

ORDINANCE NO. 11030 MAR 27 1973
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3,
DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 23.1101 AND 23.1104
[RULE X, SECTIONS 1 AND 4 OF THE RULES OF
THE CIVIL SERVICE COMMISSION] RELATING TO
LEAVES OF ABSENCE.

WHEREAS, one of the recommendations of PAR Technology effectiveness improvement program was to eliminate duplicate checking of leave of absence forms by the Personnel Department; and

WHEREAS, a subsequent review of the entire leave of absence provisions resulted in additional simplification, with concurrent citywide time savings and cost reductions in the area of injury leave administration; and

WHEREAS, it has been determined that these savings could be effected by assigning the responsibility for routine administration of injury leave to the City Manager while retaining in the Commission overall authority for the Injury Leave Rule; and

WHEREAS, the Civil Service Commission, at its regular meeting on January 5, 1973, approved an amendment to the Commission's Leave of Absence Rule X to allow such procedural revisions; and

WHEREAS, pursuant to Section 118 of the Charter of The City of San Diego, the Civil Service Commission submits to the City Council such procedural revisions for consideration and adoption; NOW, THEREFORE,

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BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter II, Article 3, Division 11 of
the San Diego Municipal Code be and the same is hereby amended
by amending Sections 23.1101 and 23.1104 to read as follows:

DIVISION 11

LEAVES OF ABSENCE

SEC. 23.1101 GENERAL REQUIREMENTS
[Rule X, Section 1 of the Rules
of the Civil Service Commission]

Eligible employees shall be entitled to holidays
and annual vacation, and shall be allowed sick, injury,
emergency, and special leaves of absence as hereinafter
in this rule provided. All leaves of absence, whether
with or without pay, shall be submitted in writing on
prescribed forms, and, except as hereinafter provided
in the case of Compulsory Leave, Court Leave, and Special
Meetings, must meet the approval of the appointing author-
ity and Commission. Except in the case of sick, emergency,
or military leave, the time during which any leave of
absence shall be taken by an employee shall be designated
by the appointing authority, and the request for such
leave, signed by the employee and the appointing authority,
should be forwarded to the departmental employee responsible
for maintaining payroll records at least one week in advance

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of the beginning date of the leave requested. Leaves of absence shall be indicated on the payroll time sheets submitted to the Personnel Director for certification. Failure to submit leave requests prior to the date on which pay warrants are released will result in withholding the warrants until such requests have been submitted and approved.

SEC. 23.1104 SICK, EMERGENCY, AND INJURY LEAVES
[Rule X, Section 4 of the Rules
of the Civil Service Commission]

(1) SICK LEAVE INTENT, DEFINITION, PROVISIONS.

The intent of this section is to provide a continuity of full salary to those employees who are unable because of illness or injury, to perform the duties of their positions or who would expose fellow workers or the public to contagious disease and are thereby forced to be absent from employment, and to provide necessary time off from work for medical and dental care, subject to administrative regulations designed to prevent malingering or abuse of these privileges; and to reimburse employees for unused sick leave credits upon resignation, retirement, or death.

(a) SICK LEAVE DEFINITION. Sick leave is defined as the necessary absence from duty of an employee because of illness, injury, or exposure to contagious disease suffered by the employee, or the serious disability of the employee while on a

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scheduled vacation, or absence authorized for medical or dental care.

(b) SICK LEAVE CREDITS. Paid sick leave credits shall be earned at the rate of one-half workday at the completion of each biweekly period of active service, and shall be accumulative without restriction. Paid sick leave credits may be used as soon as earned, but only with the approval of the appointing authority.

(c) SICK LEAVE - WORKMEN'S COMPENSATION. Those employees who are absent from duty because of a temporary disability which is defined as industrial under the Workmen's Compensation Act, but who are not granted injury leave, as provided by this rule, may use sick leave; provided, however, that any such employee who receives a temporary disability allowance, as provided under the Workmen's Compensation Law, must reimburse the City Auditor and Comptroller in the amount of the authorized compensation, in which case, only that amount of his accumulated sick leave credits as when added to said disability allowance will result in a payment to him of not more than his full salary or wages shall be charged against said accumulated sick leave credits.

(d) SICK LEAVE - REIMBURSEMENT. Unused sick leave credits may be converted to pay according to the following schedule.

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(i) Upon termination, other than discharge or retirement, an employee who has completed a minimum of five (5) years of salaried service shall be paid for all his unused sick leave credits at 25% of his pay rate.

(ii) An employee, upon his retirement, shall be paid for all his unused sick leave credits at 50% of his pay rate.

(iii) If an employee dies, the beneficiary of his City paid life insurance shall be entitled to pay for his unused sick leave credits at 50% of his pay rate.

(2) EMERGENCY LEAVE INTENT, DEFINITION, PROVISIONS.

The intent of this section is to allow the limited use of sick leave credits by an employee who is confronted with serious emergency illness, injury, or death in his immediate family.

(a) Emergency leave is defined as the necessary absence from duty of an employee because of emergency illness of a member of his immediate family requiring the attendance of the employee upon said member until professional or other attendance can be obtained, or the absence from duty of an employee because of the death of a member of his immediate family.

(b) An eligible employee may be granted emergency leave with pay chargeable to his accumulated sick leave

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credits not to exceed a total of 5 workdays for each instance of emergency illness or death in his immediate family. In the case of illness followed by death, an employee may be granted a maximum of 10 consecutive workdays of emergency leave chargeable to his sick leave credits.

(3) NONAPPLICABILITY. None of the foregoing provisions of this rule shall be applicable to employees paid on an hourly or daily basis.

