONOMIC BENEFITS FOR**
3 **FISCAL YEAR 1999-2000 FOR CERTAIN CLASSIFICATIONS OF PERSONS EMPLOYED**
4 **BY THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO.**

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

6 I. This ordinance, which has been approved by a majority of the judges of the
7 Superior Court of California, County of San Francisco, pursuant to Government Code section
8 69900, establishes the rates of compensation and additional benefits for the following
9 classifications of Court employees: 280 Deputy Clerk, 285 Executive Secretary, 287
10 Administrative Secretary, 289 Personnel/Payroll Director, 290 Deputy Clerk, 293 Interpreter
11 Coordinator, 297 Deputy Clerk, 320 Deputy Clerk, 330 Deputy Clerk, 340 Information Clerk,
12 342 Information Clerk Supervisor, and 0678 Executive Secretary.

13 II. In addition, this ordinance, as approved by a majority of the judges of the
14 Superior Court of California, County of San Francisco, pursuant to Government Code section
15 69900, establishes additional benefits for the classifications of 350 Court Reporter and 0710
16 Court Reporter.

17 III. In addition, this ordinance, as approved by a majority of the judges of the
18 Superior Court of California, County of San Francisco, pursuant to Government Code section
19 69900, establishes the rate of compensation for the classifications of 0255 Court
20 Commissioner and 0215 Bail Commissioner.

21 IV. The schedule of compensation and the additional benefits authorized herein
22 shall be effective July 1, 1999 unless otherwise specified in this ordinance.

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1 V. For purposes of this ordinance, the term "covered employee" shall mean those
2 classifications of employees enumerated in Paragraph I and II of this document, unless
3 otherwise specifically included or excluded in the text of the ordinance section. The term
4 "Court" shall mean the Superior Court of California, County of San Francisco.

5 VI. The General Fund of the City and County of San Francisco shall not be used to
6 fund any of the salary increases or benefits referred to in this ordinance. The City shall not be
7 liable for any costs incurred in providing the wages and other benefits set forth in this
8 ordinance. The City's obligations under this ordinance shall be limited to administering health
9 and retirement benefits and payroll processing. This paragraph shall not apply to the payment
10 of wages and benefits for those positions covered by this ordinance which are specifically
11 authorized and funded by the City budget.

12 VII. The City's obligations described herein are not intended to create a dual
13 employer relationship.

14 **VIII. Compensation and Additional Economic Benefits for Covered Employees**

15 A. WORK SCHEDULES

16 1. Full-time Work Schedules. A full-time work schedule is a tour of duty of forty
17 (40) hours per week. Salaries for full-time services shall be based upon the hours actually
18 worked.

19 2. Part-time Work Schedules. A part-time work schedule is a tour of duty less than
20 forty (40) hours per week. Salaries for part-time services shall be calculated upon the
21 compensation for normal work schedules proportionate to the hours actually worked.

22 3. Overtime for Non-exempt Employees. Overtime shall be paid in accordance
23 with the Fair Labor Standards Act (FLSA). Employees not exempt from the FLSA who work
24 or, who are suffered to work overtime shall be paid in salary unless the individual employee
25 requests compensatory time off in lieu of paid overtime. Compensatory time shall be earned

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1 at the rate of time and one-half (1-1/2). Classes 0255 Court Commissioners and 0215 Bail
2 Commissioner shall not be eligible for overtime or compensatory time.

3 4. Compensatory Time for Exempt Employees. FLSA-exempt employees are not
4 eligible for overtime, but may accrue non-vested compensatory time. Compensatory time
5 shall be accrued at the rate of time and one-half (1-1/2). Classes 0255 Court Commissioners
6 and 0215 Bail Commissioner shall not be eligible for overtime or compensatory time.

7 B. HOLIDAYS.

8 1. Floating Holidays. In addition to those days designated by state statute as Court
9 holidays, covered employees, other than Classes 0255 Court Commissioner and 0215 Bail
10 Commissioner, shall continue to receive four (4) additional holidays to be taken on days
11 selected by the employee subject to the approval and sole discretion of the Court. These four
12 days are granted July 1, 1999 to be used prior to June 30, 2000 for covered employees,
13 except classes of 350 and 0710 Court Reporters. For classes of 350 and 0710 Court
14 Reporters, these days were granted January 1, 1999 to be used prior to December 31, 1999.
15 In addition, for the classes of 350 and 0710 Court Reporters, four additional days are granted
16 January 1, 2000 to be used prior to December 31, 2000. Employees must complete six (6)
17 months continuous service before receiving the four floating holidays, provided that part-time
18 employees who are not regularly scheduled, but are employed on an as needed, irregular
19 intermittent or other irregular basis are ineligible for the additional days.