(4) INJURY LEAVE INTENT, DEFINITION, PROVISIONS. The intent of this section is to provide a continuity of full salary in lieu of the Workmen's Compensation benefits established by the State and the sick leave provisions of this rule for any employee who, without misconduct or negligence on his part, is temporarily and totally incapacitated from performing productive City work by reason of injury or illness suffered while properly performing the duties of his position and arising out of his employment, provided he is expected to be able to return to work with the City in his regular position, or a different position which has been approved by the Civil Service Commission, following a reasonable period of recuperation. The provisions herein shall not be applicable when disability retirement is indicated because of the permanent and stationary nature of the disability, as recommended by the appointing authority and approved by the City Manager or nonmanagerial department head based upon authoritative medical and safety advice.

(a) INJURY LEAVE, DEFINITION. Injury leave is hereby defined as the necessary absence from duty of an employee because of an injury or illness suffered during the proper performance of the duties of his position without misconduct, negligence, or contributory negligence on the part of the employee.

(b) INJURY LEAVE GRANTING. Any employee who is compelled to be absent from duty because of an injury or illness as defined above, may be granted a leave of absence with full pay only upon the recommendation of the appointing authority and approval of the City Manager or nonmanagerial department head. Injury leave will be granted only in cases where there is a proven, external, causative employment experience which results in a disabling injury or illness. The disability must have resulted while the employee was engaged in the proper performance of the duties of his position or reasonably related City work, and must be connected logically and medically to a service-connected traumatic incident, exertion, or exposure to contagious disease or virulent environment. In order for the relationship between employment and the disability to be

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established, the preponderance of medical opinion must verify that the injury resulted because of demands of and/or exposure on the job.

(c) INJURY LEAVE DENIED. Injury leave shall be denied if the employee is injured when performing work

(i) with physical demands substantially different from and not reasonably related to the employee's position, classification, or

(ii) for which he had been physically disqualified by City medical examination, or

(iii) in an improper or negligent manner (negligence includes failure to observe reasonably safe practices, safety rules, regulations, applicable law, or instructions, or to use required safety equipment, and failure to take prompt action after official notice to correct any physical deficiencies which, as determined by authoritative medical and safety investigation, could reasonably be considered significant cause for the injury), or

(iv) which aggravates a previously acquired nonindustrial disability.

(d) INJURY LEAVE - DURATION. The duration of such injury leave with pay shall be that which is recommended by the appointing authority and approved

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by the City Manager or nonmanagerial department head but shall not exceed one year for each injury, including any recurrence, aggravation, and/or sequela of any injury previously approved for injury leave with pay, which shall be charged to the balance, if any, of the one-year maximum allowance of such leave for said original injury. Injury leave shall be terminated at any time the injury is determined to be permanent and stationary in character.

(e) INJURY LEAVE CONDITIONS.

(i) No injury leave may be granted unless the injury is accepted as compensable for Workmen's Compensation benefits established by the State; provided, however, that said acceptance shall not constitute acceptance by the City if said injury does not meet the standards and requirements set forth herein and the administrative regulations in the Personnel Manual of The City of San Diego, as provided by Rule XV.

(ii) An employee who sustains disabilities arising out of employment, but who fails to meet the requirements for injury leave, may use his sick leave credits, pursuant to the sick leave provisions of this section.

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(f) INJURY LEAVE - WORKMEN'S COMPENSATION.

Any employee granted injury leave and who receives compensation as authorized under the injury leave provisions of this section, shall reimburse the City Auditor and Comptroller in the amount of the authorized temporary disability allowance as provided under the Workmen's Compensation Law.

(g) INJURY LEAVE REVIEW. In the event of denial of injury leave by the City Manager or non-managerial department head, the employee may request in writing to the Personnel Director a review of said denial, setting forth the reasons for said request. The case shall be reviewed by the Personnel Director for a final decision upon the application, and the findings and decision shall be reported to the Commission and the employee.

(5) EVIDENCE OF CAUSE OF ABSENCE. In all cases of absence because of sickness or injury of the employee, or illness or death in his immediate family, the employee may be required to furnish the appointing authority satisfactory evidence substantiating the facts justifying such leave. Failure to furnish such evidence upon request shall be sufficient reason for denying the leave of absence with pay.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

BY Jack Katz
Jack Katz, Chief Deputy

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MAR 27 1973

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1973 FEB 23 AM 11:57
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Anne Mease*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 13 1973

MAR 27 1973

_____, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Anne Mease*, Deputy.

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Office of the City Clerk, San Diego, California		
Ordinance Number	11030	MAR 27 1973
	Adopted	

ATTORNEY (S)

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SAN DIEGO, CALIF. SD

*City of San Diego,
202 "C" Street,
12th Floor
San Diego, California

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

LEAVES OF ABSENCE.

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

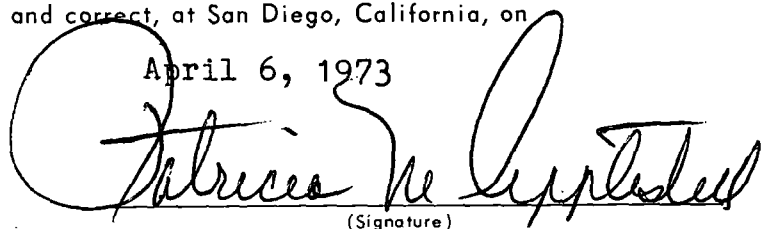
ORDINANCE NO. 11030
(NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on

April 5, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

April 6, 1973


(Signature)

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