20 2. Holiday Compensation for Time Worked. Employees required by the appointing
21 officer to work on any of the above-specified or substitute holidays, excepting Fridays
22 observed as holidays in lieu of holidays falling on Saturday, shall be paid extra compensation
23 at the rate of time and one-half (1-1/2) the usual rate of pay for all regularly scheduled hours
24 worked; provided, however, that at an employee's request and with the approval of the
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1 appointing officer, an employee may be granted compensatory time off in lieu of paid overtime
2 at the rate of time and one-half (1-1/2).

3 No FLSA-exempt employee shall receive overtime pay if required to work on a holiday.
4 All such overtime shall be compensated in the form of compensatory time accrued.

5 3. Holiday Pay for Employees Laid Off. An employee who is laid off at the close of
6 business the day before a holiday who has worked not less than five (5) previous consecutive
7 workdays shall be paid for the holiday.

8 4. Employees Not Eligible for Holiday Compensation. Persons employed for
9 holiday work only, or persons employed on a part-time work schedule which is less than
10 twenty (20) hours in a biweekly pay period, or persons employed on an intermittent part-time
11 work schedule (not regularly scheduled), or persons on leave without pay status both
12 immediately preceding and immediately following the legal holiday shall not receive holiday
13 pay.

14 5. Part-time Employees Eligible for Holidays. Part-time employees who regularly
15 work a minimum of twenty (20) hours in a biweekly pay period shall be entitled to holidays on
16 a proportionate basis.

17 Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in
18 a biweekly pay period, therefore, part-time employees, as defined in the immediately
19 preceding paragraph, shall receive a holiday based upon the ratio of 1/10 or the total hours
20 regularly worked in a biweekly pay period. Holiday time off shall be determined by calculating
21 1/10 of the hours worked by the part-time employee in the biweekly pay period immediately
22 preceding the pay period in which the holiday falls. The computation of holiday time off shall
23 be rounded 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
2 which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the
3 employee and the appointing officer.

4 C. PAYROLL PROCEDURES

5 1. Overtime and Holiday Pay. All holiday and overtime paychecks shall be
6 distributed as part of the regular pay warrants for the period in which the overtime was
7 earned.

8 2. Recovery of Overpayment. The schedule of recovery of any overpayment shall
9 be made by mutual agreement between the City and the employee. In the absence of a
10 mutual agreement, the City will recover no more than 20% of the total amount in any one
11 biweekly paycheck.

12 D. GENERAL WAGE INCREASE.

13 1. All employees covered in this ordinance, except those in classes 215 Bail
14 Commissioner, 255 Court Commissioner, 350 Court Reporter and 0710 Court Reporter, shall
15 receive a 1.75% wage increase effective July 1, 1999 , and an additional 1.5% wage increase
16 effective December 25, 1999 in accordance with the salary schedules attached as Appendix .

17 2. All employees in the classifications of 0255 Court Commissioner and 0215 Bail
18 Commissioner, effective July 1, 1999 and continuing, shall be paid at a rate equal to 85% of
19 the rate paid to Superior Court Judges.

20 E. LONGEVITY INCREASE. All employees covered by this ordinance, except
21 those in classes 215 Bail Commissioner, 255 Court Commissioner, 350 Court Reporter and
22 0710 Court Reporter, who have completed 10 years of service with the court and/or for the
23 City and County of San Francisco, and thereafter in any classification shall be granted an
24 additional thirty (30) cents per hour longevity increase.
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1 Effective July 1, 1998, an employee who voluntarily moves to another classification
2 shall not be eligible for longevity pay until he/she has served ten (10) continuous years in the
3 new classification. An employee who currently receives longevity pay shall continue to
4 receive longevity pay, unless he/she voluntarily moves to another classification.

5 F. HEALTH PLAN. Health and Dental Benefits for employees covered by this
6 ordinance, except those in classes 0255 Court Commissioner and 0215 Bail Commissioner.

7 1. Court Contribution: The Court shall contribute and continue to contribute a
8 monthly amount towards Court employee health benefits for each covered employee in
9 accordance with Charter Appendix Section A8.423.

10 2. Dependent Care Health Benefits: Effective July 1, 1999, and continuing for the
11 duration of FY 1999-00, the Court shall pay \$225.00 per month toward dependent health care
12 benefits for covered employees.

13 3. For "medically single" employees, i.e., benefited employees not receiving this
14 contribution paid by the Court for dependent health care benefits, the Court shall contribute all
15 of the premium for the employee's own health care benefit coverage.

16 4. Dental Benefits. The Court shall continue to contribute a monthly amount per
17 covered employee sufficient to continue the family dental coverage provided in FY 1998-99.

18 5. The aforesaid contributions shall not be considered as a part of an employee's
19 compensation for the purpose of computing earnings or retirement benefits, nor shall such
20 contributions be taken into account in determining the level of any other benefit which is a
21 function of or percentage of salary. The Court reserves the right to take said contributions into
22 account for the purpose of salary comparisons with other employers.

1 G. SENIORITY INCREMENTS

2 1. Entry at the First Step. Covered employees who enter a classification at the first
3 pay step shall advance to the second step within the classification upon completion of two
4 thousand eighty (2080) hours worked (exclusive of overtime) and to each successive step
5 upon completion of an additional two thousand eighty (2080) hours worked (exclusive of
6 overtime) of required service within the classification, until the maximum salary rate is
7 achieved.

8 2. Entry at Other than the First Step. Covered employees who enter a
9 classification at a rate of pay other than the first step shall advance one step upon completion
10 of two thousand eighty (2080) hours worked (exclusive of overtime) of required service within
11 the classification and continue to advance to each successive step upon completion of an
12 additional two thousand eighty (2080) hours worked (exclusive of overtime) of required
13 service within the classification, until the maximum salary rate is achieved.

14 3. Date Increment Due. Increments shall accrue and become due and payable on
15 the next day following completion of required service as specified above.

16 H. RETIREMENT CONTRIBUTION.

17 1. For the period July 1, 1999, through June 30, 2000, the Court shall contribute to
18 the appropriate pension plan a total of:

19 8% of pension covered gross salary for old plan SFERS full rate members;

20 7.5% of pension covered gross salary for new plan SFERS full rate members;

21 2. The aforesaid contributions shall not be considered as a part of an employee's
22 compensation for the purpose of computing earnings or retirement benefits, nor shall such
23 contributions be taken into account in determining the level of any other benefit, which is a
24 function of, or percentage of salary. The Court reserves the right to take said contributions
25 into account for the purpose of salary comparisons with other employees.

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1 3. All employees covered by this agreement are participating in full retirement
2 contribution status. The implementation of full contribution rather than reduced contribution is
3 irrevocable.

4 I. STATE UNEMPLOYMENT AND DISABILITY INSURANCE

5 1. Upon a vote by one half or more of the members of a covered classification that
6 the members desire to be enrolled in the State Disability Insurance Program, the Board of
7 Supervisors shall immediately take any and all necessary action to enroll all such employees
8 therein. The members of the classification shall certify to the Employee Relations Director
9 that they desire to be enrolled for SDI no later than forty-five (45) days prior to SDI's quarterly
10 enrollment dates and the Board shall take necessary action to enroll such employees in time
11 for the next SDI enrollment date.

12 2. An employee entitled to SDI shall receive in addition thereto such portion of
13 his/her accumulated sick leave with pay as will equal, but not exceed, the regular biweekly
14 "take home" earnings of the employee, excluding optional deductions. Such supplementary
15 payments shall continue for the duration of the employee's illness or disability or until sick
16 leave with pay credited to the employee is exhausted, whichever occurs first.

17 At an employee's option, an employee's accrued vacation, holiday, and compensatory
18 time off can also be integrated with SDI payments in the same manner as sick leave.

19 J. LONG-TERM DISABILITY. The City on behalf of the Court shall provide to
20 covered employees, except classes 0255 Court Commissioner and 0215 Bail Commissioner,
21 with six (6) months continuous service a Long Term Disability (LTD) plan that provides, after
22 one hundred eighty (180) days elimination period, sixty percent (60%) salary (subject to
23 integration) up to age sixty-five. Employees who receive payments under the LTD plan shall
24 not be eligible to continue receiving payments under the City" Catastrophic Illness Program.
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1 K. REIMBURSEMENT OF WORK-RELATED EXPENSES

2 1. Mileage, Parking and Tolls

3 Covered employees required to use their own vehicle for Court business shall be
4 reimbursed for mileage as fixed by the Controller in accordance with IRS rules, and will be
5 reimbursed for all necessary parking and toll expenses.

6 2. Damaged or Stolen Property. Reimbursement for property damaged, destroyed
7 or stolen in the line of duty shall be administered in accordance with guidelines established by
8 the Controller.

9 An employee who qualifies for reimbursement of such damaged, destroyed or stolen
10 property shall submit a claim to his/her department head with all available documentation not
11 later than thirty (30) calendar days after the date of such alleged occurrence. An employee
12 shall be entitled to the appropriate reimbursement no later than one hundred-twenty (120)
13 days following the submission of such claim. Reimbursement may be delayed if the employee
14 does not submit the appropriate documentation.

15 3. Meals. Covered employees shall, subject to the procedures established by the
16 Controller, be reimbursed for the reasonable and actual costs of meals upon presentation of
17 receipts in the following circumstances:

18 a. When an employee is required by the Court to attend a meeting at which a meal
19 is served and such meal is billed to the employee;

20 b. When an employee is traveling overnight out of the City and County of San
21 Francisco on Court business.

22 L. LAY OFF ADJUSTMENT. An employee who is (1) "laid off," (2) immediately
23 and continuously employed in another classification with the Court, and (3) thereafter re-
24 employed in his/her original position without a break in service, shall, for the purposes of
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1 determining salary increments, receive credit for time served while laid off from his/her original
2 appointment.

3 M. FINGERPRINTING. The City shall bear the full cost of fingerprinting whenever
4 such is required of the employee.

5 N. VOLUNTEER/PARENTAL RELEASE TIME. All covered employees, except
6 those in classes 0255 Court Commissioner and 0215 Bail Commissioner, shall be granted a
7 total of two (2) hours per semester of paid release time to attend parent teacher conferences.

8 O. BENEFITS FOR TEMPORARY EMPLOYEES. Employees who have worked
9 1040 hours in any consecutive twelve (12) month period shall receive all benefits which are
10 provided to permanent employees, including but not limited to retirement, health and dental
11 coverage, premiums, vacation pay, sick pay, holiday pay and jury duty pay.

12 P. WORD PROCESSING PREMIUM. This section applies only to employees in
13 class 0687 Executive Secretary:

14 1. Employees who have received a word processing premium continuously from
15 FY 94-95 to the present shall continue to receive a ninety-one cent (\$.91) per hour premium
16 above the salary to which they are entitled for such time as they are assigned to and actually
17 work with word processing equipment.

18 2. "Word processing" shall be defined as the clerical process of typing documents
19 into a computerized memory and printing system; revising and editing said documents;
20 retrieving a completed document from said system and does not include data entry
21 operations.

22 **X. Retroactive Application**.

23 Although the City and County and the Court have incurred no legal obligation under the
24 Charter, the Board of Supervisors does hereby ratify any actions otherwise consistent with,
25 and authorized by this ordinance that were taken before its effective date.

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1 **X. CERTIFICATION:**

2 The following hereby certify that a majority of the body over which she each presides
3 has approved the terms of the above ordinance.

4
5 Alfred G. Chiantelli 9/3/99

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7 HON. ALFRED G. CHIANTELLI
8 Presiding Judge
9 Superior Court of California, County of San Francisco

10
11 APPROVED AS TO FORM

12 LOUISE H. RENNE
13 City Attorney

14
15 By: Darren W. Lee
16 DARREN W. LEE
17 Deputy City 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: 991701

Date Passed:

Ordinance setting schedules of compensation and other economic benefits for fiscal year 1999-2000 for certain classifications of persons employed by the Superior Court of California, County of San Francisco.

October 4, 1999 Board of Supervisors — PASSED, ON FIRST READING

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

October 12, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng
Absent: 3 - Katz, Yaki, Yee

File No. 991701

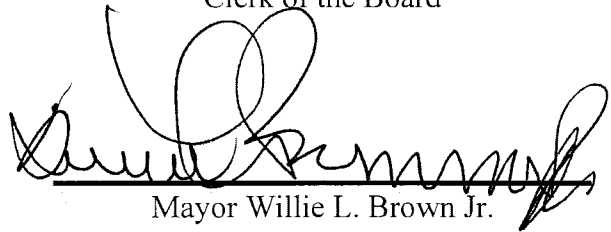
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 12, 1999
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 22 1999

Date Approved



Mayor Willie L. Brown Jr.